



## Legislation Details (With Text)

**File #:** 2039-2018      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 7/9/2018      **In control:** Zoning Committee

**On agenda:** 9/17/2018      **Final action:** 9/19/2018

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3332.22 (A)(1), Building lines on corner lots - Exceptions, of the Columbus City Codes; for the property located at 1297 BRYDEN ROAD (43205), to permit a two-unit dwelling with reduced minimum side yard in the R-3, Residential District (Council Variance # CV18-023).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD2039-2018\_Attachments\_Amended.pdf, 2. ORD2039-2018\_Attachments, 3. ORD2039-2018\_Labels

Date	Ver.	Action By	Action	Result
9/19/2018	2	CITY CLERK	Attest	
9/18/2018	2	MAYOR	Signed	
9/17/2018	2	COUNCIL PRESIDENT	Signed	
9/17/2018	1	Zoning Committee	Waive the 2nd Reading	Pass
9/17/2018	1	Zoning Committee	Amended as submitted to the Clerk	Pass
9/17/2018	1	Zoning Committee	Approved as Amended	Pass

### Council Variance Application: CV18-023

**APPLICANT:** Juliet Bullock; 1182 Wyandotte Road; Columbus, OH 43212.

**PROPOSED USE:** Two-unit dwelling.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**HISTORIC RESOURCES COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single undeveloped parcel zoned in the R-3, Residential District. The existing zoning is the result of a city-initiated downzoning of the neighborhood in 1993 (Z93-023A). A Council variance is necessary because the current zoning district only permits single-unit dwellings, while the applicant proposes a two-unit dwelling. A variance to reduce the building setback line along Linwood Avenue is included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location. The Plan does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. City staff supports the proposed variance as the proposal is consistent with the housing types, density, and development pattern found along Bryden Road. Additionally, the site is within the Bryden Road Historic District and is subject to review by the Historic Resources Commission.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3332.22(A)(1), Building lines on corner lots - Exceptions, of the Columbus City Codes; for the property located at **1297 BRYDEN ROAD (43205)**, to permit a two-unit dwelling with reduced minimum side yard in the R-3, Residential District (Council Variance # CV18-023).

**WHEREAS**, by application #CV18-023, the owner of the property at **1297 BRYDEN ROAD (43205)**, is requesting a Variance to permit a two-unit dwelling with reduced minimum side yard in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a two-unit dwelling; and

**WHEREAS**, Section 3332.22(A)(1), Building lines on corner lots - Exceptions, requires new construction on a corner property with a width of not over 65 feet and not under 40 feet to have a building setback of at least 20 percent of the property width, in this case being equal to 10.2 feet along Linwood Avenue, while the applicant proposes a building setback of 8.38± feet along Linwood Avenue ; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will permit a two-unit dwelling that is consistent with the housing types, density and development pattern found along Bryden Road; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **1297 BRYDEN ROAD (43205)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.035, R-3, Residential District; and 3332.22(A)(1), Building lines on corner lots - Exceptions, of the Columbus City Codes; for the property located at **1297 BRYDEN ROAD (43205)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District with a reduced building setback line from 10.2 feet to 8.38± feet along Linwood Avenue; said property being more particularly described as follows:

**1297 BRYDEN ROAD (43205)**, being 0.12± acres located at the southeast corner of Bryden Road and Linwood Avenue, and being more particularly described as follows:

Situated in the County of Franklin and State of Ohio and in the City of Columbus and bounded and described below:

1297-99 Bryden Road 51x100 feet ½ SEC 23 SUB 27.12 acres effective front 51' and effective depth 100'.

Parcel Number: 010-054349  
1297 Bryden Road, Columbus Ohio 43205

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling in accordance with the submitted site plan, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**," dated June 3, 2018, and signed by Juliet Bullock. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.