



## Legislation Details (With Text)

**File #:** 0937-2019      **Version:** 1

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

**File created:** 3/27/2019      **In control:** Zoning Committee

**On agenda:** 4/15/2019      **Final action:** 4/17/2019

**Title:** To grant a Variance from the provisions of Section 3332.035, R-3, residential district, of the Columbus City Codes; for the property located at 123 FRANKLIN PARK WEST (43205), to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV18-098).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0937-2019.Attachments.pdf, 2. ORD0937-2019.Labels.pdf

Date	Ver.	Action By	Action	Result
4/17/2019	1	CITY CLERK	Attest	
4/16/2019	1	ACTING MAYOR	Signed	
4/15/2019	1	COUNCIL PRESIDENT	Signed	
4/15/2019	1	Zoning Committee	Approved	Pass
4/8/2019	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV18-098

**APPLICANT:** John A. Gleason, Atty.; 41 South High Street, Suite 3100; Columbus, OH 43215.

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

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single undeveloped parcel zoned in the R-3, Residential District. The applicant proposes to construct a two-unit dwelling on the parcel. A Council variance is necessary because the current zoning district only permits single-unit dwellings. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location, however 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. Two-unit dwellings are found throughout the neighborhood and are appropriate in this context. Staff believes the proposal is compatible to the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area.

To grant a Variance from the provisions of Section 3332.035, R-3, residential district, of the Columbus City Codes; for the property located at **123 FRANKLIN PARK WEST (43205)**, to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV18-098).

**WHEREAS**, by application #CV18-098, the owner of the property at **123 FRANKLIN PARK WEST (43205)**, is

requesting a Variance to permit a two-unit dwelling 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 on the parcel; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow a two-unit dwelling on the lot which is compatible with the development pattern of the neighborhood as recommended by the *Near East Area Plan*, and does not introduce incompatible uses to the area; 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 **123 FRANKLIN PARK WEST (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 Section 3332.035, R-3, residential district, of the Columbus City Codes; for the property located at **123 FRANKLIN PARK WEST (43205)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; said property being more particularly described as follows:

**123 FRANKLIN PARK WEST (43205)**, being 0.18± acres located on the west side of Franklin Park West, 170± feet north of Fair Avenue, and being more particularly described as follows:

Parcel No. 010-258114-00

Situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being Lot 21 and part of Lot 20 of Franklin Park Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 20 and being part of that tract conveyed to Mary A. Brooks by deed of record in Instrument No. 19981 1060256088, all references being to those records of the Office of Recorder, Franklin County, Ohio, unless otherwise noted and being more particularly bounded and described as follows:

Commencing at the intersection of the westerly line of Franklin Park West (50 feet wide) and the southerly line of Madison Avenue (50 feet wide) and the northeasterly corner of Lot 17 of said Franklin Park Subdivision;

Thence with the westerly line of Franklin Park West, South 03 degrees 00 minutes 00 seconds West, 160.38 feet to an iron pin set at THE POINT OF BEGINNING of the following herein described tract;

Thence continuing with the westerly line of Franklin Park West, South 03 degrees 00 minute 00 seconds West, 51.05 feet (passing the southeasterly corner of Lot 20, northeasterly corner of Lot 21 at 8.75 feet) to an iron pin set at the southeasterly corner of Lot 21, northeasterly corner of Lot 22 as conveyed to James A. White by Deed Book 3515, page 447;

Thence with the southerly line of Lot 21 and the northerly line of Lot 22, North 86 degrees 40 minutes 19 seconds West, 149.37 feet to an iron pin found in the easterly line of a 19.46 foot alley;

Thence with the easterly line of said alley, North 02 degrees 17 minutes 55 seconds East, 51.05 feet (passing the northwesterly corner of Lot 21, southwesterly corner of Lot 20 at 42.30 feet) to a P.K. nail set in concrete;

Thence across Lot 20, South 86 degrees 40 minutes 29 seconds East, 150.00 feet to the place of beginning and CONTAINING 0.175 ACRES. Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579".

The basis of bearings for the foregoing description is the westerly line of Franklin Park West held as North 03 degrees 00 minutes 00 seconds East as scaled from City of Columbus City Sheet #33-4.

**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 and elevations titled, "**123 FRANKLIN PARK W,**" and "**123 FRANKLIN PARK WEST (A-3.0 & A-3.1),**" both dated March 26, 2019, and signed by John A. Gleason, Attorney for the Applicant. The plans 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.