



Legislation Details (With Text)

File #: 0215-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/25/2021 **In control:** Zoning Committee

On agenda: 2/22/2021 **Final action:** 2/26/2021

Title: To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3332.05, Area district lot width requirements; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted; of the Columbus City Codes; for the property located at 985 BRYDEN ROAD (43205), to permit a two-unit dwelling with reduced development standards in the R-3, Residential District, and to repeal Ordinance #0221-2019, passed January 31, 2019 (Council Variance #CV20-068).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0215-2021_Attachments, 2. ORD0215-2021_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|-----------------------|--------|
| 2/26/2021 | 1 | CITY CLERK | Attest | |
| 2/25/2021 | 1 | MAYOR | Signed | |
| 2/22/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 2/22/2021 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 2/22/2021 | 1 | Zoning Committee | Approved | Pass |

Council Variance Application: CV20-068

APPLICANT: Mulberry; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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 site is subject to Ordinance 0221-2019, passed January 31, 2019, which permitted a two-unit dwelling with a carriage house in accordance with a submitted site plan. This request is for a two-unit dwelling, eliminating the carriage house from the previous proposal, while updating the site plan commitment. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the requested variance as the proposal is consistent with the housing types and density 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; 3332.05, Area district lot width requirements; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted; of the Columbus City Codes; for the property located at **985 BRYDEN ROAD (43205)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District, and to repeal Ordinance #0221-2019, passed January 31, 2019 (Council Variance #CV20-068).

WHEREAS, by application #CV20-068, the owner of the property at **985 BRYDEN ROAD (43205)**, is requesting a Variance to permit a two-unit dwelling with reduced development standards 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 in accordance with the submitted site plan; and

WHEREAS, Section 3332.05 Area district lot width requirements, requires a lot width of no less than 50 feet, while the applicant proposes to maintain the existing 43 foot wide lot; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 8.6 feet for a lot width of 43 feet, while the applicant proposes a reduced maximum side yard of 8 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes a side yard of one foot along the west property line; 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 residential development 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 a 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 **985 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; 3332.05, Area district lot width requirements; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **985 BRYDEN ROAD (43205)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with a reduced lot width from 50 feet to 43 feet; a reduction in maximum side yards from 8.6 feet to 8 feet; and a reduced minimum side yard from five feet to one foot along the west property line; said property being more particularly described as follows:

985 BRYDEN ROAD (43205), being 0.16± acres located at the southeast corner of Bryden Road and South Twentieth Street, 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:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being Lot Number Ten (10) in George M. Parsons Subdivision of parts of Lots Number Five (5) and Six (6) of James Bryden and Others Subdivision of Half-Section No. 24, Township No. 5, Range No. 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 336, Recorder's Office, Franklin County, Ohio.

Auditor's Parcel Number 010-033881-00

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, "**985-987 BRYDEN ROAD**," dated January 22, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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.

SECTION 5. That Ordinance #0221-2019, passed January 31, 2019, be and is hereby repealed.