



## Legislation Details (With Text)

**File #:** 2490-2021      **Version:** 2

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

**File created:** 9/24/2021      **In control:** Zoning Committee

**On agenda:** 10/18/2021      **Final action:** 10/21/2021

**Title:** To grant a Variance from the provisions of Section 3332.035, R-3 residential district; for the property located at 933-935 E. 12TH AVE. (43211), to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV21-085) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2490-2021\_Attachments, 2. ORD2490-2021\_Labels

Date	Ver.	Action By	Action	Result
10/21/2021	2	CITY CLERK	Attest	
10/20/2021	2	MAYOR	Signed	
10/18/2021	1	Zoning Committee	Amended to Emergency	Pass
10/18/2021	1	Zoning Committee	Approved as Amended	Pass
10/18/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
10/18/2021	2	COUNCIL PRESIDENT	Signed	
10/11/2021	1	Columbus City Council	Read for the First Time	

### Council Variance Application CV21-085

**APPLICANT:** Healthy Linden Homes, LLC; c/o Jonathan Alexander, Agent; 946 Parsons Avenue; Columbus, OH 43206.

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

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel zoned in the R-3, Residential District that was previously developed with a two-unit dwelling, which has since been demolished. The requested Council variance will permit a new two-unit dwelling. A Council variance is required because the R-3 district only permits single-unit dwellings. No other variances are included in the request. The request is consistent with both the *South Linden Land Use Plan* (2018), which recommends "Medium Density Residential" land uses and the development pattern along East Twelfth Avenue.

To grant a Variance from the provisions of Section 3332.035, R-3 residential district; for the property located at **933-935 E. 12TH AVE. (43211)**, to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV21-085) and to declare an emergency.

**WHEREAS**, by application #CV21-085, the owner of property at **933-935 E. 12TH AVE. (43211)**, is requesting a Council variance to permit a two-unit dwelling in the R-3, Residential District; and

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

**WHEREAS**, the South Linden Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the request applies to a property that was formerly developed with a two-unit dwelling. Additionally, the request is consistent with both the *South Linden Land Use Plan* and the existing development pattern of East Twelfth Avenue; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **933-935 E. 12TH AVE. (43211)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to pass this ordinance to expedite the timeframe to get an occupancy permit for new affordable housing for the community for the immediate preservation of the public peace, property, health and safety; now therefore:**

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

**SECTION 1.** That a variance from the provisions of Section 3332.035, R-3 residential district, of the Columbus City Codes, is hereby granted for the property located at **933-935 E. 12TH AVE. (43211)**, insofar as said section prohibits a two-unit dwelling in the R-3, Residential District, said property being more particularly described as follows:

**933-935 E. 12TH AVE. (43211)**, being 0.20± acres located on the south side of East Twelfth Avenue, 625± feet west of Cleveland Avenue, and being more particularly described as follows:

Situated in the City of Columbus, in the County of Franklin and in the State of Ohio and bounded and described as follows: Being a part of tract of land conveyed to Clyde R. Montgomery, et al. by Euphine Gamache, widow, by deed dated May 19, 1928 and of a record in Deed Book 901, Page 270 Recorder's Office, Franklin County, Ohio in being known as Lot No. 4 of Clyde R. Montgomery Parcels of his unrecorded plat, as the same is numbered on the plat thereof on March, 4 1929, and of record in Auditor's Plat Book 14, Page 113 and more particularly bounded and described as follows:

Beginning at a point in the South line of Twelfth Avenue 92.48 feet West, from the Northeast corner of said tract;

Thence West and with the South line of Twelfth Avenue 28 feet to a point;

Thence South and a right angle 150.20 feet to a point at the North line of a 15 foot alley.

Thence East and with the North line of said alley 29 feet to a point;

Thence North and a right angle 150.20 feet to the place of beginning. Parcel 2: Situated in the City of Columbus, in the County of Franklin and in the State of Ohio and bounded and described as follows:

Being a part of tract of land conveyed to Clyde R. Montgomery, et al. by Euphine Gamache, widow, by deed dated May 19, 1928 and of a record in Deed Book 901, Page 270, Recorder's Office, Franklin County, Ohio in being known as Lot No. 5 of Clyde R. Montgomery's Parcels of his unrecorded plat, as the same is numbered on the plat thereof on March, 4 1929, and of record in Auditor's Plat Book 14, Page 113 and more particularly bounded and described as follows:

Beginning at a point in the South line of Twelfth Ave. 121.48 feet West, from the Northeast corner of said tract;

Thence West and with the South line of Twelfth Avenue 29 feet to a point;

Thence South and at right angles 150.20 feet to a point at the North line of a 15 foot alley.

Thence East and with the North line of said alley 29 feet to a point;

Thence North and at right angles 150.20 feet to the place of beginning. Be the same more or less, but subject to all legal highways.

Parcel No.: 010-087506

Street Address: 933-935 E. Twelfth Avenue, Columbus, OH 43211

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

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance further conditioned upon the applicant providing one street tree along the frontage of this site in consultation with the City Forester.

**SECTION 5.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**