



## Legislation Details (With Text)

**File #:** 1014-2022      **Version:** 2

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

**File created:** 3/31/2022      **In control:** Zoning Committee

**On agenda:** 4/18/2022      **Final action:** 4/20/2022

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.21(B), Landscaping and screening; 3312.29, Parking space; 3312.49, Minimum number of parking spaces required; 3332.15, R-4 area district requirements; 3332.25, Maximum side yards required; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at 89-93 CHICAGO AVE. (43222), to permit two three-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV21-049 #CV21-149).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1014-2022.Attachments, 2. ORD#1014-2022.Labels

Date	Ver.	Action By	Action	Result
4/20/2022	2	CITY CLERK	Attest	
4/19/2022	2	ACTING MAYOR	Signed	
4/18/2022	2	COUNCIL PRESIDENT	Signed	
4/18/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
4/18/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
4/18/2022	1	Zoning Committee	Amended as submitted to the Clerk	Pass
4/18/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
4/18/2022	1	Zoning Committee	Approved as Amended	Pass

**Council Variance Application: CV21-149**

**APPLICANT:** Franklinton Rising; c/o Jeffrey L. Brown, Attorney; 37 West Broad Street, Suite 460; Columbus, OH 43215

**PROPOSED USE:** Two three-unit dwellings.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels which are to be combined in the R-4, Residential District. The requested Council Variance will permit the construction of two three-unit dwellings for a total of six dwelling units on one lot. A Council variance is necessary because while the R-4 district permits a maximum of four units in one building, it does not permit two separate dwellings on the same lot unless they are within a multiple dwelling development. The request includes variances to area district requirements, side and rear yards, landscaping, and to reduce the number of required parking spaces from 9 to 6. The site is within the planning area of the *West Franklinton Plan* (2014), which recommends "Medium-High Density Residential" land uses at this location.

City staff supports the requested variance as the proposal is consistent with the housing types and density in the surrounding area. The proposal also includes building elevations showing a front door and porch addressing the Chicago Avenue frontage consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.21(B), Landscaping and screening; 3312.29, Parking space; 3312.49, Minimum number of parking spaces required; 3332.15, R-4 area district requirements; 3332.25, Maximum side yards required; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **89-93 CHICAGO AVE. (43222)**, to permit two three-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV21-049 #CV21-149).

**WHEREAS**, by application #CV21-049 #CV21-149, the owner of the property at **89-93 CHICAGO AVE. (43222)**, is requesting a Variance to permit two three-unit dwellings on one lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential district, permits a maximum of four units in one building but does not permit two separate dwellings on one lot, while the applicant proposes two three-unit dwellings, for a total of six dwelling units on one lot; and

**WHEREAS**, Section 3312.21(B), Landscaping and screening, requires perimeter parking lot landscaping and screening for parking lots within 80 feet of residentially-zoned property, while the applicant proposes to eliminate perimeter screening for the proposed parking lot; and

**WHEREAS**, Section 3312.29, Parking space, requires 1.5 parking spaces per unit, which totals nine parking spaces for two three-unit dwellings, while the applicant proposes a total of six parking spaces; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three or four dwelling units shall be situated on a lot with an area that equals or exceeds 2,500 square feet per dwelling unit, while the applicant proposes two three-unit dwellings with a lot area of 1,609 square feet per dwelling unit; and

**WHEREAS**, Section 3332.25(B), 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, a maximum requirement of 12.4 feet for a 62 foot wide lot, while the applicant proposes a maximum side yard of 10 feet; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes a reduced rear yard of 19.5 percent for the two three-unit dwellings; and

**WHEREAS**, the Franklinton Area 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 in the surrounding area, consistent with the recommendations of the *West Franklinton Plan* and C2P2 Design Guidelines; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **89-93 CHICAGO AVE. (43222)**, 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 3332.039, R-4 residential district; 3312.21(B), Landscaping and screening; 3312.29, Parking space; 3312.49, Minimum number of parking spaces required; 3332.15, R-4 area district requirements; 3332.25, Maximum side yards required; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **89-93 CHICAGO AVE. (43222)**, insofar as said sections prohibit two three-unit dwellings on the same lot in R-4, Residential District; with a parking lot with no perimeter screening; a parking space reduction from nine required spaces to six provided spaces; reduced lot area per dwelling unit from 2,500 square feet to 1,609 square feet per unit; a reduced maximum side yard from 12.4 feet to 10 feet; and a reduced rear yard from 25 percent to 19.5 percent for the two three-unit dwellings; said property being more particularly described as follows:

**89-93 CHICAGO AVE. (43222)** being 0.22± acres located on the west side of Chicago Avenue, 85± feet south of Cable Avenue, and being more particularly described as follows:

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

Being Lot Numbers 76 and 77 in Franklin Addition, as numbered, delineated, and recorded in Plat Book 4, Page 297, Recorder's Office, Franklin County, Ohio

Property Address: 89-93 Chicago Ave., Columbus, Ohio 43222  
Parcel Numbers 010-024891-00 and 010-001824-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two three-unit dwellings on the same lot in accordance with the submitted site plan, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE PLAN**," and the building elevations titled, "**NORTH ELEVATION 89 CHICAGO AVE**," and "**FRONT ELEVATION 89 & 93 CHICAGO AVE**," all dated March 22, 2022, and signed by Jeffrey Brown, 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 is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.