



Legislation Details (With Text)

File #: 2999-2022 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 10/28/2022 **In control:** Zoning Committee

On agenda: 11/21/2022 **Final action:** 11/23/2022

Title: To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3332.21, Building lines, of the Columbus City Codes; for the property located at 1129 E. RICH ST. (43205), to permit a four-unit dwelling with a reduced building line in the R-3, Residential District and to declare an emergency. (Council Variance #CV22-061).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2999-2022.Attachments.Amendment, 2. ORD2999-2022.Attachments, 3. ORD2999-2022.Labels

Date	Ver.	Action By	Action	Result
11/23/2022	3	ACTING CITY CLERK	Attest	
11/22/2022	3	MAYOR	Signed	
11/21/2022	3	COUNCIL PRESIDENT	Signed	
11/21/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
11/21/2022	1	Zoning Committee	Amended as submitted to the Clerk	Pass
11/21/2022	1	Zoning Committee	Approved as Amended	Pass
11/21/2022	1	Zoning Committee	Amended to Emergency	Pass
11/21/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/14/2022	1	Zoning Committee	Postponed to Date Certain	Pass
11/7/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-061

APPLICANT: Jeffrey Steele; c/o Daniel Mayer; P.O. Box 12802; Columbus, OH 43212.

PROPOSED USE: Four-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped in the R-3, Residential District. The requested Council variance will permit the development of a four-unit dwelling with a reduced building setback line along East Rich Street. A Council variance is necessary because the R-3 district only permits one single-unit dwelling per lot. The site is within the boundaries of the *Near East Area Plan* (2005), which does not recommend a specific land use at this location, but states that the overall goal for incorporating new construction into the neighborhood is compatibility achieved through quality design, and that parking should be placed behind buildings and screened appropriately. The Planning Division staff is in support of the proposed elevations, as the request has design elements that are compatible

with surrounding structures and consistent with the design recommendations of the *Near East Area Plan*.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3332.21, Building lines, of the Columbus City Codes; for the property located at **1129 E. RICH ST. (43205)**, to permit a four-unit dwelling with a reduced building line in the R-3, Residential District **and to declare an emergency.** (Council Variance #CV22-061).

WHEREAS, by application #CV22-061, the owner of the property at **1129 E. RICH ST. (43205)**, is requesting a Variance to permit a four-unit dwelling with a reduced building line in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, permits only one single-unit dwelling per lot, while the applicant proposes a four-unit dwelling; and

WHEREAS, Section 3332.21, Building lines, requires a minimum building setback line of 25 feet from East Rich Street, while the applicant proposes a reduced building line of 10 feet; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances would permit a development in character and scale with residential buildings on surrounding properties, and consistent with the design recommendations of the *Near East Area Plan*; 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 **1129 E. RICH ST. (43205)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need to allow for submission of building permit approval so construction can start before the end of 2022 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; and 3332.21, Building lines, of the Columbus City Codes, for the property located at **1129 E. RICH ST. (43205)**, insofar as said sections prohibit a four-unit dwelling in the R-3, Residential District; with a reduced building line along East Rich Street from 25 feet to 10 feet; said property being more particularly described as follows:

1129 E. RICH ST. (43205), being 0.21± acres located at the southeast corner of East Rich Street and South Champion Avenue, and being more particularly described as follows:

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

Being the west half of Lots Numbers One (1), Two (2), and Three (3) of Charles L. Nelson's subdivision of Lots Nos. 27 and 28 of Hoffman and McGrew's 2nd Amended Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 256, Recorder's Office, Franklin County, Ohio, excepting therefrom a strip of ground ten (10) feet in width off the south side of said Lot No. 3 reserved for the use and purpose of a private alley.

Parcel No.: 010-047753-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a four-unit dwelling, 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, "**OLDE TOWNE EAST TOWNHOMES**," and elevations titled, "**EXTERIOR ELEVATIONS, SHEETS 1-2**," all dated October 25, 2022, and signed by Daniel Mayer, Agent and Architect 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 plan shall be subject to review and approval by the Director of the Department of 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 a Certificate of Occupancy for the proposed use.

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 an be in forced from an after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**