



## Legislation Details (With Text)

**File #:** 0841-2023      **Version:** 1

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

**File created:** 3/10/2023      **In control:** Zoning Committee

**On agenda:** 5/15/2023      **Final action:** 5/18/2023

**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 709-715 MILLER AVE. (43205), to conform an existing four-unit dwelling in the R-3, Residential District (Council Variance #CV22-147).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0841-2023.Attachments, 2. ORD0841-2023.Labels

Date	Ver.	Action By	Action	Result
5/18/2023	1	CITY CLERK	Attest	
5/17/2023	1	MAYOR	Signed	
5/15/2023	1	COUNCIL PRESIDENT	Signed	
5/15/2023	1	COUNCIL PRESIDENT	Signed	
5/15/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
5/15/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/15/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/15/2023	1	Zoning Committee	Approved	Pass

### Council Variance Application: CV22-147

**APPLICANT:** Justin Frye; 3561 Mountview Road; Columbus, OH 43221.

**PROPOSED USE:** Conform existing four-unit dwelling.

**LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing four-unit dwelling in the R-3, Residential District. The site is within the planning area of the *Near Southside Plan* (2011), which recommends "Medium Density Mixed Residential" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The dwelling has been long established on this lot, and is consistent with the residential uses that are prevalent in the surrounding neighborhood. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owners from further improving the property. Approval of this request will not add a new or incompatible use 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 **709-715 MILLER AVE. (43205)**, to conform an existing four-unit dwelling in the R-3, Residential

District (Council Variance #CV22-147).

**WHEREAS**, by application #CV22-147, the owner of the property at **709-715 MILLER AVE. (43205)** is requesting a Council variance to conform an existing four-unit dwelling in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, only permits single-unit dwellings, while the applicant proposes to conform the existing four-unit dwelling; and

**WHEREAS**, the Livingston Avenue Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will conform an existing four-unit dwelling in the R-3, Residential District, which has been long established on this lot. The request is consistent with the residential uses that are prevalent in the surrounding neighborhood, and the land use recommendations of the *Near Southside Plan*; 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 **709-715 MILLER AVE. (43205)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.035, R-3 residential district, of the Columbus City Codes, is hereby granted for the property located at **709-715 MILLER AVE. (43205)**, insofar as said sections prohibit a four-unit dwelling in the R-3, Residential District; said property being more particularly described as follows:

**709-715 MILLER AVE. (43205)**, being 0.19± acres located at the southwest corner of Miller Avenue and Kent Street, and being more particularly described as follows:

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

Being Lot Number One Hundred Four (104), and 11.25 feet of the North end of Lot Number One Hundred Five (105) of the Thomas Miller's Amended Subdivision, as shown on the amended plat thereof, of record in Plat Book 2, Page 228, Recorder's Office, Franklin County, Ohio, excepting 60 feet off the West ends of said Lots.

Tax Parcel No.: 010-005555

Property Address: 709-715 Miller Avenue, Columbus, Ohio 43205

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

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.