



## Legislation Text

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**File #:** 1835-2019, **Version:** 1

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### **Council Variance Application: CV19-048**

**APPLICANT:** John S. Durrizio, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 E. Town St., 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 E. Town St., 2<sup>nd</sup> Floor; Columbus, OH 43215.

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

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of three parcels developed with a vacant industrial/residential building zoned in the R-2F, Residential District. The requested a Council variance will permit redevelopment of the site with a three-unit dwelling. The variance is necessary because the R-2F district permits a maximum of two dwelling units in one building. The request includes a variance to permit fronting on an alley as Zimpfer Street is not wide enough to be considered a public street. The site is within the boundaries of the *South Side Plan* (2015), which recommends medium-high density residential development for this location. The requested density is consistent with the land use recommendation of the *South Side Plan* and is further supported because the current configuration of the property would permit three separate single-unit dwellings

To grant a Variance from the provisions of Sections 3332.037 R-2F residential district use; and 3332.19, Fronting, of the City of Columbus codes; for the property located at **366 ZIMPFER ST. (43206)**, to permit a three-unit dwelling with no frontage on a public street in the R-2F, Residential District (Council Variance #CV19-048).

**WHEREAS**, by application #CV19-048, the owner of property at **366 ZIMPFER ST. (43206)**, is requesting a Council variance to permit a three-unit dwelling with no frontage on a public street in the R-2F Residential District; and

**WHEREAS**, Section 3332.037, R-2F residential district use, permits a maximum of two dwelling units in one building, while the applicant proposes to construct a three-unit dwelling; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street which, by definition, must have at least 35 feet of width, while Zimpher Street is only 33.2 feet wide; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because is consistent with the "Medium-High Density" land use recommendation of the *South Side Plan* and the proposed three-unit dwelling will not introduce an incompatible use to the neighborhood; 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 **366 ZIMPFER ST. (43206)**, in using said property as desired;

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037 residential district use; and 3332.19, Fronting, of the Columbus City codes, is hereby granted for the property located at **366 ZIMPFER ST. (43206)**, insofar as said sections prohibit a three-unit dwelling with no frontage on a public street in the R-2F, Residential District, said property being more particularly described as follows:

**366 ZIMPFER ST. (43206)**, being 0.19± acres located on the north side of Zimpfer Street, 345± feet west of Miller Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of First Parcel, Second Parcel and Third Parcel as described in the deed to John S Durruzio LLC of record in Instrument No. 201903080026846, said First, Second and Third Parcels being part of Lots 5, 6 & 7 of the Wirth-Barth & Huber Subdivision of record in Plat Book 3, Page 380 and containing 0.19+/- acres of land, said 0.19+/- acres being more particularly described as follows;

Beginning, at the southwesterly corner of said First Parcel and said Lot 5, said corner also being the southeasterly corner of Lot 4 of said plat, the southeasterly corner of that tract of land as conveyed to William K. Hysell of record in Official Record 21153, Page E19 and in the northerly right-of-way line of Zimpfer Street (33.20')(formerly known as Barth Street) as dedicated upon said plat;

Thence N 03° 57' 40" E, with the common line of said First Parcel (Lot 5) and said Hysell tract (Lot 4), 80.0+/- feet to the northwesterly corner of said First Parcel, said corner also being a southwesterly corner of that tract of land as conveyed to Blake Arthur DeCrane and Jordan Lindsay Waterhouse of record in Instrument No. 201807020087503;

Thence S 85° 44' 52" E, with a northerly line of said First and Second Parcels, with the southerly line of said DeCrane/Waterhouse tract, with the southerly line of that tract of land as conveyed to David L. Rothert of record in Instrument No. 200503220051790 and across said Lots 5 and 6, 72.9+/- feet to the northeasterly corner of said Second Parcel, said corner being the southeasterly corner of said Rothert tract, being in the westerly line of that tract of land as conveyed to Angus J. MacLellan and Julie M. MacLellan of record in Official Record 30906, Page I06 and being in the common line of said Lot 6 and 7;

Thence, S 03° 57' 40" W, with a common line of said Second Parcel and said MacLellan tract, also being a common line of said Lot 6 and 7, 19.0+/- feet to a southwesterly corner of said MacLellan tract and a northwesterly corner of said Third Parcel;

Thence S 85° 44' 52" E, with a northerly line of said Third Parcel, a southerly line of said MacLellan tract and across said Lot 7, 36.4+/- feet to the northeasterly corner of said Third Parcel, the southeasterly corner of said MacLellan tract, in the westerly line of that tract of land as conveyed to Katherine L. Harper of record in Instrument No. 199906010138192 and in the common line of said Lot 7 and Lot 8 of said plat;

Thence S 03° 57' 40" W, with the common lines of said Third Parcel and said Harper tract, also along the common line of said Lot 7 and Lot 8, 61.0+/- feet to a common corner thereof and in the northerly right-of-way line of said Zimpfer Street (33.20')(formerly known as Barth Street);

Thence N 85° 44' 52" W, with the southerly lines of said First, Second and Third Parcel and along said northerly right-of-way line, 109.4+/- feet to the True Point of Beginning and containing 0.19+/- acre more or less.

Includes Parcel Numbers: 010-039690, 010-039691, and 010-039954

The above description was prepared by Advanced Civil Design Inc. on 4/24/2019 and is based on existing County Auditor records, County Recorder records.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

This description is not to be used in the transfer of land.

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

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan drawing titled, "**SITE DEVELOPMENT PLAN - ZIMPER ST CONDOS**," dated June 25, 2019, drawn by Gunzelman Architecture + Interiors, and signed by David B. 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 adjustment to the plan shall be reviewed and may be approved 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 is further conditioned on the applicant combining tax parcels 010-039690, 010-039691, and 010-039954 into one parcel prior to submittal for the Certificate of Zoning Clearance.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.