



## Legislation Text

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**File #:** 2968-2019, **Version:** 1

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### **Council Variance Application: CV19-088**

**APPLICANT:** Principle Homes, LLC c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Single-unit residential development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of an undeveloped parcel in the R-3, Residential District. The requested Council variance will permit the construction of two single-unit dwellings on one lot (Site Plan A) with the option of placing each single-unit dwelling on its own lot (Site Plan B). Variances for both site plan options are accommodated in this request, including lot width, area district requirements, lot coverage, fronting, minimum side yards, and rear yard. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain specific land use recommendations for this location, but it does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. This request is consistent with the housing pattern and density surrounding the site, and will feature permeable pavers in the shared area between garages and the alley offsetting what would otherwise be a large area of impervious surface.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1432 E. RICH ST. (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV19-088).

**WHEREAS**, by application #CV19-088, the owner of the property at **1432 E. RICH ST. (43205)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes two single-unit dwellings on the same lot (Site Plan A); and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes reduced lots widths of 37.5 feet (Site Plan A and B); and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes two single-unit dwellings on a lot area of 4,219 square feet, pursuant to lot area calculation in 3332.18(C) (Site Plan A), or single-unit dwellings on lot areas of 2,850 square feet and 2,750 square feet, respectively (Site Plan B); and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while

the applicant proposes a dwelling-unit fronting on a public alley (Site Plan A and B); and

**WHEREAS**, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.83 feet for a building with a maximum height of 35 feet, while the applicant proposes minimum side yards of 5 feet along the east and west sides of the dwelling fronting East Rich Street, and the north side of the dwelling fronting the alley (Site Plan A and B); and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes reduced rear yards as depicted on Site Plan A and B; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested variances because they contribute to a proposal that adheres to the *Near East Area Plan's* recommendation that new development be consistent with the housing types and densities found in the surrounding area, and that the shared driveway and access area between the dwellings will utilize permeable pavers eliminating a large area of potential impervious surface; 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 **1432 E. RICH ST. (43205)**, 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 3332.035, R-3, residential district; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1432 E. RICH ST. (43205)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the R-3, Residential District (Site Plan A); reduced lot widths from 50 feet to 37.5 feet (Site Plan A and B); reduced lot area for two single-unit dwellings from 5,000 square feet to 4,219 square feet (Site Plan A) or single-unit dwellings on lot areas of 2,850 square feet and 2,750 square feet (Site Plan B); no frontage on a public street for the rear dwelling unit (Site Plan A and B); reduced minimum side yard from 5.83 feet to 5 feet on east and west sides of the dwelling fronting East Rich Street, and the north side of the dwelling fronting the alley (Site Plan A and B); and a reduction in rear yard from 25 percent to the rear yards as depicted on Site Plan A and B; said property being more particularly described as follows:

**1432 E. RICH ST. (43205)**, being 0.13± acres located on the north side of East Rich Street, 115± west of Miller Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio and being more particularly described as follows:

Being Lot Number Thirty-Four (34) in James Nelson's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 166, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-049546

Property Address: 1432 E. Rich St., Columbus, OH 43205

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings on one lot as depicted on Site Plan A, or two single-unit dwellings on their own lots as depicted on Site Plan B, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan drawing titled, "**SITE DEVELOPMENT PLAN**," dated November 4, 2019, drawn by Gunzelman Architects + Interiors. 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 upon 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.