



Legislation Text

File #: 0221-2020, **Version:** 1

Council Variance Application: CV19-078

APPLICANT: Preferred Home Investors, 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: Two-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will permit a two-unit dwelling. Variances to lot width and lot area are included in this request. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. However, the Plan does include design recommendations, and Planning Division Staff has reviewed building elevations and has determined that the project includes design elements that are compatible with surrounding structures.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3332.05(A)(4), Area district lot width requirements; and 3332.13, R-3 area district requirements, of the Columbus City Codes; for the property located at **1125 E. MOUND ST. (43205)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV19-078).

WHEREAS, by application #CV19-078, the owner of the property at **1125 E. MOUND ST. (43205)**, is requesting a Council variance to permit a two-unit dwelling with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, does not permit a two-unit dwelling, while the applicant proposes to raze the existing single-unit dwelling and build a new two-unit dwelling; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-3, Residential District, while the applicant proposes to maintain a lot width of 36± feet; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a principal building shall be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes a two-unit dwelling on a lot area of 3,888 square feet (pursuant to lot area calculation in 3332.18(C)); and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed two-unit dwelling is consistent with the design recommendations in the *Near East Area Plan*. Approval of this request will not add incompatible uses to the area; 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 **1125 E. MOUND ST. (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; 3332.05(A)(4), Area district lot width requirements; and 3332.13, R-3 area district requirements, of the Columbus City Codes, is hereby granted for the property located at **1125 E. MOUND ST. (43205)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; a reduced lot width from 50 to 36 feet; and a reduced lot area from 5,000 to 3,888 square feet; said property being more particularly described as follows:

1125 E. MOUND ST. (43205), being 0.13± acres located on the south side of East Mound Street, 130± feet east of South Champion Avenue, and being more particularly described as follows:

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

Being Lot Number Seventeen (17) of James J. Beard's Subdivision, of Lot Number 18 of John N. Champion's Subdivision, of Half Section 23, Township 5, Range 22, Refugee Lands as the same is numbered and delineated upon the amended plat thereof, of record in Plat Book 2, Page 240, Recorder's Office, Franklin County, Ohio.

Subject to all legal highways, easements, restrictions, and right of ways of record.

Parcel Number: 010-014383-00

Also known as: 1125 E. Mound Street, 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 as a two-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 "**1125 E. MOUND STREET**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated January 6, 2020. 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 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 upon 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.