



## Legislation Text

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**File #:** 1177-2022, **Version:** 1

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### **Council Variance Application: CV21-123**

**APPLICANT:** Herbert Chen; 34 West Poplar Avenue, Apt. 502; Columbus, OH, 43215.

**PROPOSED USE:** Mixed-use building.

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

**HISTORIC RESOURCES COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a two-unit dwelling in the R-3, Residential District. The applicant proposes to utilize one dwelling unit for office-related uses (984± square feet). The other unit will remain as a residential use. In the event that there is no longer an office use within the dwelling unit, the applicant wishes to conform the two-unit dwelling. A Council variance is necessary because the current zoning district prohibits offices and two-unit dwellings. A variance to reduce the required parking from five required to four provided spaces is also included in this request. The site is within the boundaries of the Bryden Road Historic District and the *Near East Area Plan* (2005), which does not recommend a specific land use at this location. Staff supports the proposal as the office is a low-intensity use compatible with adjacent residential uses, no exterior changes are proposed, and a recommendation of approval from the Historic Resources Commission has been received.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1126 BRYDEN RD. (43215)**, to permit a 984± square foot office use within an existing two-unit dwelling with reduced parking requirements in the R-3, Residential District (Council Variance #CV21-123).

**WHEREAS**, by application #CV21-123, the owner of property at **1126 BRYDEN RD. (43215)** is requesting a Council variance to permit a 984± square foot office use within an existing two-unit dwelling with reduced parking requirements 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 to utilize a dwelling unit within a two-unit dwelling for office uses (984± square feet). In the event that there is no longer an office use within the dwelling unit, the applicant wishes to conform the two-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit and one parking space per 450 square feet of office use, or five spaces total for one unit and 984 square feet of office use, while the applicant proposes four parking spaces; and

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

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the office use is a low-intensity use compatible with adjacent residential uses, no exterior changes are proposed, and a recommendation of approval from the Historic Resources Commission has been received; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed office 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **1126 BRYDEN RD. (43215)**, in using said property as desired; 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; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **1126 BRYDEN RD. (43215)**, insofar as said sections prohibit a two-unit dwelling or a 984± square foot office use within an existing two-unit dwelling in the R-3, Residential District with a parking space reduction from five required spaces to four provided spaces; said property being more particularly described as follows:

**1126 BRYDEN RD. (43215)**, being 0.15± acres located on the north side of Bryden Road, 100± feet west of South Champion Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus: Being Lot Number One Hundred Twelve (112), in Hoffman and McGrew's Second Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 200, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-055161-00

Property Address: 1126-1128 Bryden Road, 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 a 984± square foot office and a dwelling-unit, a two-unit dwelling, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed office use.

**SECTION 4.** That this ordinance is further conditioned upon the applicant removing the northeast cluster of trees to accommodate four parking spaces within six months from the date of Columbus City Council passage of this ordinance.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.