



## Legislation Text

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**File #:** 1208-2022, **Version:** 1

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### **Council Variance Application: CV21-128**

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

**PROPOSED USE:** A single-unit dwelling and a two-unit dwelling on two new lots.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the R-3, Residential District. The requested Council variance will permit a single-unit dwelling (Area A) and a two-unit dwelling (Area B) with each dwelling being on its own lot. The R-3 district only permits single-unit dwellings. Variances for increased lot coverage, and reduced lot width, lot area, parking (from four to three for Area B), building setbacks, and side and rear yard are included in the request. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not include a specific land use recommendation for this location. The Plan does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan, and does not introduce incompatible uses to the area. Planning Division staff has reviewed conceptual elevations for the proposed dwellings, and a condition has been added that the two-car attached garage for the dwelling on Area A will have two single bay doors with glazing to better meet the intent of the *Near East Area Plan* design guideline recommendations.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21(D)(2), Building lines; 3332.25, Maximum side yards required; 3332.26 (B), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **225 S. MONROE AVE. (43205)**, to permit a single-unit dwelling and a two-unit dwelling on two new lots with reduced development standards in the R-3, Residential District (Council Variance #CV21-128).

**WHEREAS**, by application #CV21-128, the owner of the property at **225 S. MONROE AVE. (43205)**, are requesting a Variance to permit a single-unit dwelling and a two-unit dwelling on two new lots, with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, residential district, permits single-unit dwellings as the only allowable residential use, while the applicant proposes to construct a two-unit dwelling on Area B; and

**WHEREAS**, Section 3312.49(C) Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two dwelling units, while the applicant proposes a total of three parking spaces on Area B; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-3, Residential District, while the applicant proposes lot widths of 42.5± feet for Area A and 43.5± feet for Area 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 reduced lot sizes of 2,550± square feet for Area A, and 3,100± square feet for Area B; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, limits lot coverage by buildings to 50 percent, while the applicant proposes an increased lot coverage of 58 percent for Area B; and

**WHEREAS**, Section 3332.21(D)(2), Building lines, requires a minimum setback from the right-of-way line of 10 feet, while the applicant proposes a setback of 2 feet from Allen Street for Area A; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 8.7± feet for a lot width of 43.5± feet, while the applicant proposes a total side yard of 8 feet for Area 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 height of 35 feet; while the applicant proposes a reduced south side yard of 3 feet for Area B; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes reduced rear yards of 15± percent for Area A, and 19± percent for Area B; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow residential development that is consistent with the housing types and densities found in the surrounding area as recommended by the *Near East Area Plan*. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area as there are two-unit dwellings in this neighborhood; 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 **225 S. MONROE AVE. (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; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21(D)(2), Building lines; 3332.25, Maximum side yards required; 3332.26(B), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **225 S. MONROE AVE. (43205)**, insofar as said sections prohibit a two-unit dwelling (Area B) in the R-3, Residential District; with a parking space reduction from 4 spaces to 3 spaces for Area B; reduced lot widths from 50 feet to 42.5± feet on Area A and 43.5± feet on Area B; reduced lot sizes from 5,000 square feet to 2,550± square

feet for Area A, and 3,100± square feet for Area B; increased lot coverage from 50 percent to 58 percent for Area B; reduced maximum side yard from 8.7± feet to 8 feet for Area B; reduced side yard from 5.83 feet to 3 feet for the south side of Area B; and reduced rear yards from 25 percent to of 15± percent for Area A, and 19± percent for Area B; said property being more particularly described as follows:

**225 S. MONROE AVE. (43205)**, being 0.13± acres located on the west side of South Monroe Avenue, 40± feet south of Bryden Alley, and being more particularly described as follows:

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

Being Lot No. Twenty-Two (22) of BUCKEYE PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 395, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-037376-00

Property Address: 225 S. Monroe Ave., 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 single-unit dwelling on Area A and a dwelling containing up to two units on Area B in accordance with the submitted site plans, 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, "**S. MONROE AVE**," dated January 13, 2022, 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 adjustments to the plans shall be subject to review and approval by the Director of the Department 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 Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned on the following: The Area A two-car attached garage shall have two single bay garage doors with glazing in the top panel of each door.

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