



## Legislation Text

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**File #:** 0842-2022, **Version:** 1

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### **Council Variance Application: CV21-074**

**APPLICANT:** Maple Craft LLC; c/o Gary Dunn; 5863-C Zarley Street; New Albany, OH 43054.

**PROPOSED USE:** Three-unit dwelling and single-unit dwelling on one lot.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped in the R-3, Residential District. The requested Council variance will permit a three-unit dwelling and a single-unit dwelling on one parcel. A use variance is necessary because the R-3 district permits only one single-unit dwelling per lot. Variances to minimum number of parking spaces, lot width, lot area, lot coverage, fronting, minimum side yard, and rear yard 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, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the requested variance as the proposal is consistent with the neighboring housing types and density.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 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 **464 OAKWOOD AVE. (43205)**, to permit a three-unit dwelling and single-unit dwelling on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV21-074).

**WHEREAS**, by application #CV21-074, the owner of the property at **464 OAKWOOD AVE. (43205)** is requesting a Council variance to permit a three-unit dwelling and single-unit dwelling on one lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, only permits single-unit dwellings, while the applicant proposes to develop the site with a three-unit dwelling and a single-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per residential unit, or 6 parking space for four dwelling units, while the applicant proposes 3 parking spaces; 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 38± 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 three-unit dwelling and single-unit dwelling on a lot area of 4,332 square feet (pursuant to lot area calculation in 3332.18(C)); and

**WHEREAS**, Section 3332.18, Basis of computing area, prohibits buildings from occupying more than 50 percent of the

lot area, while the applicant proposes a lot coverage of 53.8 percent; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a carriage house dwelling fronting on a rear alley; 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 5.68 feet for a building with a height of 34± feet, while the applicant proposes reduced side yards of 5 feet for the three-unit dwelling and;

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for the rear carriage house dwelling;

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

**WHEREAS**, City Departments recommend approval because the requested Council variance will permit residential development that is consistent with the housing types, density, and development pattern found in 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 **464 OAKWOOD AVE. (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; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.19, Fronting; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **464 OAKWOOD AVE. (43205)**, insofar as said sections prohibit a three-unit dwelling and a single-unit dwelling on one lot in the R-3, Residential District; with a parking space reduction from 6 required spaces to 3 provided spaces; a reduced lot width from 50 to 38 feet; reduced lot area from 5,000 to 4,332 square feet; increased lot coverage from 50 to 53.8 percent; no frontage of a public street for the carriage house dwelling; reduced minimum side yards from 5.68 to 5 feet for the three-unit dwelling; and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

**464 OAKWOOD AVE. (43205)**, being 0.14± acres located on the east side of Oakwood Avenue, 75± feet south of Mound Street, and being more particularly described as follows:

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

Being lot number 3 and 5 off the south side of lot number 2 of Maurice Evan's heirs, Oakwood Avenue Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 191, Recorder's Office, Franklin County, Ohio.

Property Address: 464 Oakwood Avenue, Columbus, Ohio 4306  
Parcel Number: 010-013941

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a three-unit dwelling and a single-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 "**SITE PLAN**," signed by Gary Dunn, Applicant, and dated May 17, 2022. 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.