



Legislation Text

File #: 1908-2022, **Version:** 1

Council Variance Application: CV22-021

APPLICANT: Nicholas Kinney; 761 Franklin Avenue; Columbus, OH 43205.

PROPOSED USE: Two single-unit dwellings on one parcel.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-3, Residential District, and consists of one parcel developed with a single-unit dwelling and an accessory dwelling unit converted from a three-car garage by a previous owner without permits. The requested Council Variance will legitimize the existing development. A Council variance is necessary because the R-3 district only permits one single-unit dwelling per lot. Variances for lot width, fronting, minimum side yard, rear yard, and reduced number of parking spaces are included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a specific land use at this location, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. Staff supports the existing development has been long established and is consistent with surrounding residential development pattern.

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; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **761 FRANKLIN AVE. (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV22-021).

WHEREAS, by application #CV22-021, the owner of the property at **761 FRANKLIN AVE. (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, only permits one single-unit dwelling per lot, while the applicant proposes to legitimize a rear accessory dwelling unit on a lot developed with a single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces total for two units, while the applicant proposes a total of one parking space; 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 40.25± feet; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes for the rear accessory dwelling to front on the public alley; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet for lots more than 40 feet wide, while the applicant proposes to maintain a side yard of approximately 3.5 feet along the eastern

property line for the rear accessory dwelling; 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 no rear yard for the rear accessory dwelling; and

WHEREAS, the Near East Commission recommends approval; and

WHEREAS, City Departments recommend approval of the proposed Council variance because the request is consistent with similar proposals that have been approved in the area. The request is in character and scale with the dwellings on the surrounding properties, and will not add an incompatible use; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the rear accessory dwelling unit; 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 **761 FRANKLIN 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 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; 3332.19, Fronting; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located **761 FRANKLIN AVE. (43205)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-3, Residential District; with a reduction in the required number of parking spaces from four spaces to one space; a reduction in the lot width from 50 feet to 40.25 feet; no frontage on a public street for the rear accessory dwelling; a reduction in the minimum side yard from 5 feet to 3.5 feet along the eastern property line for the rear accessory dwelling; and no rear yard for the rear accessory dwelling; said property being more particularly described as follows:

761 FRANKLIN AVE. (43205), being 0.12± acres located on the south side of Franklin Avenue, 45± east of South Garfield Avenue, and being more particularly described as follows:

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

Being Lot Number Nineteen (19) in Deshlers' and Sinks' subdivision, as the same is numbered and delineated upon the recorded plat thereof, or record in Plat Book 3, Page 423, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012934

Also known as: 761 Franklin Avenue, Columbus, Ohio 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 single-unit dwelling and a rear accessory 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 "**KINNEY RESIDENCE**," dated June 22, 2022, and drawn and signed by Nicholas Kinney, 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 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 shall take effect and be in force from and after the earliest period allowed by law.