



Legislation Text

File #: 0869-2024, **Version:** 1

Council Variance Application: CV23-129

APPLICANT: Blue Chip Homes QOZB, LLC; c/o Dave Perry, Agent; Dave Perry Company; 411 East Town Street, Floor 1; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Floor 2; Columbus, OH 43215.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

PROPOSED USE: Four-unit dwelling.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel in the R-3, Residential District. The requested Council Variance will allow the development of a four-unit dwelling. A Council Variance is necessary because four-unit dwellings are prohibited in the R-3, Residential District. Additional variances to building lines, minimum and maximum side yards, and required rear yard are included in the request. The site is located within the planning area of the *Near East Area Plan* (2005), which does not recommend a specific land use at this location, but includes residential design guidelines. Staff supports the requested use and design standards as they are consistent with the surrounding housing types and densities of the neighborhood and will not add an incompatible use.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3332.21(F), Building lines; 3332.25, Maximum side yard required; 3332.26(F), Minimum side yard required; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **333 KENDALL PL. (43205)**, to allow a four-unit dwelling with reduced development standards in the R-3, residential district (Council Variance #CV23-129).

WHEREAS, by application #CV23-129, the owner of property at **333 KENDALL PL. (43205)**, is requesting a Variance to allow a four-unit dwelling with reduced development standards in the R-3, residential district; and

WHEREAS, Section 3332.035, R-3 residential district, allows one single-unit dwelling per lot, while the applicant proposes a four-unit dwelling, as shown on the submitted site plan; and

WHEREAS, Section 3332.21(F), Building lines, requires the building line to be 25 feet, while the applicant proposes a reduced building line of 16 feet; and

WHEREAS, Section 3332.25, Maximum side yard 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 10 feet, while the applicant proposes a maximum side yard of 6 feet; 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 minimum side yards of three feet along the northern and southern property lines; 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 a reduced rear yard of nine percent; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the request is consistent with the surrounding housing types and densities in this neighborhood and does not introduce an incompatible use to the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed four-unit dwelling; 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 **333 KENDALL PL. (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 from the provisions of Sections 3332.035, R-3, residential district; 3332.21(F), Building lines; 3332.25, Maximum side yard required; 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 **333 KENDALL PL. (43205)**, insofar as said sections prohibit a four-unit dwelling in the R-3, Residential District; with a reduced building line from 25 feet to 16 feet; a reduced maximum side yard from 10 feet to 6± feet; reduced minimum side yards from 5.83 feet to 3± feet along the northern and southern property lines; and reduced rear yard from 25 percent to nine percent; said property being more particularly described as follows:

333 KENDALL PL. (43205), being 0.14± acres located on the west side of Kendall Place, 460± feet north of East Main Street, and being more particularly described as follows:

The following real estate situated in the State of Ohio, in the County of Franklin, and in the City of Columbus and bounded and described as follows:

Being a part of a tract deeded to T. B. and E. J. Reed in Deed Book 2391, Page 612, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at an iron pin at the intersection of the Northerly line of East Main Street (80 feet wide), with the Westerly line of Kendall Place (50 feet wide); thence in a Northerly direction, along the Westerly line of said Kendall Place, a distance of 443 feet to an iron pin in the Easterly line of said tract deeded to T. B. and E. J. Reed, passing an iron pin on line at the southeasterly corner of said tract deeded to T. B. and E. J. Reed, at 397 feet; thence Westerly across said tract deeded to T. B. and E. J. Reed, and parallel to the Southerly line of said tract deeded to T. B. and E. J. Reed, a distance of 122.48 feet to an iron pin, in the Westerly line of said tract deeded to T. B. and E. J. Reed said last described iron pin being Northerly along a line 122.48 feet Westerly of (measured at right angle) and parallel to the Westerly line of said Kendall Place, a distance of 447.74 feet from a point in the Northerly line of said E. Main Street, passing an iron pin on line at the Southwesterly corner of said tract deeded to T. B. and E. J. Reed at 401.74 feet; thence in a Northerly direction along the Westerly line of said tract deeded to T. B. and E. J. Reed, and parallel to the Westerly line of said Kendall Place, a distance of 50 feet to an iron pin at the Northwesterly corner of said tract deeded to T. B. and E. J. Reed; thence in an Easterly direction along the Northerly line of said tract deeded to T. B. and E. J. Reed, a distance of 122.48 feet to an iron pin in the Easterly line of said tract deeded to T. B. and E. J. Reed and in the Westerly line of said Kendall Place; thence in a Southerly direction along the Easterly line of said tract deeded to T. B. and E. J. Reed and along the Westerly line of

said Kendall Place, a distance of 50 feet to the place of beginning, subject, however, to all legal easements of record.

Parcel Number: 010-137328

Property Address: 333 Kendall Place, 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 four-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, "**ZONING SITE PLAN**" dated January 11, 2024, 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed four-unit dwelling.

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