



## Legislation Text

---

**File #:** 1026-2022, **Version:** 1

---

### **Council Variance Application: CV21-150**

**APPLICANT:** John Fonner; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Two-unit dwelling with a single-unit carriage house.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a two-unit dwelling in the R-2F, Residential District. The requested Council variance will permit the construction of a carriage house on the second floor of the existing three car garage at the rear of the property. A Council variance is necessary because the R-2F district permits only one- and two-unit dwellings on a single lot, and does not permit the arrangement of a two-unit dwelling and single-unit carriage house on the same lot. The request also includes variances to reduce the number of parking spaces from six to three, and to reduce lot width, lot area, building lines, vision clearance, maximum and minimum side yards, and rear yard. The site is located within the planning area of the *South Side Plan* (2014), which recommends "Medium-High Density Residential" (10-16 du/ac) uses for this location. Additionally the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The request is consistent with the Plan and the development pattern in the area, and does not add a new or incompatible use to the neighborhood.

To grant a Variance from the provisions of Sections 3332.037, R-2F Residential District; 3312.49, Minimum number of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05(A), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.22, Minimum building lines on corner lots; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **199-201 E. MARKISON AVE. (43207)**, to permit a two-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-2F, Residential District (Council Variance #CV21-150).

**WHEREAS**, by application #CV21-150, the owner of the property at **199-201 E. MARKISON AVE. (43207)**, is requesting a Council variance to permit garage two-unit dwelling and a single-unit carriage house with reduced development standards in the R-2F, Residential district; and

**WHEREAS**, Section 3332.037, R-2F Residential District, permits one single-unit or one two-unit dwelling on a lot, while the applicant proposes to construct a rear single-unit dwelling above the existing detached garage on a lot developed with an existing two-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires two parking spaces per dwelling unit for a total of six parking spaces for three dwelling-units, while the applicant proposes three parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a clear vision triangle of 30 feet by 30 feet at the intersection of East Markison Avenue and South 6<sup>th</sup> Street, while the applicant proposes a reduced vision clearance triangle of 17 feet by 17 feet; and

**WHEREAS**, Section 3332.05(A), Area district lot width requirements, requires a minimum lot width of 50 feet, while the applicant proposes to maintain the existing lot width of 43 feet; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires no less than 3,000 square feet per dwelling unit for two-story two-unit dwellings, while the applicant proposes a two-unit dwelling and a carriage house on one 5,547± square foot lot (pursuant to lot area calculation in 3332.18(C)), totaling 1,849 square feet of lot area per dwelling unit; and

**WHEREAS**, Section 3332.22, Minimum building lines on corner lots, requires a minimum building line of 20 percent of the width of the lot for a total of 8.6 feet for a lot width of 43 feet, while the applicant proposes a reduced building line of three feet from South 6<sup>th</sup> Street; and

**WHEREAS**, 3332.25, Maximum side yards required, requires that the sum of the widths of the side yards equal or exceed 20 percent of the width of the lot, or 8.6 feet for a lot width of 43 feet, while the applicant proposes a reduced maximum side yard of 7.2 feet for the existing two-unit dwelling and the proposed carriage house; and

**WHEREAS**, 3332.26, Minimum side yard permitted, requires that the minimum side yard be no less than five feet, while the applicant proposes reduced minimum side yards of three feet for the existing two-unit dwelling and proposed carriage house; and

**WHEREAS**, 3332.27, Rear yard, requires each dwelling, residence or 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 no rear yard for the proposed carriage house; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested variances because the proposal is consistent with the *South Side Plan*'s recommended land use for this property and will not add incompatible uses to the area as there are other carriage houses near this location. Additionally the request is consistent with the recent development pattern in the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed carriage house; 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 **199-201 E. MARKISON AVE. (43207)**, 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 3332.037, R-2F, Residential District; 3312.49, Minimum number of parking spaces required; 3321.05(B)(2), Vision Clearance; 3332.05(A), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.22, Building line; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; of the City of Columbus codes, is hereby granted for the property located at **199-201 E. MARKISON AVE. (43027)**, insofar as said sections prohibit a two-unit dwelling and a single-unit carriage house on one lot in the R-2F, Residential District; with a parking space reduction from 6 spaces to 3 spaces; a reduced vision clearance triangle from 30 feet by 30 feet to 17 feet by 17 feet at the intersection of East Markison Avenue

and South 6<sup>th</sup> Street; a reduced minimum lot width from 50 feet to 43 feet; a reduced lot area from 3,000 square feet to 1,849 square feet per dwelling unit; a reduced building line from 8.6 feet to 3 feet; a reduced maximum side yard from 8.6 feet to 7.2 feet; reduced minimum side yards from 5 feet to 3 feet; and no rear yard for the proposed carriage house; said property being more particularly described as follows:

**199-201 E. MARKISON AVE. (43207)**, being 0.13± acres located at the southeast corner of East Markison Avenue and South 6<sup>th</sup> Street, 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 Six (6) of ROTH HEIR'S SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 154, Recorder's Office, Franklin County, Ohio

Tax Parcel Number: 010-023249

Property Address: 199-201 East Markison Avenue, Columbus, Ohio 43207

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling with a rear single-unit carriage house, in accordance with the submitted site plan, or those uses permitted in the underlying R-2F, 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 SHEET DD-02,**" and building elevations titled, "**EXTERIOR ELEVATIONS SHEETS DD-05, DD-06, & DD-07,**" all dated March 10, 2022, and signed by Eric Zartman, Attorney for the Applicant. The plans 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed carriage house.

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