



Legislation Text

File #: 1804-2022, **Version:** 1

Council Variance Application: CV22-006

APPLICANT: Horus & Ra Development, Ltd.; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel in the R-2F, Residential District. The requested Council variance will permit two single-unit dwellings. The variance is necessary because while the R-2F district permits two dwellings in one building, two separate single-unit dwellings on the same lot are prohibited. Variances for reduced number of parking spaces (from four to two), lot width, lot area, lot coverage, fronting, building lines, maximum 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. However, the Plan does include design recommendations, and Planning Division Staff is in support of the proposed elevations, as the request has design elements that are compatible with surrounding structures.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18 (D), Basis of computing area; 3332.19, Fronting; 3332.21(D), Building lines; 3332.25, Maximum side yards required; and 3332.27, Rear yard, for the property located at **471 S. 22ND ST. (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV22-006).

WHEREAS, by application #CV22-006, the owner of property at **471 S. 22ND ST. (43205)**, is requesting a Council variance to permit a single-unit dwelling and a rear carriage house dwelling on one lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F residential district, permits a maximum of two units in one building, but prohibits two single-unit dwellings on one lot, while the applicant proposes to develop a single-unit dwelling and a dwelling unit above a garage (carriage house) on one lot; 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 two parking spaces; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a minimum lot width of 50 feet in the R-2F, Residential District, while the applicant proposes to conform the existing lot width of 32.9 feet; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes two separate single-unit dwellings on a lot that contains 2,675 square feet (pursuant to lot area calculation in 3332.18(C)) totaling 1,338± square

feet of lot area per dwelling unit; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes lot coverage of 60 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 fronting on a rear alley; and

WHEREAS, Section 3332.21(D), Building lines, requires a minimum building setback line of 12 feet from South 22nd Street, while the applicant proposes a 10 foot building setback; 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, or 6.6 feet for a lot width of 32.9 feet, while the applicant proposes a reduced maximum side yard for the carriage house of 6 feet; 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 12 percent for the single-unit dwelling and no rear yard for the carriage house dwelling; and

WHEREAS, the Near East Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval because the requested variances would permit development of a carriage house in character and scale with the dwellings on the surrounding properties; 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 **471 S. 22ND ST. (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 be granted from the provisions of Sections 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.21(D), Building lines; 3332.25, Maximum side yards required; and 3332.27, Rear yard, for the property located at **471 S. 22ND ST. (43205)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District; with a parking space reduction from four spaces to two spaces; a reduction in the lot width from 50 feet to 32.9 feet; a reduction in the required lot area from 6,000 square feet to 1,338± square feet per dwelling unit; an increase in the lot coverage from 50 percent to 60 percent; no frontage on a public street for the carriage house dwelling; a reduction in the building setback line along South 22nd Street from 12 feet to 10 feet; a reduction in maximum side yards from 6.6 feet to 6 feet; and a reduction in the rear yard for the single-unit dwelling from 25 percent to 12 percent and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

471 S. 22ND ST. (43205), being 0.07± acres located on the west side of South 22nd Street, 32± feet north of East Fulton

Avenue, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and City of Columbus: Being Lot No. 70 of Krumm, Sergeant and Krumm's Subdivision, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 4, page 366-367, Recorder's Office, Franklin County, Ohio, expecting and reserving therefrom off of the west end thereof, all the part lying west of a line 82 feet west of the east line of said lot, which said part hereby excepted together with similar quantities off of the west end of Lots 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71 in said Subdivisions are reserved for a private alley for the use of all said lots.

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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 and a rear single-unit carriage house on the same lot, or those uses permitted in the 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, "**471 S 22ND STREET**," signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated April 14, 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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