



Legislation Details (With Text)

File #: 1780-2005 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/18/2005 **In control:** Zoning Committee

On agenda: 12/5/2005 **Final action:** 12/8/2005

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.20, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.38(G), Private Garage; 3342.24, Surface; of the City of Columbus codes, for the property located at 216 WEST HUBBARD AVENUE (43215), to conform an existing single-family dwelling and permit a second single-family dwelling (carriage house) on one lot with reduced development standards in the R-4, Residential District and to declare an emergency. (Council Variance # CV05-045)

Sponsors:

Indexes:

Code sections:

Attachments: 1. CV05-045 Attachments.pdf, 2. Ord 1780-2005 Mailing Labels.pdf, 3. CV05-045 Data Form.pdf

Date	Ver.	Action By	Action	Result
12/8/2005	2	ACTING CITY CLERK	Attest	
12/7/2005	2	MAYOR	Signed	
12/5/2005	1	Zoning Committee	Amended to Emergency	Pass
12/5/2005	2	Zoning Committee	Approved as Amended	Pass
12/5/2005	2	COUNCIL PRESIDENT	Signed	
11/28/2005	1	Columbus City Council	Read for the First Time	
11/18/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
11/18/2005	1	Dev Drafter	Sent for Approval	
11/18/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/18/2005	1	Dev Drafter	Sent to Clerk's Office for Council	
10/18/2005	1	Dev Drafter	Sent for Approval	

Council Variance Application: CV05-045

APPLICANT: Kevin Lykens; 994 Dennison Avenue; Columbus, Ohio 43215.

PROPOSED USE: Convert a four-unit dwelling back to a single-family dwelling and build a three-car garage with a single-family dwelling (carriage house) above it.

VICTORIAN VILLAGE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will conform an existing dwelling and permit the construction of a second dwelling on the same lot. The R-4, Residential District allows up to four units in the same dwelling only. The existing structure is a four-unit dwelling, which the applicant proposes to convert to a single-family dwelling. The site plan

indicates a proposed two-story structure with a single-family dwelling unit above three garage parking spaces. Building design will conform to the Victorian Village Commission requirements. A hardship exists in that a variance is necessary in order to permit development consistent with the surrounding character of the area.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.20, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.38(G), Private Garage; 3342.24, Surface; of the City of Columbus codes, for the property located at **216 WEST HUBBARD AVENUE (43215)**, to conform an existing single-family dwelling and permit a second single-family dwelling (carriage house) on one lot with reduced development standards in the R-4, Residential District **and to declare an emergency.** (Council Variance # CV05-045)

WHEREAS, by application No. CV05-045, the owner of property at **216 WEST HUBBARD AVENUE (43215)**, is requesting a Council Variance to permit a second single-family dwelling (a carriage house) on the rear of a lot developed with a single-family dwelling, with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District, requires a separate lot for each principal use, while the applicant proposes to construct a second dwelling on the same lot; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-4, Residential District, while the lot is 43 feet wide; and

WHEREAS, Section 3332.15, Area District requirements, requires each single-family dwelling to have a lot of no less than 5,000 square feet, while the applicant proposes two single-family dwellings on one 5,719 square foot lot; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes no frontage for the second single-family dwelling; and

WHEREAS, Section 3332.20, Building lines, requires a twenty-five (25) foot building setback, while the existing dwelling on the front of the lot has an eighteen (18) foot setback; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five (5) feet while the existing dwelling has a side yard of one (1) foot to the east and less than two (2) feet to the west and the side yard to the west of the proposed carriage house is three (3) feet; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes no rear yard for the second single-family dwelling; and

WHEREAS, Section 3332.38(G), Private garage, prohibits garages exceeding fifteen (15) feet in height, while the applicant proposes a 24' 2" high garage with dwelling unit (carriage house); and

WHEREAS, Section 3342.24, Surface, requires a hard surface for any parking space, while the applicant proposes to keep one unimproved existing parking space which is surfaced with gravel and bricks; and

WHEREAS, the Victorian Village Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because a variance is necessary to permit development consistent with the area's surrounding character; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **216 WEST HUBBARD AVENUE (43215)**, 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 3332.039, R-4, Residential District use; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.20, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.38(G), Private Garage; 3342.24, Surface; of the City of Columbus codes, for the property located at **216 WEST HUBBARD AVENUE (43215)**, insofar as said sections prohibit two single-family dwellings on a 5,719 square foot lot that is less than fifty (50) feet wide with the rear dwelling having no frontage on a public street, a front building setback of eighteen (18) feet, minimum side yards for both dwellings of less than five (5) feet, no rear yard for the carriage house, a garage with habitable space exceeding fifteen (15) feet in height and one gravel and brick surfaced parking space; said property being more particularly described as follows:

216 WEST HUBBARD AVENUE (43215), being 0.13± acres located on the north side of West Hubbard Avenue, 175± feet west of Dennison Avenue, and being more particularly described as follows:

LEGAL DESCRIPTION

216 W. Hubbard Ave

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

Being Lot Number Thirty-Nine (39) of ROBERT E. AND JANE M. NEIL'S NEIL PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat book 3, Page 362, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a second single-family dwelling (a carriage house) on the rear of a lot developed with a single-family dwelling, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned to be consistent with the Certificate of Appropriateness from the Victorian Village Commission and the stamped drawings titled "**SITE PLAN**", "**FLOOR PLANS**", and "**BUILDING ELEVATIONS**", signed and dated by the Historic Preservation Office September 8, 2005 and signed by Kevin Lykens, applicant, dated November 17, 2005. Any minor revision is subject to review and approval by the Development Director or his/her 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 use.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**