



## Legislation Details (With Text)

**File #:** 0236-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/13/2015      **In control:** Zoning Committee

**On agenda:** 2/2/2015      **Final action:** 2/4/2015

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.09, Aisle; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.13, R-3 area district 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 71 EAST COMO AVENUE (43214), to permit a rear single-unit dwelling above a detached garage (a carriage house) with reduced development standards on a lot developed with a single-unit dwelling in the R-3, Residential District (Council Variance # CV14-055).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0236-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20150202

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 2/4/2015  | 1    | CITY CLERK            | Attest                  |        |
| 2/3/2015  | 1    | MAYOR                 | Signed                  |        |
| 2/2/2015  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 2/2/2015  | 1    | Zoning Committee      | Approved                | Pass   |
| 1/26/2015 | 1    | Columbus City Council | Read for the First Time |        |

**Council Variance Application: CV14-055**

**APPLICANT:** Richard and Janet Mendola; 4913 Vicksburg Lane; Hilliard, OH 43026.

**PROPOSED USE:** To conform an existing rear single-unit dwelling above a detached garage (carriage house).

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-3, Residential District, and developed with a single-unit dwelling and a detached garage that was converted to a carriage dwelling without evidence of Zoning Clearance or a building permit. The requested Council variance will allow two dwellings on one lot with no frontage on a public street for the rear dwelling. Variances for reduced maneuvering area and yard standards, and a reduction of one required parking space are also included in the request. The site is within the planning area of the *Clintonville Neighborhood Plan* (2009), which recommends single-unit residential development for this location. The Plan also states that, "Future overall residential densities for a given residential neighborhood should be consistent with existing densities, as indicated on the Land Use and Urban Design Plans." Staff believes that the continued use of this carriage house will not have a significant impact on the area's overall density (net density of the two units on this property is approximately 10 du/acre, which is compatible with residential densities in this area). In consideration of density, and that the carriage house includes parking spaces, is already constructed, and has been in use for years, Staff does not object to the request.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.09, Aisle; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.13, R-3 area district 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 **71 EAST COMO AVENUE (43214)**, to permit a rear single-unit dwelling above a detached garage (a carriage house) with reduced development standards on a lot developed with a single-unit dwelling in the R-3, Residential District (Council Variance # CV14-055).

**WHEREAS**, by application # CV14-055, the owner of the property at **71 EAST COMO AVENUE (43214)**, is requesting a Variance to permit a rear single-unit dwelling above a detached garage (a carriage house) with reduced development standards on a lot developed with a single-unit dwelling in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, requires a separate lot for each principal use, while the applicant proposes to make two existing single-unit dwellings on the same lot conforming; and

**WHEREAS**, Section 3312.09, Aisle, requires aisle width and maneuvering to be twenty (20) feet for 90 degree garage parking spaces, while the applicant proposes to maintain an aisle width and maneuvering area of approximately fifteen (15) feet between the garage setback area and the western edge of the alley immediately west of the site; and

**WHEREAS**, Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree garage parking spaces to be twenty (20) feet, while the applicant proposes to maintain a maneuvering area of approximately fifteen (15) feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires that two (2) parking spaces per dwelling unit be provided for a total of four (4) parking spaces, while the applicant proposes three (3) spaces; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires each single-unit dwelling to have a lot of no less than 5,000 square feet, while the applicant proposes two existing single-unit dwellings on one 8,707± square foot lot; and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the rear carriage house dwelling; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes to maintain side yards of zero (0) feet along the east property line for the front single-unit dwelling, and approximately three (3) feet along the east and west property lines for the rear carriage house dwelling; 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 existing rear carriage house dwelling; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the continued use of the carriage house will not add a new or incompatible use to the area, or have a significant impact on the area's overall density. In consideration of density, and that the carriage house includes parking spaces, is already constructed, and has been in use for years, Staff does not object to the request; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 owner of the property located at **71 EAST COMO AVENUE (43214)**, in using said property as desired; and

**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; 3312.09, Aisle; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes, is hereby granted for the property located at **71 EAST COMO AVENUE (43214)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-3, Residential District; with reduced aisle width and maneuvering area from twenty (20) feet to approximately fifteen (15) feet; a parking space reduction from four (4) required spaces to three (3) spaces; a reduced lot area of approximately 4,353 square feet per dwelling; no frontage on a public street for the rear carriage house dwelling; reduced minimum side yard from five (5) feet to zero (0) feet along the east property line for the front single-unit dwelling, and approximately three (3) feet along the east and west property lines for the rear carriage house dwelling; and no rear yard for the rear carriage house dwelling; said property being more particularly described as follows:

**71 EAST COMO AVENUE (43214)**, being 0.2± acres located on the south side of East Como Avenue, 570± feet east of North High Street, and being more particularly described as follows:

Situated in the State Of Ohio, County of Franklin and in the City Of Columbus and bounded and described as follows: Being a Part of Lot Number Ten (10) of Marcia F. Westervelt's Como Subdivision of Land, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 4, Page 420, Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Beginning at the northwest corner of said Lot Number Ten (10);

Thence in a southeasterly direction along the west line of said lot to a point in the southwest corner of said lot;

Thence east along with south line of said lot 35.85 feet to a point;

Thence in a northerly direction 96.6 feet to a point, 45 feet distant from the east line of said lot;

Thence in a northerly direction 50 feet to a point in the north line of said lot, 45 feet distant from the east line of said lot;

Thence west along the north line for said lot 65.11 feet to the Place of Beginning.

Known as Parcel Number: 010-026051

Addressed as: 71 East Como Avenue Columbus, OH 43214

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a rear single-unit dwelling above a detached garage (a carriage house) on a lot developed with a single-unit dwelling, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed carriage house use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.