



Legislation Details (With Text)

File #: 0164-2012 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/19/2012 **In control:** Zoning Committee

On agenda: 3/5/2012 **Final action:** 3/6/2012

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.25, Maneuvering; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1438 CHESAPEAKE AVENUE (43212), to permit two (2) two-unit dwellings on the same lot for two contiguous lots with reduced development standards in the AR-1, Apartment Residential District and to declare an emergency (Council Variance # CV11-035).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0164-2012Attachments, 2. ORD0164-2012Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/6/2012 | 2 | ACTING CITY CLERK | Attest | |
| 3/6/2012 | 2 | MAYOR | Signed | |
| 3/5/2012 | 2 | COUNCIL PRESIDENT | Signed | Pass |
| 3/5/2012 | 1 | Zoning Committee | Taken from the Table | Pass |
| 3/5/2012 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 3/5/2012 | 1 | Zoning Committee | Approved as Amended | Pass |
| 2/13/2012 | 1 | Zoning Committee | Tabled to Certain Date | Pass |
| 2/6/2012 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV11-035

APPLICANT: Metropolitan Holdings LLC; c/o Jeffrey L. Brown, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 725, Columbus, OH 43215.

PROPOSED USE: Two (2) two-unit dwellings on the same lot for two contiguous lots.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Z11-035) to the AR-1, Apartment Residential District for multi-unit residential development on two separate lots. Instead of constructing apartment buildings, the applicant proposes an eight-unit carriage house style development with two (2) two-unit dwellings on each lot; two dwellings fronting on Chesapeake Avenue, and two rear dwellings over garage parking spaces. A variance is necessary because the AR-1 District allows up to four units in the same dwelling, but does not permit two dwellings on the same lot. In addition to the use variance, requested variances are included for reductions to lot width, fronting, building setbacks,

side yard, rear yard, and maneuvering. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which supports carriage house development if it abides by the Plan's density and design considerations. Staff finds that the proposal meets the Plan's considerations and will not add a new or incompatible use to the area as there are other carriage houses within the neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.25, Maneuvering; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1438 CHESAPEAKE AVENUE (43212)**, to permit two (2) two-unit dwellings on the same lot for two contiguous lots with reduced development standards in the AR-1, Apartment Residential District **and to declare an emergency** (Council Variance # CV11-035).

WHEREAS, by application No. CV11-035, the owner of property at **1438 CHESAPEAKE AVENUE (43212)**, is requesting a Council Variance to permit two (2) two-unit dwellings on the same lot for two contiguous lots with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits two (2) apartment houses as an apartment complex on one lot but allows only one two-unit dwelling, while the applicant proposes to construct two (2) two-unit dwellings on the same lot for two contiguous lots; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines for the garage parking spaces; and

WHEREAS, Section 3333.055, Exception for single- or two-family dwelling, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two (2) two-unit dwellings on the same lot for two contiguous lots; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes to maintain lot widths of forty (40) feet; and

WHEREAS, Section 3333.16, 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 dwellings; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes building lines for the front dwellings of eleven feet three inches (11'3") for Lot 1, and eleven feet five inches (11'5") for Lot 2 as shown on the Site Plan; and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be equal to one-sixth of the height of the building where it exceeds two and one-half stories in height, or seven (7) feet for a forty-two foot high building, while the applicant proposes minimum side yards of three feet one inch (3'1") for the rear dwellings, and four feet (4') for the front dwellings as shown on the Site Plan; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes rear yards of twelve percent (12%); and

WHEREAS, the Fifth By Northwest Area Commission recommends approval; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this development has new sidewalks that are a minimum of five feet in width, and sidewalk connections

from the carriage houses to the new public sidewalk along Chesapeake Avenue; and

WHEREAS, City Departments recommend approval because the requested variance to allow an eight-unit carriage house style development meets the *Fifth by Northwest Neighborhood Plan* density and design considerations. Staff supports the proposed use which will not add a new or incompatible use to the area as there are other carriage house developments within the neighborhood; 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 **1438 CHESAPEAKE AVENUE (43212)**, in using said property as desired; **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; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.25, Maneuvering; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1438 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit two (2) two-unit dwellings on the same lot for two contiguous lots, with maneuvering for parking spaces over property lines, reduced lot widths of forty feet (40'), rear dwellings having no frontage on a public street, building lines of eleven feet three inches (11'3") and eleven feet five inches (11'5") for the front dwellings, minimum side yards of three feet one inch (3'1") for the rear dwellings, and four feet (4') for the front dwellings, and reduced rear yards of twelve percent (12%); said property being more particularly described as follows:

1438 CHESAPEAKE AVENUE (43212), being 0.32± acres located on the north side of Chesapeake Avenue, 820± feet east of North Star Road, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the Township of Clinton:

Being Lots Numbered 54 and 55 of LINCOLN HEIGHTS SUBDIVISION to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 250 Recorder's Office, Franklin County, Ohio.

Said property is shown on the Franklin County Auditor's Records as Parcel Numbers 130-001400 and 130-001395.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two (2) two-unit dwellings on the same lot for two contiguous lots, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled, "**1438 CHESAPEAKE AVENUE ZCL-1 and ZCL-2**," drawn by V Design, dated

January 16, 2012, and signed by Matthew R. Vekasy, Metropolitan Holdings LLC, 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 Plans 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 use.

SECTION 4. ~~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.**