



Legislation Details (With Text)

File #: 0321-2014 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 2/3/2014 **In control:** Zoning Committee
On agenda: 3/3/2014 **Final action:** 3/6/2014
Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.09, Aisle; 3332.16, Exception for single family or two family dwelling; 3312.25, Maneuvering; 3312.29, Parking space; 3332.05, Area district lot width requirements; 3332.19, Fronting on a public street; 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 1499 ELMWOOD AVENUE (43212), to permit one, two-unit and one, single-unit buildings each on two separate lots and two, single-unit buildings each on two separate lots with reduced development standards in the R-4, Residential District and to declare an emergency Council Variance # CV13-010).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0321-2014attachments, 2. Notice Of Public Hearing - Council Mtg20140303

Date	Ver.	Action By	Action	Result
3/6/2014	2	CITY CLERK	Attest	
3/5/2014	2	MAYOR	Signed	
3/3/2014	2	COUNCIL PRESIDENT	Signed	
3/3/2014	1	Zoning Committee	Approved as Amended	Pass
3/3/2014	1	Zoning Committee	Amended to Emergency	Pass
2/24/2014	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV13-010

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 lots, each with a two-unit building and separate one-unit building, and two lots, each with two separate single-unit buildings with reduced development standards in the R-4, Residential District.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two lots developed with single-unit dwellings and two undeveloped lots, all zoned in the R-4, Residential District. The applicant proposes to retain the existing single-unit dwellings and construct single-unit carriage houses behind the existing single-unit dwellings and then to construct two new two-unit buildings on the two undeveloped lots, each with a new one-unit carriage house in the rear. A Council variance is necessary because the R-4 District allows up to four units in the same building, but does not permit more than one building containing dwellings on the same lot. Staff views that aspect of this proposal as a technicality. The applicant requests variances to the requirements for frontage on a public street, minimum side yard, maximum side yard, rear yard, exception for single or two family dwelling, maneuvering, aisles, and stacked parking spaces. The site is

located within the planning area of the *Fifth by Northwest Neighborhood Plan (2009)*, which calls for single- or two-unit dwellings in this area although it stipulates carriage house development may be supported if it abides by the Plan's density and design considerations. The applicant has scaled back his original proposal and the density and front building line are more in keeping with the surrounding neighborhood and the *Fifth by Northwest Neighborhood Plan (2009)*, Staff can recommend approval.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.09, Aisle; 3332.16, Exception for single family or two family dwelling; 3312.25, Maneuvering; 3312.29, Parking space; 3332.05, Area district lot width requirements; 3332.19, Fronting on a public street; 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 **1499 ELMWOOD AVENUE (43212)**, to permit one, two-unit and one, single-unit buildings each on two separate lots and two, single-unit buildings each on two separate lots with reduced development standards in the R-4, Residential District **and to declare an emergency Council Variance # CV13-010**).

WHEREAS, by application No. CV13-010, the owner of property at **1499 ELMWOOD AVENUE (43212)**, is requesting a Council Variance to permit two two-unit dwellings each with a rear single-unit dwelling above a detached garage (a carriage house) on the same lot with reduced development standards and to retain two existing single-unit dwellings while constructing a one-unit carriage house behind each of the existing single-unit dwellings in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District use, requires a separate lot for each principal use, while the applicant proposes to construct two two-unit dwellings each with a rear single-unit dwelling above a detached garage (a carriage house) on two lots with reduced development standards and to retain two existing single-unit dwellings while constructing a one-unit carriage house behind each of the existing single-unit dwellings with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3312.09, Aisle, requires a minimum width of twenty (20) feet for parking spaces located at a 90 degree angle to the drive aisle, while the applicant proposes an eighteen foot drive aisle behind the carriage houses on lots one and four; and

WHEREAS, Section 3332.16, Exception for single-unit or two-unit dwelling; allows a single-unit or two-unit dwelling to be erected on any lot that was separately owned and of record on January 14, 1959, or on any lot in a recorded subdivision that was on record on such date notwithstanding the requirements of CC. 3332.05 through 3332.15, inclusive in an R-4 area district, while the applicants wish to permit two two-unit dwellings each with a rear single-unit dwelling above a detached garage (a carriage house) on the same lot with reduced development standards and to retain two existing single-unit dwellings while constructing a one unit-carriage house behind each of the existing single-unit dwellings in the R-4, Residential District; 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; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking spaces only for single- and two-unit dwellings, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes stacked parking spaces behind the carriage houses on lots 1 and 4; 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 applicant proposes forty-one (41) foot wide lots; 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 westernmost single-unit dwellings i.e. carriage houses; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 8.2 feet on lots 1 and 4 , while the applicant proposes the sum of the widths of the side yards to be seven (7) feet on lots 1 and 4 and seven feet and one inch for the existing dwelling on lot 1; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum five (5) foot side yard, while the applicant proposes a side yard of 2 feet 5 inches for the existing dwelling on Lot 1; to 4 feet for the proposed carriage house dwellings on Lot 2 and Lot 3; and to 3 feet for the carriage house dwelling on Lot 4.

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 a rear yard of 12.7 % for lots 1 and 4 and 0% for lots 2 and 3; and

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

WHEREAS, the City Departments recommend approval of this Council variance because the applicant has incorporated staffs recommendations regarding scale and density into the proposed development to make it more in keeping with the surrounding neighborhood and the *Fifth by Northwest Neighborhood Plan* (2009). Staff also finds that the fact that the R-4 District allows up to four units in the same building but does not permit more than one building containing dwellings on the same lot, to be a technicality; 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 **1499 ELMWOOD 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 3332.039, R-4, Residential District use; 3312.09, Aisle; 3332.16, Exception for single family or two family dwelling; 3312.25, Maneuvering; 3312.29, Parking space; 3332.05, Area district lot width requirements; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; are hereby granted for the property located at **1499 ELMWOOD AVENUE (43212)**, insofar as said sections prohibit two lots with a two-unit and separate one-unit buildings on each lot and two lots with two separate single-unit buildings each on the same lot with reduced development standards in the R-4, Residential District on forty-one (41) foot wide lots, with the rear dwellings having no frontage on a public street, a maximum side yard totaling seven (7) feet, and minimum side yards as low as 2 feet five inches, rear yards as low as 0%, and stacked parking spaces in front of garage parking spaces, with 18 foot wide parking aisles where 20 would be required and vehicular maneuvering over property lines; said property being more particularly described as follows:

1499 ELMWOOD AVENUE (43212), being 0.59± acres located on the west side of Elmwood Avenue 445± feet south of West Fifth Avenue, and being more particularly described as follows:

Legal Description

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 586, 587, 588, and 589, of "F.S. Wagenthals Amended Subdivision" subdivision recorded in Plat Book 4, Page 412, said lots being in the name of Jason and Stacey Dodgion and described as follows:

Beginning in the west right-of-way line of Elmwood Avenue and at the northeast corner of said Lot 589 of said "F.S. Wagenthals Amended Subdivision";

Thence Southerly, along said west right-of-way line, about 164 feet to the southeast corner of said Lot 586;

Thence Westerly, along the south line of said Lot 586, about 147 feet to the southwest corner of said Lot 586, and in the east right-of-way line for an Alley;

Thence Northerly, along said east right-of-way line, about 164 feet to the northwest corner of said Lot 589; Thence Easterly, along the north line of said Lot 589, about 147 feet to the *Point of Beginning*. Containing approximately .59 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 010-050628 and 010-062873

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two lots with one two-unit building and one one-unit building on each lot and two lots with two single-unit buildings on each lot with reduced development standards in the R-4, Residential District, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1499 ELMWOOD AVENUE,**" and "**EXISTING CONDITIONS & BUILDING CONDITIONS PLAN FOR 1499 ELMWOOD AVENUE,**" both signed by David L. Hodge, attorney for the applicant, and both dated January 21, 2014. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or 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.**