



## Legislation Details (With Text)

**File #:** 1752-2013      **Version:** 1

**Type:** Ordinance      **Status:** Defeated

**File created:** 6/28/2013      **In control:** Zoning Committee

**On agenda:** 3/3/2014      **Final action:** 3/3/2014

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.29, Parking space; 3312.25, Maneuvering; 3332.05, District lot width requirements; 3333.18, Building lines; 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 two two-unit buildings on the same lot and two single-unit dwellings on the same lot with reduced development standards in the R-4, Residential District (Council Variance # CV13-010).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1752-2013attachments, 2. Notice Of Public Hearing - Council Mtg20130722

Date	Ver.	Action By	Action	Result
3/3/2014	1	Zoning Committee	Taken from the Table	Pass
3/3/2014	1	Zoning Committee	Defeated	Fail
7/22/2013	1	Zoning Committee	Tabled Indefinitely	Pass
7/15/2013	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 with two-unit buildings on each lot and two lots with two single-unit buildings each on the same lot with reduced development standards in the R-4, Residential District.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site consists of two lots developed with single-unit dwelling and two undeveloped lots, all zoned in the R-4, Residential District. The applicant proposes to retain the existing single-unit dwellings and construct a single-unit carriage house on the rear of each of the already developed lots and then to construct four two-unit buildings on the two undeveloped lots. The applicant was granted a CV in 1999, for the site immediately to the north. That development is less intense and was supported because it was fairly consistent with existing four-unit buildings to the north, closer to Fifth Avenue and there was no area plan in place at the time. 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, building lines, minimum side yard, maximum side yard, rear yard, side or rear yard obstruction, exception for single or two family dwelling, maneuvering and parking space. 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. Planning Staff finds that the proposed carriage houses do not meet said standards stating that the proposed two-unit carriage houses would result in two relatively small lots having four units with a mass that is out of proportion to the surrounding area. Furthermore, Zoning Staff finds no hardship for the requested variances to building lines, rear yard and side and rear yard obstruction and finds that if these variances are granted this proposal will result in buildings that project out in front of the adjacent buildings to the south, will allow the applicant to cover more of this site with building and pavement than the other existing single-, two and four unit developments on the street. Staff recommends the applicant scale back these elements and design something more in keeping with the established development pattern of the neighborhood.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.29, Parking space; 3312.25, Maneuvering; 3332.05, District lot width requirements; 3333.18, Building lines; 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 two two-unit buildings on the same lot and two single-unit dwellings on the same lot with reduced development standards in the R-4, Residential District (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 a two-family dwelling and a rear single-family dwelling above a detached garage (a carriage house) on the same lot with reduced development standards 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-family dwelling and a rear single-family dwelling above a detached garage (a carriage house) on the same lot; 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 lot is forty-one (41) feet wide; and

**WHEREAS**, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet, while the applicant proposes a building line of 21 feet 10 inches for the existing single unit dwelling on lot 1, 12 feet 8 inches for the proposed dwellings on lots 2 and 3 and 20 foot 8 inches for the dwelling on lot 4; 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 single-family dwelling; 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 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 3 foot side yard for the proposed dwellings on lots 1 and 4 and side yards of two feet five inches for the existing dwelling on lot 1; to 3 feet 3 inches for the existing dwelling on lot 4 and to four feet for the proposed dwelling on lots 2 and 3; 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 a rear yard of 12.7 % for lots 1 and 4 and 5.1% for lots 2 and 3; and

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

**WHEREAS**, City Departments recommend disapproval because no hardship for the requested variances to building lines, rear yard and side and rear yard obstruction and finds that if these variances are granted this proposal will result in buildings that project out in front of the adjacent buildings to the south and will allow the applicant to cover more of this site with building and pavement than the other existing single-, two and four unit developments on the street. Furthermore the Planning Staff finds that the proposal is not consistent with the recommendation of the *Fifth by Northwest Neighborhood Plan (2009)* nor do the carriage houses meet density and design considerations in the *Fifth by Northwest Neighborhood Plan (2009)*. If allowed this would open the door for more redevelopment with decreased green space and decreased setbacks in this area not in character with the area, possibly destabilizing 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 **1499 ELMWOOD AVENUE (43212)**, 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; 3312.29, Parking space; 3312.25, Maneuvering; 3332.05, District lot width requirements; 3333.18, Building lines; 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 two-unit buildings on each lot and two lots with two single-unit buildings each on the same lot with reduced development standards in the R-4, Residential Districton including forty-one (41) foot wide lots, with the rear dwellings having no frontage on a public street, with building lines as low as 12 feet 8 inches, a maximum side yard totaling seven (7) feet, and minimum side yards as low as 3 feet , rear yards as low as 5%, and stacked parking spaces in front of garage parking spaces 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 two-unit buildings on each lot and two lots with two single-unit buildings each on the same 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 June 10, 2013. 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.