



## Legislation Details (With Text)

**File #:** 1089-2021      **Version:** 1

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

**File created:** 4/22/2021      **In control:** Zoning Committee

**On agenda:** 5/10/2021      **Final action:** 5/13/2021

**Title:** To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3332.12, R-2 area district requirements; 3332.19, Fronting; 3332.26(B), Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at 306 LELAND AVE. (43214), to permit a single-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-2, Residential District (Council Variance #CV21-022).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1089-2021\_Attachments, 2. ORD1089-2021\_Labels

Date	Ver.	Action By	Action	Result
5/13/2021	1	ACTING CITY CLERK	Attest	
5/12/2021	1	MAYOR	Signed	
5/11/2021	1	COUNCIL PRESIDENT PRO-TEM	Signed	
5/10/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
5/10/2021	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV21-022**

**APPLICANT:** Kurt Mortensen; 306 Leland Avenue; Columbus, OH 43214.

**PROPOSED USE:** Single-unit dwelling with a single-unit carriage house.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a single-unit dwelling in the R-2, Residential District. The requested Council variance will permit a single-unit dwelling over the existing detached garage (a carriage house). A Council variance is required because the R-2 district only permits one single-unit dwelling on a lot. Variances for area district requirements, fronting, side yard, and rear yard are included in this request. The site is located with the planning boundaries of the *Clintonville Neighborhood Plan (2009)*, which recommends “Single Family” land uses at this location. Despite this recommendation, the Plan also encourages the continued development of multi-unit residential project uses to help fill the housing gap for young professionals and seniors, provide support for retail revitalization, and foster pedestrian activity. The addition of a carriage house is generally consistent with these recommendations. To ensure the proposed carriage house is compatible with adjacent dwellings, the Planning Division staff evaluated building elevations to review for consistency with the Plan’s design guidelines.

To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3332.12, R-2 area district

requirements; 3332.19, Fronting; 3332.26(B), Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **306 LELAND AVE. (43214)**, to permit a single-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-2, Residential District (Council Variance #CV21-022).

**WHEREAS**, by application #CV21-022, the owner of the property at **306 LELAND AVE. (43214)**, is requesting a Variance to permit a single-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-2, Residential District; and

**WHEREAS**, Section 3332.033, R-2, residential district use, only permits one single dwelling, while the applicant proposes to construct a rear single-unit dwelling above a detached garage (a carriage house), on a lot developed with an existing single-unit dwelling; and

**WHEREAS**, Section 3332.12, R-2 area district requirements, requires that a single-unit dwelling shall have a minimum net floor area for living quarters of 720 square feet, while the applicant proposes a carriage house dwelling containing approximately 672 square feet; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street, while the applicant proposes the carriage house to front on a public alley; and

**WHEREAS**, Section 3332.26(B), Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain a reduced side yard of 4.6 feet along the east side of the existing single-unit dwelling; and

**WHEREAS**, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard for the carriage house; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes parking spaces to encroach into the eastern side yard of the carriage house; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance is generally consistent with recommendations for multi-unit residential projects in the *Clintonville Neighborhood Plan* planning area, and will not introduce an incompatible use; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed carriage house; 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 **306 LELAND AVE. (43214)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.033, R-2 residential district; 3332.12, R-2 area district requirements; 3332.19, Fronting; 3332.26(B), Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction; for the property located at **306 LELAND AVE. (43214)**, insofar as said sections prohibit a single-unit dwelling and single-unit carriage house on one lot in the R-2, Residential District; a reduced dwelling size from 750 square feet to approximately 672 square feet; no frontage on a public street for the carriage house dwelling; a reduced minimum side yard from 5 feet to 4.6 feet along the east property line of the existing single-unit dwelling; a reduced rear yard from 25 percent to zero percent for the carriage house; and parking spaces that encroach into the eastern side yard of the carriage house; said property being more particularly described as follows:

**306 LELAND AVE. (43214)**, being 0.52± acres located at the northeast corner of Leland Avenue and Delawanda Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio: Being Lot numbers One Hundred Sixty Nine (169), One Hundred Seventy (170), and One Hundred Seventy One (171) in Delawanda, and addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 17 Recorder's Office, Franklin County, Ohio.

Property Address: 306 Leland Avenue, Columbus, Ohio 43214  
Parcel No.: 010-109805

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a single-unit dwelling with a single-unit carriage house, in accordance with the submitted site plan, or those uses permitted in the R-2, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE PLAN**," and building elevations titled, "**306B LELAND**," all dated April 12, 2021, and signed by Kurt Mortensen, 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 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed carriage house.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.