



## Legislation Text

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**File #:** 1774-2021, **Version:** 1

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### **Council Variance Application: CV20-133**

**APPLICANT:** Lykens Companies; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor, Columbus, OH 43215.

**PROPOSED USE:** Single- and two-unit dwelling development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels, one zoned in the L-P-1, Limited Parking District (Areas A-C) and developed with a parking lot, and one zoned in the R-2F, Residential District (Areas D-E) and developed with a commercial building and a two-unit dwelling. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the R-2F, Residential District (Ordinance #1773-2021, Z20-116) for Areas A-C because they are currently zoned in the L-P-1, Limited Parking District. The requested Council variance will permit three single-unit dwellings, one two-unit dwelling, and one detached garage on five newly-created lots, with the commercial building being converted into one of the single-unit dwellings, and the existing two-unit dwelling being retained. Variances are included to vary lot width, area district requirements, vision clearance, lot coverage, fronting, building lines, private garage height, side yard, rear yard, a parking space reduction of six required spaces, and to allow a garage as a principal use on Area C to provide three parking spaces for three of the dwellings. Approval of this request will permit single- and two-unit residential development that is consistent with the recommendations of the *Harrison West Plan* (2005), and *Columbus Citywide Planning Policies* (C2P2) Design Guidelines, which recommends that the design and character of new development be based on the compatibility with structures in the surrounding neighborhood. Planning staff finds the conceptual elevations for the proposed new housing compatible with the nearby environment, and consistent with the development pattern of the neighborhood.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.21, Building lines; 3332.26 (F), Minimum side yard permitted; 3332.27, Rear yard; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1275 MICHIGAN AVE. (43201)**, to permit a garage as a principal use and reduced development standards for a single- and two-unit dwelling development in the R-2F, Residential District (Council Variance #CV20-133).

**WHEREAS**, by application #CV20-133, the owner of property at **1275 MICHIGAN AVE. (43201)**, is requesting a Council variance to permit a garage as a principal use and reduced development standards for a single- and two-unit dwelling development in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F residential district, prohibits a garage as a primary use, while the applicant proposes a garage on its own lot in Area C to provide parking for the dwellings on Areas D and E; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, for two spaces for the single-unit dwelling on Area D, and four spaces for the two-unit dwelling on Area E, while the

applicant proposes zero parking spaces on Areas D and E, with three parking spaces for the dwellings being provided in the proposed garage on Area C; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a 10 foot clearance triangle at the intersection of Michigan Avenue and the alley, while the applicant proposes to maintain a clear vision triangle of zero feet for the existing structure on Area D, as shown on the site plan; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-2F, Residential District, while the applicant proposes reduced lot widths of 32, 28, 32, 26, and 34 feet for Areas A, B, C, D, and E, respectively; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires that a principal building shall be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes reduced lot areas of approximately 2,315 square feet, 940 square feet, 920 square feet, and 2,346 square feet for Areas A, C, D, and E, respectively, and 2,352 square feet for Area B (pursuant to lot area calculation in 3332.18(C)); and

**WHEREAS**, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes lot coverages of 54, 58, 61, and 64 percent for Areas A, B, C, and D, respectively; and

**WHEREAS**, Section 3332.19, Fronting, requires a principal building to have frontage on a public street, while the applicant proposes a garage on Area C that fronts a public alley; and

**WHEREAS**, Section 3332.21, Building Lines, requires a building setback line of no less than 10 feet along Michigan Avenue, while the applicant proposes to maintain the building lines on Area D and E to approximately 0.50 feet and 6 feet, respectively; and

**WHEREAS**, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.66 feet for Areas A and B, and 3 feet for Areas D and E, while the applicant proposes minimum side yards of 3 feet for Areas A and B, 0.40 feet along the southern property line of the existing structure on Area D, and 1.8 feet along the western property line of the existing structure on Area E, as shown on the site plan; 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 rear yards of 9 percent, 17 percent, 1 percent, and 8 percent for Areas A, C, D, and E, respectively; and

**WHEREAS**, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a height of 20 feet for the detached garage on Area B; and

**WHEREAS**, the City Departments recommend approval of the requested variance because the proposal will allow a single- and two-unit residential development that is consistent with *Columbus Citywide Planning Policies (C2P2)* Design Guidelines, and is compatible with the development pattern of the surrounding neighborhood; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1275 MICHIGAN AVE. (43201)**, 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 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.21, Building lines; 3332.26(F), Minimum side yard permitted; 3332.27, Rear yard; and 3332.38(G), Private garage, is hereby granted for the property located at **1275 MICHIGAN AVE. (43201)**, insofar as said sections prohibit a garage as a principal use in the R-2F, Residential District; with a reduced number of parking spaces from 4 and 2 required spaces on Areas D and E, respectively, to zero provided spaces, and with three spaces being provided in the garage in Area C; a reduced clear vision triangle on Area D at the intersection of the alley and Michigan Avenue; reduced lot widths from 50 feet to 32, 28, 32, 26, and 34 feet for Areas A, B, C, D, and E, respectively; reduced lot areas from 6,000 square feet to 2,315, 940, 920, and 2,346 square feet for Areas A, C, D, and E, respectively, and 2,352 square feet for Area B; no frontage on a public street for Area C; reduced building lines from 10 feet along Michigan Avenue to 0.50 feet and 6 feet for Areas D and E, respectively; reduced side yards as follows: from 5.66 feet to 3 feet for Areas A and B; and from 3 feet to 0.40 feet along the southern property line of Area D, and 1.8 feet along the western property line of Area E; reduced rear yards from 25 percent to 9, 17, 1, and 8 percent for Areas A, C, D, and E, respectively; and an increased garage height from 15 feet to 20 feet on Area B; said property being more particularly described as follows:

**1275 MICHIGAN AVE. (43201)**, being 0.22± acres located at the southwest corner of West 5<sup>th</sup> Avenue and Michigan Avenue, and being more particularly described as follows:

AREAS A, B, AND C

Being situated in the County of Franklin in the State of Ohio and in the City of Columbus and being Lots Nos. 612 and 613 in COLLINS, ATKINSON AND GUITNER'S THIRD ADDITION to said City, as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 2, Page 222, Recorder's Office, Franklin County, Ohio.

PID: 010-033095

AREAS D AND E

Situated in Franklin County and State of Ohio, to-wit, Located in the City of Columbus and further described as:

Being Lot Number 9 and one foot off of the east side of J. M. Loren's Subdivision of Lots 606 to 611, inclusive, and Lots 528 and 530, inclusive, in Collings, Atkinson and Guitner's Third Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 150, Recorder's Office, Franklin County, Ohio.

PID: 010-001776

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a garage on Area C, or those uses permitted in the R-2F, 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**," dated May 19, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plan 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 plan 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 Certificates of Occupancy for the proposed uses.

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