



Legislation Text

File #: 1691-2021, **Version:** 1

Council Variance Application: CV21-009

APPLICANT: C&W Investment Co 2, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Residential development.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a two-unit dwelling in the AR-1, Apartment Residential District. The applicant proposes to split the site into two lots, add a carriage house to the lot with the two-unit dwelling, and construct two single-unit dwellings on the other lot. A Council variance is required because the AR-1 district prohibits two dwellings on the same lot. Variances for lot width, fronting, maximum side yards, minimum side yards, and rear yards are included in the request. Staff supports the proposal because the requested variances will not add incompatible uses to the area, and it is consistent with the recent development pattern in historic urban neighborhoods. Additionally, the building design will conform to the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard; of the Columbus City Codes; for the property located at **90 W. GREENWOOD AVE. (43201)**, to permit a two-unit dwelling and a single unit dwelling on one lot and two single-unit dwellings on another lot with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV21-009).

WHEREAS, by application #CV21-009, the owner of the property at **90 W. GREENWOOD AVE. (43201)**, is requesting a Variance to permit a two-unit dwelling and a single-unit dwelling on one lot and two single-unit dwellings on another lot 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, prohibits two dwellings on one lot, while the applicant proposes a two -unit dwelling and a single-unit dwelling on one lot and two single-unit dwellings on another lot; and

WHEREAS, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of less than 50 feet, while the applicant proposes a reduced lot width of 36 feet for Area A and 29.4 feet for Area B; and

WHEREAS, Section 3333.16, Fronting, requires each dwelling to have frontage on a public street, while the applicant proposes a carriage house fronting on a public alley on Area A and Area B; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the

applicant proposes a reduced total side yard from 7.2 feet to 6 feet for the carriage house on Area A; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain a 3 foot side yard along the western property line for the existing two-unit dwelling on Area A, and reduced side yards as follows: 3 feet along the eastern and western property lines of the carriage house on Area A; 3.5 feet along the eastern property line and 3 feet long the western property line for the single-unit dwelling on Area B; and 3 feet along the eastern and western property lines for the carriage house on Area B; 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 25 percent of the total lot area, while the applicant proposes no rear yard for the proposed carriage house on Area A and on Area B; and

WHEREAS, the Victorian Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other single-unit dwellings with carriage houses within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed rear dwelling; 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 **90 W. GREENWOOD 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 is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, for the property located at **90 W. GREENWOOD AVE. (43201)**, insofar as said sections prohibit a two-unit dwelling and a single-unit dwelling on one lot and two single-unit dwellings on another lot in the AR-1, Apartment Residential District; with reduced lot widths from 50 feet to 36 feet and 29.4 feet for Area A and Area B, respectively; no frontage on a public street for the carriage house on Area A and Area B; reduced maximum side yard from 7.2 feet to 6 feet for the carriage house on Area A; reduced minimum side yards from 5 feet to as follows: 3 feet along the western property line for the existing two-unit dwelling on Area A, and the eastern and western property lines for the proposed carriage house on Area A; 3.5 feet and 3 feet along the eastern and western property lines, respectively, for the proposed single-unit dwelling on Area B, and 3 feet along the eastern and western property lines of the proposed carriage house on Area B; reduced rear yard from 25 percent of the lot to 0 percent for the carriage houses on Area A and Area B; said property being more particularly described as follows:

90 W. GREENWOOD AVE. (43201), being 0.20± acres located on the north side of West Greenwood Avenue, 365± feet east of Dennison Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, in the State of Ohio and being further described as:

Being a part of Lot Number 12 of Joseph R. Starr's Administrators Subdivision of a part of Fractional Section Number 5, Township No. 5, Range 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 229, Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Beginning 66 feet east from a stake in the northeast corner of Dennison Avenue and Greenwood Avenue; thence easterly along the north line of Greenwood Avenue 66 feet; thence northerly on a line parallel with Dennison Avenue 134.54 feet to the south line of an alley now 10 feet wide; thence westerly on the south line of said alley and parallel with Greenwood Avenue 66 feet; thence southerly and parallel with Dennison Avenue 134.54 feet to the place of beginning, subject to the reservation of the north 5 feet thereof for an alley.

Property Address: 90 Greenwood Ave., Columbus, OH 43201

Parcel No.: 010-017645

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property, Area A and Area B, is used for a two-unit dwelling and a single-unit dwelling on one lot and two single-unit dwellings on another lot, respectively, 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 plan titled, "**ZONING PLAN**," dated June 11, 2021, signed by David B. 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 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 shall take effect and be in force from and after the earliest period allowed by law.