



Legislation Text

File #: 1694-2020, **Version:** 1

Council Variance Application: CV20-040

APPLICANT: Fisher Development Ltd.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Two single unit dwellings and one two-unit dwelling.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels zoned in the R-4, Residential District, developed with a single-unit dwelling (Lot A) and a detached garage (Lot B). The requested Council variance will conform development standards for the existing single-unit dwelling on Lot A, and will permit the construction of a two-unit dwelling and rear single-unit dwelling (carriage house) on Lot B, with the existing garage to be demolished. A Council variance is necessary because the R-4, Residential District permits a maximum of four dwelling units in one building, but does not permit a two-unit dwelling and single-unit dwelling on one lot. The applicant also requests variances to driveway width, minimum number of parking spaces required, lot width, area district requirements, building lines, maximum and minimum side yards, and rear yard. The site is within the boundaries of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends single- and two-unit dwelling land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). Staff finds the proposal to be consistent with the Plan's land use recommendation and the recent development pattern in urban residential neighborhoods, and will not add incompatible uses to the area as there are other carriage houses within this community.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.13(A), Driveway; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at **1525 WESTWOOD AVE. (43212)**, to permit a two-unit dwelling and a rear single-unit dwelling above a garage (a carriage house) on one lot with reduced development standards, and to conform development standards on an adjacent lot, in the R-4, Residential District (Council Variance #CV20-040).

WHEREAS, by application #CV20-040, the owner of property at **1525 WESTWOOD AVE. (43212)**, is requesting a Council variance to permit a two-unit dwelling and a rear single-unit dwelling above a garage (a carriage house) on one lot with reduced development standards, and to conform development standards on an adjacent lot developed with a single-unit dwelling, both in the R-4, Residential District; and

WHEREAS, Section 3333.039, R-4, residential district, allows a maximum of four units in one building, but does not permit a two-unit and single-unit residential building on one lot, while the applicant proposes to construct a two-unit dwelling with a rear single-unit dwelling above a detached garage (a carriage house) on Lot B; and

WHEREAS, Section 3312.13(A), Driveway, requires a driveway width of 10 feet, while the applicant proposes reduced driveway widths of 8 feet on Lot B and between 3-8 feet on Lot A, while the total driveway width for Lot A is 8 feet with

a portion of the driveway divided by the parcel line with Lot B, as shown on the submitted site plan; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or 6 spaces for Lot B, while the applicant proposes a total of 5 parking spaces; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a lot to be no less than 50 feet wide, while the applicant proposes to maintain the two existing 41 foot wide lots; and

WHEREAS, Section 3332.15 R-4 area district requirements, requires a minimum lot area of 2,500 square feet per dwelling unit, while the applicant proposes a reduced lot area of 1,681 square feet per dwelling unit on Lot B; and

WHEREAS, 3332.21(B), Building lines, requires the building setback to be 25 feet from Westwood Avenue, while the applicant proposes to maintain a reduced building line of 23.9 feet for the existing single-unit dwelling on Lot A; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot, or 8.2 feet for a lot width of 41 feet, while the applicant proposes to maintain a reduced maximum side yard of 5.2 feet for the existing single-unit dwelling on Lot A, and to reduce the maximum side yard to 6 feet for the carriage house on Lot B; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of no less than 5 feet on lots that are 40 feet wide or more in the R-4, Residential District, while the applicant proposes to reduce the minimum side yards to 2.6 feet north and south of the single-unit dwelling on Lot A, to 4 feet on the south side of the proposed two-unit dwelling on Lot B, and to 3 feet on the north and south sides of the proposed carriage house on Lot B; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes to provide no rear yard for the carriage house on Lot B; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal is consistent with the *Fifth by Northwest Neighborhood Plan's* land use recommendation, the recent development pattern in urban residential neighborhoods, and will not add incompatible uses to the area as there are other carriage houses within this community.

WHEREAS, said 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 **1525 WESTWOOD AVE. (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; 3312.13(A), Driveway; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side

yard permitted; and 3332.27, Rear yard, of the City of Columbus codes, are hereby granted for the property located at **1525 WESTWOOD AVE. (43212)**, insofar as said sections prohibit the following:

Lot A: a reduced driveway width from 10 to between 3-8 feet, subject to the total width being 8 feet, but partially divided by the shared parcel line with Lot B; a reduced lot width from 50 to 41 feet; reduced building line along Westwood Avenue from 25 to 23.9 feet for the existing single-unit dwelling; reduced maximum side yards from 8.2 feet to 5.2 feet for existing the single-unit dwelling; and reduced minimum side yards from 5 feet to 2.6 feet on the north and south sides of the existing single-unit dwelling.

Lot B: a two-unit dwelling and single-unit dwelling (carriage house) in the R-4, Residential District; with a reduced driveway width from 10 to 8 feet; a parking space reduction from 6 to 5 spaces; a reduced lot width from 50 to 41 feet; reduced minimum lot area per dwelling from 2,500 to 1,681 square feet; reduced maximum side yards from 8.2 feet to 6 feet for the carriage house; reduced minimum side yards from 5 feet to 4 feet for the south side of the two-unit dwelling, and to 3 feet on the north and south sides of the carriage house; and no rear yard for the carriage house; said property being more particularly described as follows:

1525 WESTWOOD AVE. (43212), being 0.29± acres located on the west side of Westwood Avenue, 400± feet south of West 5th Avenue, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the City of Columbus:

Being Lot Number Six Hundred Forty-Three (643) and Six Hundred Forty-Four (644) of GLADDINGTON HEIGHTS SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 334, Recorder's Office, Franklin County, Ohio.

Parcel Numbers: 010-062548 and 010-062549.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling on Lot A and a two-unit dwelling with a rear single-unit dwelling (carriage house) on Lot B, or those uses permitted in the R-4, 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 elevation drawings titled, "**WESTWOOD DUPLEX**," and "**WESTWOOD CARRIAGE HOUSE**," all dated June 29, 2020, and garage elevation titled, "**WESTWOOD 2 CAR GARAGE**," dated July 2, 2020, all signed by Jeffrey L. Brown, Attorney for the 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 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.