



Legislation Text

File #: 1743-2021, **Version:** 1

Council Variance Application: CV20-131

APPLICANT: Burke Brothers, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 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: Two single-unit dwellings on the same lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-unit dwelling in the ARLD, Apartment Residential District. The applicant requests a Council variance to permit the addition of a carriage house on the property. The request includes variances to the required number of parking spaces, area district requirements, fronting on a public street, building line, side yards, and rear yard requirements. The site is within the planning area of the *Near East Area Plan (2005)*, which does not recommend a land use for this location, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the requested variance as the proposal is consistent with the housing types and density along East Rich Street. Planning Division staff has requested conceptual elevations for the proposed carriage house, and suggests that windows be included on all four sides. The Plan design guidelines encourage housing design be compatible with existing homes in the vicinity, and other housing units in the immediate block on East Rich Street include windows on all sides.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 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 **969 E. RICH ST. (43205)**, to permit a single-unit dwelling and a single-unit carriage house dwelling on the same lot with reduced development standards in the ARLD, Apartment Residential District (Council Variance #CV20-131).

WHEREAS, by application #CV20-131, the owner of the property at **969 E. RICH ST. (43205)**, is requesting a Variance to permit a single-unit dwelling and a single-unit carriage house dwelling on the same lot with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, requires a separate lot for each dwelling, while the applicant proposes to build a single-unit dwelling above a detached garage (carriage house) on the rear of a lot developed with a single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces total for two units, while the applicant proposes two parking spaces; 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 to maintain the existing lot width of 33 feet; and

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

WHEREAS, Section 3333.18, Building lines, requires a building line of 10 feet along East Rich Street, while the applicant proposes to maintain a 7 foot building line for the existing single-unit dwelling; 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 to maintain a reduced total side yard from 6.6 to 2 feet for the existing single-unit dwelling; 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 2 foot side yard along the eastern property line and a zero foot side yard along the western property for the existing single-unit dwelling; 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 new carriage house; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will permit residential development that is consistent with the housing types, density and development pattern found along East Rich Street; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **969 E. RICH ST. (43205)**, 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; is hereby granted for the property located at **969 E. RICH ST. (43205)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the ARLD, Apartment Residential District; with a parking space reduction from 4 spaces to 2 spaces; a reduced lot width from 50 feet to 33 feet; no frontage on a public street for the rear carriage house dwelling; a reduced building line from 10 feet to 7 feet along East Rich Street for the existing single-unit dwelling; a reduced maximum side yard from 6.6 feet to 2 feet for the existing single-unit dwelling; reduced minimum side yards from 5 feet to 2 feet along the eastern property line and zero feet along the western property line for the existing single-unit dwelling; and no rear yard for the new carriage house; said property being more particularly described as follows:

969 E. RICH ST. (43205), being 0.14± acres located on the south side of East Rich Street, 200± feet east of Carpenter

Street, and being more particularly described as follows:

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

Being parts of lots numbers twenty-one (21) and twenty-two (22) in Frederick Michael and others subdivision of lot number five (5) and in the west half of lot number six (6) of Bryden and others subdivision of half section 24, township 5, range 22, refugee lands, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 2, page 129, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in South line of Rich Street which is the North line of said of lot number twenty-two (22), refugee lands, as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 2, page 129, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Thence southerly on a line parallel with the East line of said lot number twenty-two (22) to the South lot line of lot number twenty-two (22);

Thence westerly along the South line thirty-three (33) feet or more to a point in the South line of said lot numbered twenty-one (21), thirty-four (34) feet distance from the southwest corner of said lot number twenty-one (21);

Thence North parallel with the West line of said lot number twenty-one (21) to a point in the south line of Rich Street;

Thence Easterly along said South line of Rich Street, thirty-three (33) feet or more, to the point of beginning.

Parcel Number: 010-034858-00

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 and a carriage house on the same lot in accordance with the submitted site plan, or those uses permitted in the ARLD, 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, "**969 E. RICH ST,**" dated March 19, 2021, and signed 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.