



Legislation Text

File #: 1834-2005, **Version:** 2

Council Variance Application: CV05-038

APPLICANT: Richard E. Leyshon; c/o Scot E. Dewhirst, Atty.; Dewhirst, Artz and Dewhirst, LLP; 560 East Town Street; Columbus, Ohio 43215.

PROPOSED USE: Carriage house.

VICTORIAN VILLAGE DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will permit the construction of a second dwelling on a lot developed with an existing single-family dwelling. The ARLD, Apartment Residential District does not allow two separate single-family dwellings on the same lot. Building design will conform to the Victorian Village Commission requirements and the attached site plan. A hardship exists because a variance is necessary to permit the development as proposed. Staff finds the proposed development is consistent with the area's surrounding character.

To grant a Variance from the provisions of Sections 3333.02, ARLD, Apartment Residential District Use, 3333.055, Single- or Two-Family Dwelling; and 3332.24, Side Yard; of the City codes, for the property located at **76 WEST SECOND AVENUE (43201)**, to permit a second single-family dwelling (a carriage house) with reduced side yard setbacks on the rear of a lot developed with a single-family dwelling in the ARLD, Apartment Residential District **and to declare an emergency.** (Council Variance #CV05-038)

WHEREAS, by application No. CV05-038, the owner of property at **76 W. SECOND AVENUE (43201)**, is requesting a Council Variance to permit a second single-family dwelling (a carriage house) with reduced side yard setback on the rear of a lot developed with a single-family dwelling in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, ARLD, Apartment Residential District Use, requires a separate lot for each principal use, while the applicant proposes to construct a second dwelling on the same lot; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3333.055, Single-or Two-Family Dwelling, requires a separate lot for each principal use, while the applicant proposes to construct a second dwelling on the same lot; and

WHEREAS, Section 3333.21, Side yard, requires a side yard of no less than five (5) feet, while the applicant proposes a side yard of no less than three (3) feet; and

WHEREAS, this variance will permit a second single-family dwelling (a carriage house) on the rear of a lot developed with an existing single-family dwelling. The ARLD, Apartment Residential District does not allow two separate single-family dwellings on the same lot. The building design will conform to the Victorian Village Commission requirements and the attached site plan; and

WHEREAS, the Victorian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because a variance is necessary to permit development consistent with the area's surrounding character; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **76 W. SECOND AVENUE (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 3333.02, ARLD, Apartment Residential District use; 3333.055, Single- or Two-Family Dwelling; and 3333.21, Side yard; for the property located at **76 WEST SECOND AVENUE (43201)**, insofar as said sections prohibit a second single-family dwelling (a carriage house) with a side yard reduction from five (5) feet to three (3) feet for the proposed dwelling; said property being more particularly described as follows:

76 WEST SECOND AVENUE (43201), being 0.19± acres located on the north side of West Second Avenue, 527± feet west of North High Street, and being more particularly described as follows:

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

Being Lot Number Nine (9) of E.G. ROBERT' SUBDIVISION, of Lot Number Four (4) and a part of Lot Number Seventeen (17) of JOSEPH R. STARR'S ADMINISTRATOR'S SUBDIVISION of the STARR FARMS in said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 38, Recorder's Office, Franklin County, Ohio.

Parcel No. 10-42136

Property commonly known as 76 West Second Avenue, Columbus, Ohio 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a second single-family dwelling (a carriage house) on the rear of a lot developed with an existing single-family dwelling, 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 and elevation plans titled "**ADDITION AND NEW CARRIAGE HOUSE FOR: 76 W. SECOND AVENUE**", prepared by Urban Order Architecture, dated October 27, 2005 and signed by Scot E. Dewhirst, attorney for the applicant. The Site 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 Site Plan shall be subject to review and approval by the Director of the Department of Development, or his 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 a Certificate of Occupancy for the proposed use.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**