



## Legislation Text

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**File #:** 1490-2015, **Version:** 2

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### **Council Variance Application: CV15-011**

**APPLICANT:** Jason S. Dodgion; c/o David L. Hodge, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 460, Columbus, OH 43215.

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

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two lots each developed with a single-unit dwelling and two undeveloped lots, all zoned in the R-4, Residential District. The site is subject to Ordinance # 0321-2014 (CV13-010), passed on March 3, 2014, which had a specific site plan commitment for a project that retains the existing single-unit dwellings, and allows construction of two single-unit carriage houses behind the existing dwellings, and two new two-unit dwellings on the two undeveloped lots, each with a new one-unit carriage house in the rear. This request is for the same uses/configuration, but with a different site plan. Variances for maneuvering, aisles, parking lot landscaping, stacked parking spaces, reduced parking, lot width, frontage on a public street, building lines, minimum side yard, maximum side yard, and rear yard are included in the request. Staff has no objections to the proposed development because this request allows the same dwelling and carriage house configuration that was previously approved, but reflects lower residential structure height and provides for more open space.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.21(B), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **1499 ELMWOOD AVENUE (43212)**, to permit two separate dwellings on the same lot for four contiguous lots with reduced development standards in the R-4, Residential District, and to repeal Ordinance No. 0321-2014, passed on March 3, 2014 **and to declare an emergency** (Council Variance # CV15-011).

**WHEREAS**, by application No. CV15-011, the owner of property at **1499 ELMWOOD AVENUE (43212)**, is requesting a Council variance to permit two separate dwellings on the same lot for four contiguous lots with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District use, requires a separate lot for each dwelling, while the applicant proposes to construct two two-unit dwellings each with a rear single-unit dwelling above a detached garage (a carriage house) on two lots and to retain two existing single-unit dwellings while constructing a one-unit carriage house behind each of the existing single-unit dwellings; and

**WHEREAS**, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed stacked parking areas for the carriage house dwellings; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines between Lots 2 and 3, and over and through stacked parking spaces; and

**WHEREAS**, Section 3312.29, Parking space, allows stacked parking spaces only for single- and two-unit dwellings, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes stacked parking spaces behind the carriage house dwellings on Lots 1 and 4; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or six (6) spaces total for the three proposed dwelling units on Lots 2 and 3, while the applicant proposes four (4) parking spaces on each of these lots; and

**WHEREAS**, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster and bulk storage enclosure in the required side and rear yards of Lots 2 and 3 as shown on the Site Plan; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-4, Residential District, while the applicant proposes to maintain forty-one (41) foot wide lots; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three (3) or four (4) dwelling units shall be situated on a lot with an area which equals or exceeds 2,500 square feet of lot area per dwelling unit, while applicant proposes a two-unit dwelling and a carriage house on a 6027± square foot lot on Lots 2 and 3, totaling 2009± square feet of lot area per dwelling unit; and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the four carriage house dwellings; and

**WHEREAS**, Section 3332.21(B), Building lines, requires the building setback line to be twenty-five (25) feet from Elmwood Avenue, while the applicant proposes building lines of twenty-four (24) feet on Lots 2 and 3, with porches extending into the setback area as shown on the Site Plan; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 8.2 feet, while the applicant proposes reduced maximum side yards of 6.1 feet for the front dwelling and eight (8) feet for the carriage house dwelling on Lot 1, and eight (8) feet for the carriage house dwelling on Lot 4; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes reduced minimum side yards of 1.39 feet along the south property line and 4.71 feet along the north property line of the existing dwelling, and three (3) feet along the north property line of the proposed carriage house dwelling on Lot 1; 4.67 feet along the south property line of Lot 2 and along the north property line of Lot 3 for the proposed two-unit dwellings, and 3.83 feet along the south property line of the existing dwelling, and three (3) feet along the north property line of the proposed carriage house dwelling on Lot 4; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes no rear yard for the carriage house dwellings, and reduced rear yards of 16.5± percent for the two-unit dwellings on Lots 2 and 3; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering, and a dumpster and bulk storage enclosure in those areas on Lots 2 and 3; and

**WHEREAS**, the Fifth By Northwest Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested Council variance because this proposal allows the same dwelling and carriage house configuration that was previously approved, but reflects lower residential structure height and provides for more open space. Staff has no objections to the proposed development, and also finds that the R-4 district allowing up to four units in the same building, but not permitting two buildings containing dwellings on the same lot, to be a technicality; 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 **1499 ELMWOOD AVENUE (43212)**, in using said property as desired; 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; 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 use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.21(B), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, are hereby granted for the property located at **1499 ELMWOOD AVENUE (43212)**, insofar as said sections prohibit two lots with a two-unit dwelling and separate one-unit dwelling on each lot, and two lots with two separate single-unit dwellings on each lot in the R-4, Residential District; with no parking lot screening; maneuvering over property lines and stacked parking spaces; a parking space reduction from six (6) required parking spaces to four (4) spaces on each of Lots 2 and 3; a dumpster and bulk storage enclosure in required side and rear yards on Lots 2 and 3; reduced lot width from fifty (50) feet to forty-one (41) feet; a reduction in the required lot area from 2,500 square feet per dwelling unit to 2009± square feet for Lots 2 and 3; carriage house dwellings having no frontage on a public street; a reduced maximum side yard from 8.2 feet to 6.1 feet for the front dwelling and eight (8) feet for the carriage house dwelling on Lot 1, and eight (8) feet for the carriage house dwelling on Lot 4; reduced minimum side yards from five (5) feet to 1.39 feet along the south property line and 4.71 feet along the north property line of the existing dwelling, and three (3) feet along the north property line of the proposed carriage house dwelling on Lot 1; 4.67 feet along the south property line of Lot 2 and along the north property line of Lot 3 for the proposed two-unit dwellings, and 3.83 feet along the south property line of the existing dwelling, and three (3) feet along the north property line of the proposed carriage house dwelling on Lot 4; reduced rear yards from twenty-five (25) percent to zero (0) percent for the carriage house dwellings, and 16.5± percent for the two-unit dwellings on Lots 2 and 3; and obstruction of the required side and rear yards by pavement for parking and maneuvering, and a dumpster and bulk storage enclosure; said property being more particularly described as follows:

**1499 ELMWOOD AVENUE (43212)**, being 0.55± acres located on the west side of Elmwood Avenue 445± feet south of West Fifth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 586, 587, 588, and 589, of

"F.S. Wagenthals Amended Subdivision" subdivision recorded in Plat Book 4, Page 412, said lots being in the name of Jason and Stacey Dodgion and described as follows:

*Beginning* in the west right-of-way line of Elmwood Avenue and at the northeast corner of said Lot 589 of said "F.S. Wagenthals Amended Subdivision";

Thence Southerly, along said west right-of-way line, about 164 feet to the southeast corner of said Lot 586;

Thence Westerly, along the south line of said Lot 586, about 147 feet to the southwest corner of said Lot 586, and in the east right-of-way line for an Alley;

Thence Northerly, along said east right-of-way line, about 164 feet to the northwest corner of said Lot 589;  
Thence Easterly, along the north line of said Lot 589, about 147 feet to the *Point of Beginning*. Containing approximately .55 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 010-050628, 010-293671, 010-062873, and 010-293672.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two lots with one two-unit dwelling and one single-unit dwelling on each lot (Lots 2 and 3), and two lots with two single-unit dwellings on each lot (Lots 1 and 4), or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with drawings titled, "**FINAL SITE COMPLIANCE PLAN FOR ELMWOOD APARTMENTS,**" "**ELEVATIONS SHEET 3.1,**" and "**ELEVATIONS SHEET 3.2,**" all signed by David L. Hodge, attorney for the applicant, and dated May 6, 2015. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved 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.~~ **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.**

**SECTION 6.** That Ordinance No. 0321-2014, passed on March 3, 2014, be and is hereby repealed.