



Legislation Text

File #: 3410-2022, **Version:** 1

Council Variance Application: CV22-067

APPLICANT: Ryan McFadyen; c/o David Hodge, Attorney; 8000 Walton Parkway, Suite 260; New Albany, OH 43054

PROPOSED USE: Two-unit dwelling with a single-unit carriage house dwelling.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel in the R-4, Residential District developed with a two-unit dwelling. The requested Council Variance will permit the existing detached garage to be converted into a single-unit carriage house, for a total of three dwellings in two separate buildings on one lot. A Council variance is necessary because the R-4 district permits up to four units in one building, but does not permit a two-unit dwelling and a single-unit dwelling on one lot. The request includes variances to lot coverage, maximum floor area ratio, lot width, area district requirements, fronting, side and rear yards, and a parking space reduction from six required spaces to two parking spaces provided. The site is located within the planning area of the *University District Plan (2015)*, which recommends "Lower Intensity Residential" land uses at this location. Staff supports the proposed use and variances as the Plan recommends both the preservation of existing contributing buildings and lower-intensity residential uses. The proposal preserves the original contributing structure and the original architectural features, and is located within a walkable neighborhood with on-street parking close to transit.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05(A) (4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.26(C)(3), Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **47 CLARK PL. (43201)**, to permit a two-unit dwelling and a rear single-unit dwelling (carriage house) on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV22-067).

WHEREAS, by application #CV22-067, the owner of the property at **47 CLARK PL. (43201)**, is requesting a Variance to permit a two-unit dwelling and a rear single-unit dwelling (carriage house) on one lot with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4 residential district, permits a maximum of four units in one building, while the applicant proposes a two-unit dwelling and a rear single-unit dwelling above the detached garage (carriage house) on one lot; and

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

WHEREAS, Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain increase coverage of 50 percent of the lot area for a two-unit dwelling and a single-unit dwelling; and

WHEREAS, Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes to maintain an increased FAR of 0.76 for a two-unit dwelling and a single-unit dwelling; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes to maintain a lot width of 30 feet; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires that a single-unit dwelling shall be situated on a lot with an area that equals or exceeds 5,000 square feet per dwelling unit, while the applicant proposes a two-unit dwelling and a single-unit dwelling on a lot that contains 2,700± square feet (actual lot size is 4,290± square feet), or 900 square feet per dwelling, pursuant to the lot area calculation in Section 3332.18(C); and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a rear single-unit carriage house dwelling fronting on a rear public alley; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes a side yard of two feet along the west and east property lines for the existing two-unit dwelling; and one foot for the proposed single-unit dwelling along the west property line; 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 a reduced rear yard of 17 percent for the two-unit dwelling, and no rear yard for the proposed single-unit dwelling; and

WHEREAS, the University 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 in the surrounding area, and preserves the existing contributing building consistent with the *University Area Plan's* guidelines; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed single-unit 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 **47 CLARK PL. (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 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.26(C)(3), Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **47 CLARK PL. (43201)**, insofar as said sections prohibit a two-unit dwelling and a single-unit dwelling on the same lot in R-4, Residential District; with a parking space reduction from six spaces to two spaces; increased lot coverage from 25 percent to 50 percent; increased maximum floor area ratio (FAR) from 0.40 to 0.76; reduced lot width from 50 feet to 30 feet; reduced lot area from 5,000 square feet per dwelling unit to 900 square feet; no

frontage on a public street for the single-unit dwelling; a reduced minimum side yard from five to two feet on the east and west property lines for the two-unit dwelling, and one foot on the west property line for the single-unit dwelling; and a reduced rear yard from 25 percent to 17 percent for the two-unit dwelling, and no rear yard for the single-unit dwelling; said property being more particularly described as follows:

47 CLARK PL. (43201), being 0.10± acres, located on the south side of Clark Place, 155± feet west of North Wall Street and being more particularly described as follows:

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

Being Lot Number Fifty-Six (56) in Dennison Place Addition, as the same is numbered and delineated upon the recorded plat thereof; of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio,

Franklin County Parcel number: 010-022157-00

Street address of property: 47 Clark Place, 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 two-unit dwelling and a single-unit carriage house dwelling on the same lot, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed single-unit dwelling.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.