



## Legislation Text

---

**File #:** 0422-2014, **Version:** 2

---

### **Council Variance Application: CV14-001**

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

**PROPOSED USE:** Two, three, and four-unit dwelling development with reduced standards.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is vacant and zoned AR-1, Apartment Residential District, and is subject to Ordinance Numbers 1704-2013 and 1845-2013 (CV13-007 and CV13-015) which permit a configuration of two dwellings per lot for eight separate lots (one three-unit dwelling and 14 two-unit dwellings), for a total of 33 dwellings, with a ninth lot being reserved for open space. This application will repeal the existing ordinances and replace the approved site plan for the south side of Chesapeake Avenue to allow three four-unit dwellings and six two-unit dwellings on one lot (Subarea A), while carrying over the current site plan on the north side of Chesapeake Avenue for one three-unit dwelling and three two-unit dwellings on two lots and retaining the open space lot (Subarea B). The total number of dwellings will remain 33. A variance is necessary because the AR-1 District does not permit two-unit dwellings, nor does it permit two dwelling units on one lot. Variances for parking lot screening, maneuvering, vision clearance, fronting, building setbacks, and for reductions to lot width, side yard, rear yard, and perimeter yard are also included in the request. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which supports carriage house development if it abides by the Plan's density and design considerations. Staff finds that the proposal meets the Plan's considerations, and believes that it will not add incompatible uses to the area since there have been variances already granted to the applicant along Chesapeake Avenue for similar developments.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1441 CHESAPEAKE AVENUE (43212)**, to permit three four-unit dwellings and six two-unit dwellings on one lot (Subarea A), and one three-unit dwelling and three two-unit dwellings on two lots while retaining the open space lot (Subarea B), with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance Nos. 1704-2013 and 1845-2013, passed on July 22, 2013 **and to declare an emergency** (Council Variance # CV14-001).

**WHEREAS**, by application No. CV14-001, the owner of property at **1441 CHESAPEAKE AVENUE (43212)**, is requesting a Council Variance to permit three four-unit dwellings and six two-unit dwellings on one lot (Subarea A), and one three-unit dwelling and three two-unit dwellings on two lots while retaining the open space lot (Subarea B), with reduced development standards in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development on one lot, but allows only one two-unit dwelling per

lot, while the applicant proposes to construct three four-unit dwellings and six two-unit dwellings on one lot in Subarea A, and two two-unit dwellings on Lot 2, and one three-unit dwelling and one two-unit dwelling on Lot 3 in Subarea B; 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 parking lots in both Subareas A and B, but will provide trees as shown on the site plan; 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 maneuvering over parcel lines for Lots 2 and 3 in Subarea B; and

**WHEREAS**, Section 3321.05(A), Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes corners of two dwellings and a porch within the clear vision triangle in Subarea A as shown on the site plan; and

**WHEREAS**, Section 3333.055, Exception for single- or two-family dwelling, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two two-unit dwellings on Lot 2, and one three-unit dwelling and one two-unit dwelling on Lot 3 in Subarea B; and

**WHEREAS**, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes to maintain lot widths of forty (40) feet in Subarea B; and

**WHEREAS**, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the rear dwellings in both Subareas A and B; and

**WHEREAS**, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of five (5) feet for Subarea A and eleven (11) feet for Lots 2 and 3 in Subarea B; and

**WHEREAS**, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be equal to one-sixth of the height of the building where it exceeds two and one-half stories in height, or seven (7) feet for a forty-two foot high building, while the applicant proposes minimum side yards in Subarea B of four (4) feet six (6) inches on the east side of Lot 2 and the west side of Lot 3, and three (3) feet six (6) inches on the east side of Lot 3 and the west side of Lot 2 for the front dwellings, and three (3) feet one (1) inch on the east side of Lot 3 and the west side of Lot 2 for the rear dwellings; 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 twenty-five (25) percent of the total lot area, while the applicant proposes reduced rear yards of 18.25 percent on Lot 2 and eighteen (18) percent on Lot 3 in Subarea B; and

**WHEREAS**, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky while the applicant proposes to allow parking in the proposed side and rear yards in Subarea B; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for a multiple dwelling development, while the applicant proposes a zero (0) foot perimeter yard in Subarea A as shown on the Site Plan; and

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

**WHEREAS**, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this development has new sidewalks that are a minimum of five feet in width, and sidewalk connections to the new public sidewalk along Chesapeake Avenue; and

**WHEREAS**, City Departments recommend approval because the requested variance to allow carriage house development meets the *Fifth by Northwest Neighborhood Plan* density and design considerations, and the proposal will not add incompatible uses to the area since there have been variances already granted to the applicant along Chesapeake Avenue for similar developments; and

**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 **1441 CHESAPEAKE 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 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1441 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit two-unit dwellings and two dwellings on one lot, with no parking lot screening, maneuvering over parcel lines for parking spaces in Subarea B, encroachment into the clear vision triangle in Subarea A, reduced lot widths of forty feet (40') in Subarea B, rear dwellings having no frontage on a public street, reduced building lines from twenty-five (25) feet to five (5) feet in Subarea A and to eleven (11) feet in Subarea B, reduced minimum side yard from seven (7) feet to three (3) feet six (6) inches and four (4) feet six (6) inches for the front dwellings and three (3) feet one (1) inch for the rear dwellings in Subarea B, reduced rear yards of eighteen (18) percent in Subarea B, parking in the proposed side and rear yards in Subarea B, and a reduced perimeter yard from twenty-five (25) feet to zero (0) feet in Subarea A; said property being more particularly described as follows:

**1441 CHESAPEAKE AVENUE (43212)**, being 1.43± acres located on the north and south sides of Chesapeake Avenue, 740± feet east of North Star Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 50, 51, 52, 74, 75, 76, 77, 78, and 79 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, Lots 50, 51, 52, 74 and 75 being in the name of Guy P. Williams, Jr. and Lots 74, 75, 76, 77, 78 and 79 being in the name of Matthew Vekasy and described as follows:

*Beginning* in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 74 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 240 feet to the northeast corner of said Lot 79;

Thence Southerly, along the east line of said Lot 79, about 163 feet to the southeast corner of said Lot 79, and in the north

right-of-way line of an Alley;

Thence Westerly, along said north right-of-way line, about 240 feet to the southwest corner of said Lot 74;

Thence Northerly, along the west line of said Lot 74, about 163 feet to the *Point of Beginning*. Containing approximately .92 acres of land, more or less.

*Beginning* in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 50 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 120 feet to the southeast corner of said Lot 52;

Thence Northerly, along the east line of said Lot 52, about 175 feet to the northeast corner of said Lot 52, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 120 feet to the northwest corner of said Lot 50;

Thence Southerly, along the west line of said Lot 50, about 175 feet to the *Point of Beginning*. Containing approximately .51 acres of land, more or less.

This description was written for zoning purposes only.

Said property is shown on the Franklin County Auditor's Records as Parcel Numbers 420-292045, 420-292043, 420-292044, 420-292040, 420-292042, 420-292041, 420-292065, 420-292063, and 420-292060.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two, three, and four-unit dwelling development.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**1435-1457 CHESAPEAKE AVENUE SHEETS ZCL-1 & ZCL-2**," and "**1450-1460 CHESAPEAKE AVENUE SHEETS ZCL-1 & ZCL-2**," drawn by V Design, dated January 30, 2014, and signed by David L. Hodge, 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 is further conditioned on the applicant maintaining Lot 1 in Subarea B as open space for residential recreational purposes.

**SECTION 6.** ~~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 7.** That Ordinance Nos. 1704-2013 and 1845-2013, passed on July 22, 2013, be and are hereby repealed.