



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 7/1/2013 **In control:** Zoning Committee

On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1616 HAWTHORNE PARK (43203), to permit an apartment hotel (a bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District (Council Variance # CV13-024).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1779-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130722

Date	Ver.	Action By	Action	Result
7/25/2013	1	ACTING CITY CLERK	Attest	
7/24/2013	1	ACTING MAYOR	Signed	
7/22/2013	1	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Zoning Committee	Approved	Pass
7/15/2013	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV13-024

APPLICANT: Ronald J. and Linda Hentsch; c/o Amy K. Kuhn, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Apartment hotel (bed and breakfast) and carriage house.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow an existing single-unit dwelling to be used as an apartment hotel (a bed and breakfast) and will conform an existing dwelling unit above the rear garage (a carriage house) in the R-3, Residential District. A variance is necessary because only the AR-2, AR-3, and AR-4, Apartment Residential Districts allow apartment hotel use, and the R-3, Residential District permits only one dwelling per lot. Variances for driveway width, maneuvering, stacked parking, striping and marking, fronting, side yard, and rear yard are included in the request. The site is located within the planning area of the *Near East Plan* (2005), which contains a series of criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Apartment hotels are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer, as opposed to being located in high density multi-unit residential districts where they are currently permitted. The apartment hotel facility will function as a low impact use that is residential in nature that should integrate well with surrounding residential uses, and continuation of the carriage house use does not add a new or incompatible use since the existing structure is consistent with the surrounding character of the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1616 HAWTHORNE PARK (43203)**, to permit an apartment hotel (a bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District (Council Variance # CV13-024).

WHEREAS, by application #CV13-024, the owner of the property at **1616 HAWTHORNE PARK (43203)**, is requesting a Variance to permit an apartment hotel and a carriage house with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential district, does not permit apartment hotel use, or rear dwellings above garage parking spaces (a carriage house), while the applicant proposes to convert an existing single-unit dwelling into an apartment hotel with living quarters for the owners and a maximum of four (4) guest rooms, and to conform an existing carriage house; and

WHEREAS, Section 3312.13(B), Driveway, requires a minimum width of 20 feet for driveways, while the applicant proposes to maintain the existing 8.75-foot wide driveway; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot including aisles or circulation areas, while the applicant proposes maneuvering over and through parking spaces for the four (4) garage spaces, and 19.17 feet of maneuvering area for the five (5) surface spaces where twenty (20) feet is required; 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 four (4) stacked parking spaces behind four parking spaces as shown on the Site Plan; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to provide no striping or marking; 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 to maintain no frontage for the carriage house; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 3 feet, while the applicant proposes a 1.4 foot side yard along the west property line for the carriage house; 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; and

WHEREAS, this variance will allow an apartment hotel (bed and breakfast) and a carriage house with reduced development standards in the R-3, Residential District; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because apartment hotels are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer, as opposed to being located in high density multi-unit residential districts where they are currently permitted. The apartment hotel facility will function as a low impact use that is residential in nature that should integrate well with surrounding residential uses, and continuation of the carriage house use does not add a new or incompatible use since the existing

structure is consistent with the surrounding character of the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed apartment hotel 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 **1616 HAWTHORNE PARK (43203)**, in using said property as desired and; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.39, Striping and marking; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1616 HAWTHORNE PARK (43203)**, insofar as said sections prohibit an apartment hotel (bed and breakfast) and a carriage house, with a reduced driveway width of 8.75 feet where twenty (20) feet is required; maneuvering over parking spaces for the garage spaces, and 19.17 feet of maneuvering area for the surface spaces where twenty (20) feet is required; four (4) stacked parking spaces; no striping or marking for the surface parking spaces; no fronting on a public street for the carriage house; a reduction in the minimum side yard from five (5) feet to zero (0) feet for the carriage house; and no rear yard for the carriage house; said property being more particularly described as follows:

1616 HAWTHORNE PARK (43203), being 0.43± acres located on the north side of Hawthorne Park, 178± feet west of Woodland Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number Nine (9) and Lot Number Ten (10), of the Amended Plat of Woodlands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 343, Recorder's Office, Franklin County, Ohio.

Known as Parcel Number: 010-037029

Addressed as: 1616 Hawthorne Park Columbus, OH 43203

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an apartment hotel (a bed and breakfast) and a rear carriage house, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SITE PLAN**," drawn by DCH Architects LLC, dated June 28, 2013, and signed Amy K. Kuhn, 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 adjustment to the plan 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 a Certificate of Occupancy for the proposed apartment hotel use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.