



## Legislation Details (With Text)

**File #:** 2901-2014      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/26/2014      **In control:** Zoning Committee

**On agenda:** 12/15/2014      **Final action:** 12/18/2014

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3332.23, Minimum side yard permitted; and 3333.24 Rear yard, of the Columbus City codes; for the property located at 72 WEST SECOND AVENUE (43201), to permit a second single-unit dwelling (a carriage house) with reduced development standards on the rear of a lot developed with a single-unit dwelling in the ARLD, Apartment Residential District (Council Variance #CV14-041).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2091-2014.Attachment, 2. Notice Of Public Hearing - Council Mtg20141215

Date	Ver.	Action By	Action	Result
12/18/2014	1	CITY CLERK	Attest	
12/16/2014	1	MAYOR	Signed	
12/15/2014	1	COUNCIL PRESIDENT	Signed	
12/15/2014	1	Zoning Committee	Approved	Pass
12/8/2014	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV14-041**

**APPLICANT:** Mark T. Alderman; c/o Aaron L. Underhill, Atty.; 8000 Walton Parkway, Suite 260; New Albany, Ohio 43054

**PROPOSED USE:** Rear single-unit dwelling above a detached garage (carriage house).

**VICTORIAN VILLAGE DISTRICT COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned ARLD, Apartment Residential District, and is currently developed with a single-unit dwelling. The requested Council variance will allow the construction of a rear second dwelling above a three-car detached garage (a carriage house). Variances for one required parking space, fronting, existing side yards and rear yard are also included in the request. The variance is necessary because the ARLD district prohibits two single-unit dwellings on one lot. Because the lot size and underlying zoning of the site would permit a two-unit dwelling, Staff has no objections to two separate single-unit dwellings on this lot. In addition, the requested variance will allow development that is characteristic of historic Columbus neighborhoods, and building design will conform to the Victorian Village Commission requirements. Staff supports the proposed use, which will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3332.23, Minimum side yard permitted; and 3333.24 Rear yard, of the Columbus City codes; for the property located at **72 WEST SECOND AVENUE (43201)**, to permit a second single-unit dwelling (a carriage house) with reduced development standards on the rear of a lot developed with a single-unit dwelling in the ARLD, Apartment Residential District (Council Variance #CV14-041).

**WHEREAS**, by application No. CV14-041, the owner of property at **72 WEST SECOND AVENUE (43201)**, is requesting a Council Variance to permit a second single-unit dwelling (a carriage house) with reduced development standards on the rear of a lot developed with a single-unit dwelling in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, requires a separate lot for each principal use, while the applicant proposes to build a single-unit dwelling above a detached garage (carriage house) on the rear of a lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires that two (2) parking spaces per dwelling unit be provided for a total of four (4) parking spaces, while the applicant proposes three (3) spaces; and

**WHEREAS**, Section 3333.09, Area requirements, requires a lot width of at least (50) feet, while the applicant wishes to permit two (2) single-unit dwellings on a lot of record of forty-four (44) feet in width; and

**WHEREAS**, Section 3333.16, Fronting, requires each dwelling, apartment house or principal building to front upon a public street, while applicant proposes to construct a rear single-unit dwelling that instead fronts on an alley; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed twenty (20) percent of the lot width, a total of 8.8 feet for a lot width of forty-four (44) feet, while the applicant proposes to reduce the maximum side yard to eight (8) feet; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes a reduced minimum side yard of three (3) feet on the west side of the property for the existing dwelling and the proposed carriage house; 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 no rear yard for the carriage house; and

**WHEREAS**, the Victorian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance will allow development that is characteristic of historic Columbus neighborhoods, and building design will conform to the Victorian Village Commission requirements. The lot size and underlying zoning of the site would permit a two-unit dwelling; therefore Staff has no objections to two separate single-unit dwellings on this lot. Staff supports the proposed use, which will not add a new or incompatible use to the area; 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 **72 WEST 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, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3332.23, Minimum side yard permitted; and 3333.24 Rear yard, of the Columbus City codes, is hereby granted for the property located at **72 WEST SECOND AVENUE (43201)**, insofar as said sections prohibit two single-unit dwellings on one lot; a parking space reduction from four (4) required spaces to three (3) spaces; a reduced lot width from fifty (50) feet to forty-four (44) feet; increased lot coverage from fifty (50) percent to fifty-five (55) percent; no frontage on a public street for the carriage house; reduced maximum side yard from 8.8 feet to eight (8) feet; reduced minimum side yard from five (5) feet to three (3) feet along the west property line; and no rear yard for the carriage house; said property being more particularly described as follows:

**72 WEST SECOND AVENUE (43201)**, being 0.15± acres located on the north side of West Second Avenue, 520± feet west of North High Street, and being more particularly described as follows:

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

Being two (2) feet off of the west side of lot number seven (7) and all of lot number eight (8) of e.g. Roberts' subdivision of lot 4 and a part of lot no. 17 of Jos. R. Starr's administrator's subdivision of the Starr farm, 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.

**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-unit dwelling (a carriage house) on the rear of a lot developed with an existing single-unit 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 plan titled "**NEW COACH HOUSE - 72 WEST SECOND AVENUE**," prepared by Charles R. Kuhlman , dated September 17<sup>th</sup>, 2014 and signed by Charles R. Kuhlman 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 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 use.

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