



## Legislation Details (With Text)

**File #:** 1249-2015      **Version:** 1

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

**File created:** 4/29/2015      **In control:** Zoning Committee

**On agenda:** 6/1/2015      **Final action:** 6/3/2015

**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 number of parking spaces required; 3321.05, Vision clearance; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City codes; for the property located at 925 DENNISON AVENUE (43201), to conform an existing single-unit dwelling and to construct a single-unit dwelling above a detached garage (a carriage house) on one lot with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV15-003).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1249-2015.Attachment, 2. Notice Of Public Hearing - Council Mtg20150601

Date	Ver.	Action By	Action	Result
6/3/2015	1	CITY CLERK	Attest	
6/2/2015	1	MAYOR	Signed	
6/1/2015	1	COUNCIL PRESIDENT	Signed	
6/1/2015	1	Zoning Committee	Waive the 2nd Reading	Pass
6/1/2015	1	Zoning Committee	Approved	Pass

**Council variance Application: CV15-003**

**APPLICANT:** John and Barbara Eakins, c/o Amy K. Kuhn, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, Ohio 43215.

**PROPOSED USE:** To conform an existing single-unit dwelling and to construct an additional single-unit dwelling (carriage house) on the same lot.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned ARLD, Apartment Residential District, and developed with a single-unit dwelling. The requested Council variance will permit the development of an additional single-unit dwelling (carriage house) on the same lot. Other variances are included for lot width, building lines, minimum side yard, vision clearance, fronting on a public street, rear yard, and minimum number of parking spaces required. A Council variance is necessary because the ARLD, Apartment Residential District permits a three or four unit dwelling, but not two single-unit dwellings on one lot. Staff finds that the proposal is compatible with the area as there are other carriage houses within this community. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements.

To grant a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum number of parking spaces required; 3321.05, Vision clearance; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City codes; for the property located at **925 DENNISON AVENUE (43201)**, to conform an existing single-unit dwelling and to construct a single-unit dwelling above a detached garage (a carriage house) on one lot with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV15-003).

**WHEREAS**, by application No. CV15-003, the owner of property at **925 DENNISON AVENUE (43201)**, is requesting a Council variance to conform an existing single-unit dwelling and to construct a rear single-unit dwelling above a detached garage (a carriage house) on one parcel with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, allows up to four units in one dwelling, but does not permit two single-unit dwellings on one lot, while the applicant proposes to conform an existing single-unit dwelling and construct a rear single-unit dwelling above a detached garage (a carriage house) on the same lot; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or four (4) spaces total for two single-unit dwellings, while the applicant proposes three (3) parking spaces; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a clear vision triangle of ten (10) feet on each residential lot at the intersection of an alley and the street right-of-way, while the applicant proposes to conform the existing porch that encroaches into the 10 foot clear vision triangle; and

**WHEREAS**, Section 3333.09, Area requirements, requires that a lot measure fifty (50) feet in width, while the existing non-conforming lot measures 38.6 feet; and

**WHEREAS**, Section 3333.16, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the rear single-unit dwelling; and

**WHEREAS**, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Dennison Avenue, while the applicant proposes a building line of 13.67 feet for the front dwelling as shown on the Site Plan; and

**WHEREAS**, Section 3333.22, Maximum side yards required, requires the sum of the widths of the side yards to be a maximum of 7.72 feet, while the applicant proposes a maximum side yard of 4.5 feet for the existing single-unit dwelling; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires dwellings in the ARLD District to have side yards not less than (5) feet on a minimum lot width of fifty (50) feet, while the applicant proposes minimum side yards of 1.67 feet on the north and 2.83 feet on the south of the front dwelling, and 3.08 feet on the south of the rear dwelling; and

**WHEREAS**, Section 3333.24, 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 rear single-unit dwelling; and

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

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other carriage houses within this community. The request is consistent with the recent development pattern in historic urban neighborhoods; 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 **925 DENNISON 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 number of parking spaces required; 3321.05, Vision clearance; 3333.09, Area requirements; 3333.16, Fronting; Section 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City codes; is hereby granted for the property located at **925 DENNISON AVENUE (43201)**, in so far as said sections prohibit a single-unit dwelling with a single-unit dwelling above a detached garage (a carriage house) on one lot in the ARLD, Apartment Residential District; a parking space reduction from four (4) required spaces to three (3) spaces; reduced vision clearance triangle to permit the existing porch to encroach into the 10 foot clear vision triangle; a reduced minimum lot width from fifty (50) feet to 38.6± feet; no frontage on a public street for the rear single-unit carriage house; a reduced maximum side yard from 7.72 feet to 4.5 feet for the existing dwelling; reduced minimum side yards of 1.67 feet on the north and 2.83 feet on the south of the front dwelling, and 3.08 feet on the south of the rear dwelling; and a reduced rear yard from twenty-five (25) percent to permit no rear yard for the new single-unit carriage house; said property being more particularly described as follows:

**925 DENNISON AVENUE (43201)**, being 0.12± acres located at the northwest corner of Dennison Avenue and Kleiner Avenue, and being more particularly described as follows:

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

Being Lot Number Thirty-seven (37) of Stewart and Greener Subdivision, as the same is numbered and delineated upon the recorded plot thereof, of record in Plat Book 2, page 78, Recorder's Office, Franklin County, Ohio.

Commonly known as: Franklin County parcel 010-025408.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a rear single-unit dwelling above a detached garage (a carriage house) on a lot developed with a 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 exhibit titled, "**SITE PLAN**," drawn by Collamore Built, dated April 7, 2015, and signed by 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 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 upon 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.