



Legislation Details (With Text)

File #: 1338-2015 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/12/2015 **In control:** Zoning Committee

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

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes; for the property located at 208-212 WILBER AVENUE (43215), to permit a rear single-unit dwelling above a detached garage (carriage house) in the R-4, Residential District (Council Variance # CV15-013).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1338-2015Attachments, 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: CV15-013

APPLICANT: David M. O'Reilly; 212 Wilber Avenue; Columbus, Ohio 43215.

PROPOSED USE: Rear single-unit dwelling above a detached garage (carriage house) on a lot developed with a two-unit dwelling.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-4, Residential District, and developed with a two-unit dwelling. The requested Council variance will permit the development of an additional single-unit dwelling above a 3-car detached garage (carriage house) on the same lot. A variance is necessary because the R-4, Residential District allows a maximum of four units in one dwelling, but does not permit two residential dwellings on one lot. In addition to the use variance, requested variances include reductions to lot width, required rear yard, and to allow no street frontage for the carriage house. Staff finds that the proposal is compatible with the area as there are other carriage houses within this neighborhood. 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 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18

(D), Basis of computing area; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes; for the property located at **208-212 WILBER AVENUE (43215)**, to permit a rear single-unit dwelling above a detached garage (carriage house) in the R-4, Residential District (Council Variance # CV15-013).

WHEREAS, by application #CV15-013, the owner of the property at **208-212 WILBER AVENUE (43215)**, is requesting a Variance to permit a rear single-unit dwelling above a detached garage (carriage house) on a lot developed with a two-unit dwelling in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district, allows a maximum of four units in one dwelling but does not permit two dwellings on one lot, 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 two-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or six (6) spaces total for three units, while the applicant proposes three (3) parking spaces; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain an existing two-unit dwelling and construct a rear single-unit dwelling (carriage house) on a lot that is forty-one (41) feet wide; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three (3) or four (4) dwelling units shall be situated on a lot with an area which equals or exceeds 2,500 square feet of lot area per dwelling unit, while applicant proposes to maintain a two-unit dwelling and to construct a new single-unit carriage house dwelling on a 5,128 ± square foot lot, totaling 1,709.3± square feet of lot area per dwelling unit; and

WHEREAS, Section 3332.18(D), Basis of computing area, requires that a residential building shall occupy alone or together with any other building no greater than fifty (50) percent of the lot area, while the applicant proposes 54.5 percent lot coverage; 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 no frontage for the carriage house dwelling; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be a minimum of 8.2 feet, while the applicant proposes a maximum side yard of seven (7) feet for the carriage house dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires dwellings in the R-4 district to have side yards of no less than five (5) feet on a minimum lot width of greater than (40) feet, while the applicant proposes minimum side yards of 4.66 feet for the existing two-unit dwelling along the east property line, and of 3.5 feet on either side of the carriage house dwelling; 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 a 21.9 percent rear yard for the existing two-unit dwelling, and no rear yard for the carriage house 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 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 **208-212 WILBER AVENUE (43215)**, 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 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes; for the property located at **208-212 WILBER AVENUE (43215)**, insofar as said sections prohibit a two-unit dwelling and a single-unit dwelling on the same lot in the R-4, Residential District; with a parking space reduction from six (6) spaces to three (3) spaces, a reduced lot width from fifty (50) feet to forty-one (41) feet; reduction in the required lot area from 2,500 square feet per dwelling unit to 1,709.3± square feet; increased lot coverage from fifty (50) percent to 54.5 percent; no frontage on a public street for the carriage house dwelling; a reduced maximum side yard from 8.2 feet to seven (7) feet for the carriage house dwelling; reduced minimum side yards from five (5) feet to 4.66 feet on the east side of the two-unit dwelling, and 3.5 feet on either side of the carriage house dwelling; reduced rear yard from twenty-five (25) percent to 21.9 percent for the existing two-unit dwelling; and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

208-212 WILBER AVENUE (43201), being 0.12± acres located on the north side of Wilber Avenue, 41± feet west of Hunter Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and being described as follows:

Being lot Number Nine (9), of Robert E Neil Place Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in plot Book 3, page 362, Records Office, Franklin County, Ohio.

Known as Parcel Number: 010-030757

Addressed as: 208-212 Wilber Avenue Columbus, OH 43215

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling and a rear single-unit dwelling above a detached garage, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan and elevation drawings titled, "**SITE PLAN**," and "**EXTERIOR ELEVATIONS**," signed by David M. O'Reilly, Applicant, and dated May 12, 2015. 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 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 Certificates of Occupancy for the proposed carriage house use.

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