



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 2/4/2019 **In control:** Zoning Committee

On agenda: 2/25/2019 **Final action:** 2/28/2019

Title: To grant a Variance from the provisions of 3332.035, R-3 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 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 49 SOUTH HURON AVENUE (43204), to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV18-107).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0496-2019.Attachments, 2. ORD0496-2019.Labels

Date	Ver.	Action By	Action	Result
2/28/2019	1	ACTING CITY CLERK	Attest	
2/27/2019	1	MAYOR	Signed	
2/25/2019	1	COUNCIL PRESIDENT	Signed	
2/25/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
2/25/2019	1	Zoning Committee	Approved	Pass

Council Variance Application: CV18-107

APPLICANT: Yvonne Riggie; 49 South Huron Avenue; Columbus, OH 43204.

PROPOSED USE: Two single-unit dwellings on one lot.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-unit dwelling and a two car garage in the R-3, Residential District. The requested Council variance will permit the conversion of the garage to a dwelling unit. Variances for reduced parking, lot width requirements, area district requirements, fronting, side yard, rear yard, parking space, maneuvering, and parking setback are included in this request. The site is located within the boundaries of the *Greater Hilltop Plan Amendment* (2010), which recommends "Medium Density Mixed Residential" land uses at this location. Although the proposal exceeds the density recommendation in the Plan, Planning Division Staff recognizes that the reuse of the garage as a dwelling unit has minimal impact on the development pattern for the area and is appropriately designed. The proposal increases the range of housing options by expanding the range of housing types and sizes in the Westgate neighborhood, while also encouraging a more walkable and bikeable neighborhood through appropriate increases in density.

To grant a Variance from the provisions of 3332.035, R-3 residential district; 3312.25, Maneuvering; 3312.27, Parking

setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 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 **49 SOUTH HURON AVENUE (43204)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV18-107).

WHEREAS, by application #CV18-107, the owner of the property at **49 SOUTH HURON AVENUE (43204)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, does not permit two dwellings on one lot, while the applicant proposes to develop an accessory dwelling unit on a lot developed with a single-unit dwelling; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant proposes to reduce the maneuvering area for the parking space in the rear driveway, as shown on the site plan; and

WHEREAS, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet, while the applicant proposes a parking setback line of 20 feet, as shown on the site plan; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking to be located behind each required off-street parking space and not in any other part of a required yard, while the applicant proposes two of the required off-street parking spaces to be stacked and located in the existing driveway, which is partially located in the side yard; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit for a total of four parking spaces, while the applicant proposes a total of three 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 the existing 40± foot wide lot; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes two single-unit dwellings on a lot that contains 4,480± feet (approximately 2,240 square feet per dwelling unit); and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes the accessory dwelling unit to front on an alley; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 3 feet, while the applicant proposes to maintain a minimum side yard of 1± foot for the accessory dwelling unit with parking in the existing driveway along the north property line; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard for the accessory dwelling unit; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances to convert a private garage into a dwelling unit has minimal impact on the development pattern for the area and is appropriately designed. The proposal increases the range of housing options by expanding the range of housing types and sizes in the Westgate neighborhood, while also encouraging a more walkable and bikeable neighborhood through appropriate increases in density; 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 **49 SOUTH HURON AVENUE (43204)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.25, Maneuvering; and 3312.27, Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 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 **49 SOUTH HURON AVENUE (43204)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the R-3, Residential District, with reduced maneuvering area for the rear parallel parking space as shown on the site plan; a reduced parking setback line from 25 feet to 20 feet; two stacked parking spaces in the side yard; a parking space reduction from four required parking spaces to three spaces; a reduced lot width from 50 feet to 40± feet; a reduced lot area of approximately 2,240 square feet per dwelling unit; no frontage on a public street for the rear accessory dwelling unit; a reduction in the minimum side yard from 3 feet to 1± foot for the accessory dwelling unit along the north property line; and no rear yard for the accessory dwelling unit; said property being more particularly described as follows:

49 SOUTH HURON AVENUE (43204), being 0.1± acres located on the west side of South Huron Avenue, 200± feet north of Crescent Drive, 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 Ten (10), in Block 4, in HEED AND HOLTON'S BROADVIEW ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 15, Page 10, Recorder's Office, Franklin County, Ohio.

Prior Instrument Reference: Instrument No. 201211050168047

Parcel No.: 010-064423-00

Property Address: 49 South Huron Avenue, Columbus, OH 43204

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings on the same lot, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**HURON ADU**," dated December 21, 2018, and signed by Yvonne Riggie, 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 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.