



Legislation Details (With Text)

File #: 1335-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/4/2022 **In control:** Zoning Committee

On agenda: 5/23/2022 **Final action:** 5/26/2022

Title: To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(2) and (B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.21, Building lines; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 458 E. WHITTIER ST. (43206), to permit two single-unit dwellings on the same lot with reduced development standards in the R-2F, Residential District (Council Variance #CV22-007).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1335-2022_Attachments, 2. ORD1335-2022_Labels

Date	Ver.	Action By	Action	Result
5/26/2022	1	CITY CLERK	Attest	
5/25/2022	1	MAYOR	Signed	
5/23/2022	1	COUNCIL PRESIDENT	Signed	
5/23/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/23/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/23/2022	1	Zoning Committee	Approved	Pass
5/16/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-007

APPLICANT: Michael and Kathryn Green; 458 East Whittier Street; Columbus, OH 43206.

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

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling and detached garage in the R-2F, Residential District. The requested Council variance will permit the construction of a second single-unit dwelling at the rear of the property. A Council variance is necessary because the R-2F district permits only one- and two-unit dwellings and does not permit the arrangement of two single-unit dwellings on the same lot. The request includes variances to vision clearance for an existing fence, lot area, building lines, minimum and maximum side yards, rear yard, and a parking reduction from four spaces required to two spaces provided. The existing detached garage is within the required ten foot clear vision triangle at the intersection of the rear alley and South Washington Street, but a variance is not included due to concerns from the Division of Traffic Management, and if replaced, the garage will be relocated or a variance will be sought at that time. The site is within the planning boundaries of the *South Side Plan* (2014), which recommends "Medium-High Density" residential uses, and includes early adoption

of the *Columbus Citywide Planning Policies (C2P2)* Design Guidelines (2018). The proposal is consistent with the Plan's land use recommendation, does not add a new or intrusive use to the neighborhood, and is compatible with the recent development pattern in historic urban neighborhoods.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(2) and (B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.21, Building lines; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **458 E. WHITTIER ST. (43206)**, to permit two single-unit dwellings on the same lot with reduced development standards in the R-2F, Residential District (Council Variance #CV22-007).

WHEREAS, by application #CV22-007, the owner of the property at **458 E. WHITTIER ST. (43206)**, is requesting a Variance to permit two single-unit dwellings on the same lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district use, permits one single-unit dwelling or one two-unit dwelling, while the applicant proposes to construct a rear single-unit dwelling on a lot developed with an existing single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces total for two units, while the applicant proposes two total parking spaces; and

WHEREAS, Section 3321.05(A)(2) and (B)(2), Vision clearance, requires a clear vision triangle of 12 feet at the intersection of a driveway and the street right-of-way, and prevents a fence between 2.5 - 6 feet above finished grade within said area from having an opacity of greater than 25 percent; and that a right angle clear vision triangle of 30 feet shall be maintained on each residential lot adjacent to a street intersection, and prevents a fence with a height greater than 2.5 feet within said area; while the applicant proposes to maintain the existing fence with an increased opacity of 31 percent within the clear vision triangle at the intersection of the driveway and South Washington Avenue, and an increased height of 4 feet within the clear vision triangle at the intersection of East Whittier Street and South Washington Avenue; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes two separate single-unit dwellings on a lot with 5,940 square feet (2,970 square feet per unit); and

WHEREAS, Section 3332.21(D)(2), Building lines, requires a minimum setback from the right-of-way line of 10 feet, while the applicant proposes to maintain a zero foot setback for the existing detached garage along South Washington Street and 7 feet for the existing single-unit dwelling along East Whittier Street; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet for lots more than 40 feet wide, while the applicant proposes to maintain a side yard of approximately 1.9 feet along the western property line for the existing single-unit dwelling, and proposes a side yard of 2.25 feet along the western property line for the new rear single-unit dwelling; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the lot area for each dwelling, while the applicant proposes no rear yard for the rear single-unit dwelling; and

WHEREAS, the Columbus South Side Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance is consistent with the *South Side Plan's* recommended land use for this property, compatible with the recent development pattern in historic urban neighborhoods, and will not introduce a new or intrusive use; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed rear single-unit dwelling; 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 **458 E. WHITTIER ST. (43206)**, 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 3332.037, R-2F residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(2) and (B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.21, Building lines; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **458 E. WHITTIER ST. (43206)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District; with reduced parking from four to two spaces; with a fence within the clear vision triangles at 31 percent opacity and 4 feet in height where a maximum opacity of 25 percent and a maximum height of 2.5 feet are required; a decreased lot area from 6,000 per dwelling unit to 5,940 square feet for both dwelling units; reduced building lines along South Washington Street from 10 to zero feet for the existing garage and along East Whittier Street from 10 to 7 feet for the existing single-unit dwelling; reduced side yards from 5 to 1.9 feet along the western property line for the existing single-unit dwelling, and from 5 to 2.25 feet along the western property line for the new single-unit dwelling; and no rear yard to be provided for the new single-unit dwelling; said property being more particularly described as follows:

458 E. WHITTIER ST. (43206),), being 0.14± acres located at the northwest corner of East Whittier Street and South Washington Avenue, and being more particularly described as follows:

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

Being Five (5) feet of the east part of Lot Number Forty-One (41) and all Lots Number Forty-two (42) and Forty-three (43) of KAMPMAN AND BUEHL'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 26, Recorder's Office, Franklin County, Ohio.

Property Address: 458 E. Whittier St., Columbus, OH 43206
Parcel No.: 010-002638

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, in accordance with the submitted site plan, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan, "**SITE PLAN - NEW CONSTRUCTION**," dated April 26, 2022, and signed by Michael Green, 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 for the

proposed rear single-unit dwelling.

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