



Legislation Details (With Text)

File #: 1829-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/21/2022 **In control:** Zoning Committee

On agenda: 7/11/2022 **Final action:** 7/14/2022

Title: To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; 3332.21(F), Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, for the property located at 1305 CITY PARK AVE. (43206), to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV22-026).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1829-2022_Attachments, 2. ORD1829-2022_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--|--------|
| 7/14/2022 | 1 | CITY CLERK | Attest | |
| 7/13/2022 | 1 | MAYOR | Signed | |
| 7/11/2022 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/11/2022 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 7/11/2022 | 1 | Zoning Committee | Approved | Pass |
| 7/11/2022 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 7/11/2022 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |

Council Variance Application: CV22-026

APPLICANT: 1305 City Park Ltd.; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

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 in the R-2F, Residential District. The requested Council variance will permit a second dwelling unit to be constructed on the lot as shown on the submitted site plan. A Council variance is required because, while the R-2F district permits one- and two-unit dwellings, it does not permit two separate dwellings on one lot. Variances to lot area, lot width, building lines, fronting, side yards, rear yard, maneuvering and parking reduction from 4 spaces to 2 spaces are included in the request. The site is within the planning boundaries of the *South Side Plan* (2014), which recommends "Medium-High Density Residential" uses at this location, and includes *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018), that recommend design be compatible with neighboring structures in terms of height, width, setbacks, lot coverage, and roof pitch. The request is consistent with similar requests in urban neighborhoods and does not

represent the introduction of an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; 3332.21(F), Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, for the property located at **1305 CITY PARK AVE. (43206)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV22-026).

WHEREAS, by application #CV22-026, the owner of property at **1305 CITY PARK AVE. (43206)**, is requesting a Council variance to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district, permits a maximum of two units in one building, but prohibits two single-unit dwellings on one lot, while the applicant proposes a second 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, whereas the applicant proposes to provide a reduced maneuvering area from 20 feet to 18.8 feet along Pearl Alley; 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 a total of two parking spaces; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 32-foot wide lot; 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 that contains 3,072± square feet (pursuant to lot area calculation in 3332.18(C)) totaling 1,536± square feet of lot area per dwelling unit; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant will maintain the existing dwelling unit fronting on a rear public alley; and

WHEREAS, Section 3332.21(F), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten feet, while the applicant proposes a building line of 5 feet for a six-foot high wall along City Park Avenue; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three feet for lots less than 40 feet wide, while the applicant proposes a minimum side yard of one foot along the south property line for both dwellings; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a shared rear yard of nine percent of the lot, or 4.5 percent for each dwelling; and

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

WHEREAS, City Departments recommend approval because the requested variances would permit development of a second dwelling unit in character and scale with the dwellings on the surrounding properties; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for

the proposed 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 **1305 CITY PARK AVE. (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 be hereby granted from the provisions of Sections 3332.037, R-2F, residential district; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; 3332.21(F), Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, for the property located at **1305 CITY PARK AVE. (43206)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District; with reduced maneuvering area along Pearl Alley from 20 feet to 18.8 feet; a parking space reduction from four spaces to two spaces; reduced lot width from 50 feet to 32 feet; reduced lot area from 6,000 square feet to 1,536± square feet per dwelling unit; no frontage on a public street for the existing rear dwelling; reduced building line along City Park Avenue from 10 feet to 5 feet for a 6-foot high wall; reduced minimum side yards from 3 feet to 1 foot along the south property line for both dwelling units; and a reduced rear yard from 25 percent to 4.5 percent for each dwelling; said property being more particularly described as follows:

1305 CITY PARK AVE. (43206), being 0.09± acres located on the west side of City Park Avenue, 155± feet north of East Moler Street, and being more particularly described as follows:

Tract I:

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

Being 26 feet off of the North ends of Lots Number One (1) and Two (2), in Gottlieb Loechler's Subdivision of Lot Number Six (6) of N. Merion's Subdivision of part of half Section 29, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 355, Recorder's Office, Franklin County, Ohio, together with that portion of an alley lying East of the above described premises as vacated by Ordinance No. 37249, passed June 28, 1926, City of Columbus.

Tract II:

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

Beginning at the true point of beginning and being the northeast corner of Lot 2 of Gottlieb Loechler's Subdivision of Lot 6 of Nathaniel Merion's Amended Subdivision of part of half Section 29, Township 5, Range 22 of the Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 355, of the Franklin County Recorder's Office.

Thence with the northerly line of Lots 2 and 1 of said subdivision and the southerly line of the herein described alley. North 88 deg. 18' 02" West a distance of 112.11 feet to an iron pin set at the northwest corner of Lot No. 1 of said subdivision and a point on the easterly line of Pearl Street.

Thence with the easterly line of Pearl Street, extended, to the center of the herein described alley North 13 deg. 48' 52"

West a distance of 6.23 feet to a PK nail set in the center of said alley.

Thence with the centerline of the herein described alley South 88 deg. 18' 02" East a distance of 113.73 feet to a PK nail set at the intersection of said centerline and the westerly right-of-way line extended of City Park Avenue.

Thence with said westerly line of City Park Avenue, South 01 deg. 13' 29" West a distance of 6.00 feet to the TRUE POINT OF BEGINNING, containing 0.015 acres more or less.

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-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING PLAN FOR URBAN LAND COMPANY 1305 CITY PARK AVE.**" dated June 13, 2022, and signed by Jackson B. Reynolds III, Attorney for the Applicant. 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 adjustments to the 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 dwelling.

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