



## Legislation Text

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**File #:** 1350-2015, **Version:** 1

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### **Council Variance Application: CV15-016**

**APPLICANT:** Amanda Bundy; 41 West Third Avenue; Columbus, Ohio 43201.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned in the AR-O, Apartment Office District, and developed with a single-unit dwelling. The requested Council variance will permit the development of a two-unit dwelling above a detached garage (carriage house) on the same lot. A variance is necessary because the AR-O, Apartment Office District allows an apartment house containing five or more dwelling units, and a dwelling containing three or four units, but does not permit two residential buildings on one lot. In addition to the use variance, requested variances include minimum number of parking spaces required, lot coverage, to require no frontage on a public street for the carriage house, maximum and minimum side yard, and required rear yard. Staff finds that the proposal is compatible with the area as there are other carriage houses with similar arrangements within this neighborhood. The request is consistent with recent development trends in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3333.04, AR-O, Apartment Office District; 3312.49, Minimum number of parking spaces required; 3333.15, Basis of computing area; 3333.16, Fronting; 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 **41 WEST THIRD AVENUE (43201)**, to permit a rear two-unit dwelling above a detached garage (carriage house) in the AR-O, Apartment Office District (Council Variance # CV15-016).

**WHEREAS**, by application #CV15-016, the owner of the property at **41 WEST THIRD AVENUE (43201)**, is requesting a Variance to permit a rear two-unit dwelling above a detached garage (carriage house) on a lot developed with a single-unit dwelling in the AR-O, Apartment Office District; and

**WHEREAS**, Section 3333.04, AR-O, Apartment Office District, allows an apartment house containing five or more dwelling units and a dwelling containing three or four units, but does not permit two residential buildings on one lot, while the applicant proposes to build a two-unit dwelling above a detached garage (carriage house) on the rear of a lot developed with a single-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 dwelling units, while the applicant proposes two (2) parking spaces; and

**WHEREAS**, Section 3333.15(c), Basis of computing area, requires that the 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 53.46 percent lot coverage; and

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

**WHEREAS**, Section 3333.22, Maximum side yard required, requires the sum of the widths of the side yards to be a minimum of 11.04 feet for a lot width of 55.2 feet, while the applicant proposes a maximum side yard of 2.7 feet for the rear two-unit dwelling; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires dwellings in the AR-O, Apartment Office District to have side yards of no less than five (5) feet, while the applicant proposes reduced minimum side yards of 3.8 feet on the west side of the single-unit dwelling, and 1.8 feet on the west side and 0.9 feet on the east side of the rear two-unit 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 two-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 with similar arrangements within this neighborhood. The request is consistent with the recent development trends 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 **41 WEST THIRD AVENUE (43201)**, 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 3333.04, AR-O, Apartment Office District; 3312.49, Minimum number of parking spaces required; 3333.15, Basis of computing area; 3333.16, Fronting; 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 **41 WEST THIRD AVENUE (43201)**, insofar as said section prohibits a single-unit dwelling and a two-unit dwelling on one lot; with a parking space reduction from six (6) required spaces to two (2) spaces; increased lot coverage from fifty (50) percent to 53.46 percent; no frontage on a public street for the carriage house dwelling; a reduced maximum side yard from 11.04 feet to 2.7 feet for the rear dwelling; reduced minimum side yards from five (5) feet to 3.8 feet on the west side of the single-unit dwelling and 1.8 feet on the west side and 0.9 feet on the east side of the carriage house dwelling; and a reduced rear yard from twenty-five (25) percent to zero (0) percent for the carriage house dwelling; said property being more particularly described as follows:

**41 WEST THIRD AVENUE (43201)**, being 0.16± acres located on the south side of West Third Avenue, 280± feet west of North High Street, and being more particularly described as follows:

Of the following premises in the County of Franklin in the State of Ohio, and in the City of Columbus;

Being Lot Number Thirty-two (32) and four (4) feet off of the east side of Lot Number Thirty-one (31) in **HERSHISER AND ASTON'S ADDITION**, to the said city, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, page 115, Recorder's Office, Franklin County, Ohio.

Also, part of the reserve marked James H. Aston, 1.71 acres in said Addition bounded and described as follows:  
Beginning at a point in the northeast corner of said Lot Number 32, being also the northwest corner of said reserve;  
thence southerly, along the east line of said Lot Number 32, 170 feet to an alley; thence easterly along the north line of  
said alley, 11.5 feet to a point; thence northerly to a point in the south line of West Third Avenue distant 11.12 feet east  
from the northeast corner of said Lot Number 32; thence westerly along the south line of West Third Avenue to the place  
of beginning.

Known as Parcel Number: 010-050224

Addressed as: 41 West Third Avenue, Columbus, Ohio 43201.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a single-unit dwelling and a rear two-unit dwelling above a detached garage (carriage house), or those uses permitted in the AR-O, Apartment Office District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed carriage house use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.