



Legislation Text

File #: 1896-2016, **Version:** 1

Council Variance Application: CV15-041

APPLICANT: Victorian Heritage Homes LLC, c/o Donald Plank; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Conform two existing 4-unit dwellings on one parcel.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with two 4-unit dwellings zoned in the R-4, Residential District. The requested Council variance will bring the existing dwellings and parcel into conformity. The Council variance is necessary because the R-4, Residential District does not allow for two separate buildings containing dwelling units on one parcel. Variances to conform required parking spaces, vision clearance, area district requirements, lot coverage, building lines, side yards, and rear yard are included in the request. Additionally, the applicant seeks variances to conform maximum lot coverage, building lines, and maximum floor area ratio from the development standards of the University Area Planning Overlay, which are generally more restrictive than the underlying R-4, Residential District. The site is located within the boundaries of the *University District Plan* (2015), which recommends Lower Intensity Residential Use for this location, which is supportive of single- and two-unit dwellings with scattered-site row house-style multi-unit residential development. The Plan also recommends preserving existing contributing buildings. Staff finds the proposal will not add incompatible uses to this historically urban neighborhood as the dwelling units have existed for many years, and are contained within contributing buildings.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.15, R-4 area district requirements; 3312.18(D), Basis of computing area; 3332.21(D) Building lines; 3332.25(B) Maximum side yards required; 3332.26(C)(3), Minimum side yard permitted; 3332.27, Rear yard; 3372.542, Maximum lot coverage; 3372.543, Building lines; and 3372.544, Maximum floor area, of the Columbus City codes; for the property located at **1336 DENNISON AVENUE (43201)**, to conform two 4-unit dwellings on one parcel, with reduced development standards in the R-4, Residential District (Council Variance # CV15-041).

WHEREAS, by application No. CV15-041, the owner of property at **1336 DENNISON AVENUE (43201)**, is requesting a Council variance to conform two 4-unit dwellings on one parcel, with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District, requires a separate lot for each principle use, while the applicant proposes to maintain two 4-unit dwellings on one parcel; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for the two 4-unit dwellings totaling 12 spaces, while the applicant proposes to maintain 0 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be

maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain a 3 feet by 5 feet clear vision triangle at the intersection of Dennison Avenue and Clark Place as shown on the site plan; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires corner lots to contain no less than 1,500 square feet per dwelling, while the applicant proposes to maintain 8 dwelling units on a 5,880± square foot lot (735± square feet per dwelling unit); and

WHEREAS, Section 3332.18(D), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain lot coverage of 77 percent for the two buildings; and

WHEREAS, Section 3332.21(D), Building lines, requires a minimum distance from the street property line of 10 feet along Dennison Avenue and 16 feet along Clark Place, while the applicant proposes to maintain reduced building lines of 3 feet along Dennison Avenue and 5 feet along Clark Place for 66-72 Clark Place, and 6 feet along Dennison Avenue for 1338-1346 Dennison Avenue; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, while the applicant proposes to maintain reduced side yards from 16 to 5 feet for the Dennison Avenue frontage and from 12 to 3 feet for the Clark Place frontage; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain a side yard of 1 foot on the north side of the property and a side yard of 0 feet on the east side of the property; 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 to maintain a 15 percent rear yard; and

WHEREAS, Section 3372.542, Maximum lot coverage, requires that a building or combination of buildings shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain 77 percent lot coverage by the existing buildings; and

WHEREAS, Section 3372.543, Building lines, requires a minimum building line of at least 10 feet along Dennison Avenue and 16 feet along Clark Place, while the applicant proposes to maintain building lines of 3 feet along Dennison Avenue and 5 feet along Clark Place for 66-72 Clark Place, and 6 feet along Dennison Avenue for 1338-1346 Dennison Avenue; and

WHEREAS, Section 3372.544, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R.) of not greater than 0.40, while the applicant proposes to maintain a floor area ratio of 1.8; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the existing development is consistent with the land use recommendations of the *University District Plan* for scattered-site row house-style multi-unit residential development and for preserving existing contributing buildings. The proposal will not add incompatible uses to this historically urban neighborhood; 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 owner of the property located at **1336 DENNISON AVENUE (43201)**, in using said property as desired; 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(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.15, R-4 area district requirements; 3312.18 (D), Basis of computing area; 3332.21(D) Building lines; 3332.25(B) Maximum side yards required; 3332.26(C)(3), Minimum side yard permitted; 3332.27, Rear yard; 3372.542, Maximum lot coverage; 3372.543, Building lines; and 3372.544, Maximum floor area, of the Columbus City Codes, is hereby granted for the property located at **1336 DENNISON AVENUE (43201)**, insofar as said sections prohibit two 4-unit dwellings on one parcel in the R-4, Residential District; with a parking space reduction from 12 to 0 spaces; encroachment into the required clear vision triangle at the intersection of Dennison Avenue and Clark Place; a reduction in lot area per dwelling unit from 1,500 to 735± square feet; an increase in maximum lot coverage from 50 to 77 percent; reduced building lines of 3 feet along Dennison Avenue and 5 feet along Clark Place for 66-72 Clark Place, and 6 feet along Dennison Avenue for 1338-1346 Dennison Avenue; reduced maximum side yard from 16 to 5 feet for the Dennison Avenue frontage and from 12 to 3 feet for the Clark Place frontage; reduced minimum side yards from 5 feet to 1 foot along the north property line and 0 feet along the east property line; reduced rear yard from 25 to 15 percent; an increased maximum lot coverage from 25 to 77 percent; and an increased floor area ratio of 1.8 where 0.40 is required; said property being more particularly described as follows:

1336 DENNISON AVENUE (43201), being 0.14± acres located at the northeast corner of Dennison Avenue and Clark Place, and being more particularly described as follows:

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

Being Lot Number Seventy-Seven (77) and Seventy-Eight (78) of DENNISON PLACE ADDITION as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, but excepting forty-five (45) feet off of the north end thereof.

Parcel No: 010-012832

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

SECTION 3. That this ordinance is further conditioned on substantial compliance with the plan titled, "**SITE PLAN**," signed by Donald Plank, Attorney for the Applicant, dated June 24, 2016. 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 shall take effect and be in force from and after the earliest period allowed by law.