



Legislation Text

File #: 1567-2017, **Version:** 1

Council Variance Application: CV17-038

APPLICANT: Reza Reyazi; 4374 Kendale Road; Columbus, OH 43220.

PROPOSED USE: Two-unit residential development.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels zoned in the ARLD, Apartment Residential District, with one parcel developed with a single unit dwelling, and the other parcel being undeveloped. The requested Council variance will permit the existing dwelling, located at 141 West Second Avenue, to be expanded and converted into a two-unit dwelling, and will allow the construction of a new two-unit dwelling on the undeveloped parcel. A Council variance is necessary because the ARLD, Apartment Residential District, per Section 3333.055, only permits a two-unit dwelling when the lot meets specific platting and area district exception criteria. BZA16-108 and BZA17-011 have been approved to permit two-unit dwellings on each of these lots, but it was recently discovered that the lots do not comply with Section 3333.055, thus necessitating this Council variance request. Variances for lot width, area district requirements, lot coverage, building lines, side yards, rear yard obstruction, and vision clearance are also included in the request. There is no Council adopted plan for this area. Staff finds that the proposal will not add incompatible uses to the area as the request is consistent with recent residential infill development proposals in historic urban neighborhoods, and is compatible with the mix of residential uses within this block of West Second Avenue.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3321.05(B)(2), Vision clearance; 3333.09, Area requirements; 3333.11, ARLD area district requirements; 3333.15(C), Basis of computing area; 3333.19(a)(2), Building lines on corner lots; exceptions; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes; for the properties located at **141 & 149 WEST SECOND AVENUE (43201)**, to permit two two-unit dwellings with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV17-038).

WHEREAS, by application # CV17-038, the owner of the properties at **141 & 149 WEST SECOND AVENUE (43201)**, is requesting a Council variance to permit two separate two-unit dwellings with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit two-unit dwellings on parcels that do not meet the platting and area district exception criteria contained in Section 3333.055, while the applicant proposes to convert an existing single-unit dwelling into a two-unit dwelling (141 West Second Avenue), and will allow the construction of a new two-unit dwelling on an undeveloped lot (149 West Second Avenue); and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each of the perpendicular sides adjacent to a street intersection, while the applicant proposes a clear vision triangle measuring 40 feet along Dennison Avenue and 8 feet along West Second Avenue for the new dwelling at 149 West Second Avenue; and

WHEREAS, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of no less than 50 feet, while the applicant proposes to maintain lot widths of 37.47± feet for two-unit dwelling development; and

WHEREAS, Section 3333.11, ARLD area district requirements, requires 2,500 square feet per dwelling unit on interior lots, while the applicant proposes 1,898.5± square feet per dwelling unit for the expanded dwelling at 141 West Second Avenue;

WHEREAS, Section 3333.15(C), Basis of computing area, limits lot coverage to 50 percent of the lot area, while the applicant proposes 58.6± percent lot coverage for the new dwelling located at 149 West Second Avenue; and

WHEREAS, Section 3333.19(a)(2), Building lines on corner lots; exceptions, allows a building line of 20 percent of the lot width minus two percent for each foot of lesser width than 40 feet, which equals 5.6 feet for a lot width of 37.47± feet, while the applicant proposes a minimum building line of 4.4± feet along Dennison Avenue for the new dwelling at 149 West Second Avenue; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, or 7.5 feet for a lot width of 37.47± feet, while the applicant proposes a total side yard of 6 feet for the expanded dwelling at 141 West Second Avenue, and 7.4 feet for the new dwelling at 149 West Second Avenue; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes reduced side yards of 3 feet on both sides of the expanded dwelling at 141 West Second Avenue, and of 3 feet along the east side, and 4.4 feet along the west side for the new dwelling at 149 West Second Avenue; and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky, while the applicant proposes a parking pad in the side yard at 149 West Second Avenue; and

WHEREAS, this variance will permit two two-unit dwellings each on its own lot with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, the Victorian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances would permit development in character with the surrounding neighborhood. Staff finds that the proposal will not add incompatible uses to the area as the request is consistent with recent residential infill development proposals in historic urban neighborhoods; 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 **141 & 149 WEST SECOND 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 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3321.05(B)(2), Vision clearance; 3333.09, Area requirements; 3333.11, ARLD area district requirements; 3333.15(C), Basis of computing area; 3333.19(a)(2), Building lines on corner lots; exceptions; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, is hereby granted for the properties located at **141 & 149 WEST SECOND AVENUE (43201)**, insofar as said sections prohibit two-unit dwelling use for both properties in the ARLD, Apartment Residential District, with a reduced clear vision triangle measuring 40 feet along Dennison Avenue and 8 feet along West Second Avenue for 149 West Second Avenue; reduced lot width from 50 feet to 37.47± feet for both properties; a reduced lot area requirement from 2,500 square feet to 1,898.5± square feet per dwelling unit for 141 West Second Avenue; an increased lot coverage from 50 percent to 58.6± percent for 149 West Second Avenue; a reduced building setback line along Dennison Avenue from 5.6 feet to 4.4 feet for 149 West Second Avenue; reduced maximum side yards from 7.5 feet to 6 feet for 141 West Second Avenue, and to 7.4 feet for 149 West Second Avenue; reduced minimum side yards from five feet to 3 feet on each side for 141 West Second Avenue, and of 3 feet along the east side, and 4.4 feet along the west side for 149 West Second Avenue; and a parking pad in the required side yard; said property being more particularly described as follows:

141 & 149 WEST SECOND AVENUE (43201), being 0.17± acres located at the southeast corner of West Second Avenue and Dennison Avenue, and being more particularly described as follows:

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

Tract I: 141 West Second Avenue (010-047487)

Being 101.50 feet off the north end of Lot No. 31 in Stewart and Greener's Subdivision of Lot 18 of the Starr Farm as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 78, Recorder's Office, Franklin County, Ohio.

Tract II: 149 West Second Avenue (010-023067)

Frac. Sec. 5, Township 5 North, Range 22 West, Refugee Lands; being a part of Lot No. 32 in Stewart and Greener's Subdivision as recorded in Plat Book 2, Page 78, and more particularly bounded and described as follows:

Beginning at railroad spike at the northwest corner of Lot 32, being also at the intersection of the east line of Dennison Avenue (60 feet wide) and the south line of Second Avenue (60 feet wide);

Thence along the south line of Second Avenue, S. 86° 55' 30" E., 37.57 feet to an iron pin at the northeast corner of Lot 32;

Thence along east line of Lot 32 S. 2° 47' 17" W., 101.50 feet to an iron pin, located N. 2° 47' 17" E. 10 feet from the southeast corner of Lot 32, a point on the north line of an alley (10 feet wide);

Thence across Lot 32, and along a line, ten (10) feet north of the north line of the (10 foot wide) alley, N. 86° 55' 30" W., 37.56 feet, to an iron pin on the east line of Dennison Avenue;

Thence, along the east line of Dennison Avenue, N. 2° 47' 02" E., 101.50 feet, to the point of beginning, containing 0.0875 acre.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said properties are used for a two-unit dwelling on each lot, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificates of Occupancy for the proposed uses.

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