



Legislation Text

File #: 2233-2017, Version: 1

Council Variance Application: CV17-018

APPLICANT: Brandie C. Bronston; c/o Ivan Houpe; 1310 Oak Street; Columbus, OH 43215.

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

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will permit the construction of a rear carriage house on the property. Variances for reduced parking, lot width requirements, area district requirements, lot coverage, fronting, side yards, and rear yard are included in this request. The site is located within the planning area of the *Near East Area Plan* (2005). While the Plan does not contain a land use recommendation for this location, it does recommend that 25 percent or more of the total lot area be preserved as rear yard. Staff is supportive of the use, but does not support the amount of lot coverage taken up by the proposed carriage house, as recommended by the Plan. Staff does not believe that deviation from this recommendation is warranted on the subject site.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18 (D), Basis of computing area; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1310 OAK STREET (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance # CV17-018).

WHEREAS, by application # CV17-018, the owner of the property at **1310 OAK STREET (43205)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, does not permit two dwellings on one lot, while the applicant proposes to develop a dwelling unit above a garage (carriage house) on a lot developed with a single-unit dwelling; and

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

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 31.06± foot wide lot; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes two single-unit dwellings on a lot that contains 3,106± feet (approximately 1,553 square feet per dwelling unit); and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of

the lot area, while the applicant proposes a lot coverage of 36 percent for the existing dwelling and 22 percent for the rear carriage house, totaling 58 percent coverage of the total lot area; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes the rear carriage house to front on an alley; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 6.21± feet, while the applicant proposes a maximum side yard of approximately 4.5± feet for the existing dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 3 feet, while the applicant proposes to maintain a minimum side yard of 1.5± feet for the existing dwelling and proposes 1.97± feet along the west property line for the rear carriage house; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes 9 percent rear yard for the existing dwelling, and no rear yard for the rear carriage house; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend disapproval because the *Near East Area Plan* recommends that 25 percent or more of the total lot space be preserved as rear yard space. While staff is supportive of the use, staff does not believe that deviation from this recommendation is warranted on the subject site; 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 **1310 OAK STREET (43205)**, 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 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1310 OAK STREET (43205)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the R-3, Residential District, with a parking space reduction from four required parking spaces to two spaces; a reduced lot width from 50 feet to 31.06± feet; a reduced lot area of approximately 1,553 square feet per dwelling unit; an increased maximum lot coverage from 50 percent to 58± percent; no frontage on a public street; a reduction in maximum side yard from 6.21± feet to 4.5± feet for the existing dwelling; a reduction in the minimum side yard from 3 feet to 1.5± feet for the existing dwelling and 1.97± feet for the rear carriage house along the west property line; and a reduction in rear yard from 25 percent to 9 percent for the existing dwelling and zero percent for the carriage house; said property being more particularly described as follows:

1310 OAK STREET (43205), being 0.07± acres located at the northeast corner of Oak Street and Linwood Avenue, and being more particularly described as follows:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus: Being lot number four (4) of Jas. Fullerton's Subdivision of Lots 66 to 71, inclusive, of Wilson and Sharp's second addition as the same is numbered and delineated upon the recorded plat thereof, of record in plat book 4, page 421, Recorder's office, Franklin County, Ohio.

Subject to all easements, covenants, conditions, reservations, leases and restrictions of record, all legal highways, all rights of way, all zoning, building and other laws, ordinances and regulations, all rights of tenants in possession, and all real estate taxes and assessments not yet due and payable.

Being the same property conveyed by deed recorded in document no. 20121031065071, of the Franklin County, Ohio records.

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-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**1310 OAK STREET**," dated August 14, 2017, and signed by Ivan Houpe, 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 and a Certificate of Occupancy for the proposed use.

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