**Council Variance Application: CV17-081**

**APPLICANT:** Lykens Companies; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Two detached single-unit dwellings on two contiguous lots.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels, each developed with a two-unit dwelling, in the R-4, Residential District. The applicant proposes to convert the two-unit dwellings into single-unit dwellings, and construct rear a single-unit dwelling above a detached garage (a carriage house) on each lot. A Council variance is required because while the R-4, Residential District permits a maximum of four dwelling units in one building per lot, it does not permit two dwellings on one lot. Variances for lot width, area district requirements, fronting, side yards, rear yard, maximum lot coverage, and maximum floor area ratio (FAR) are included in the request. Additionally, the request includes a reduction from eight required parking spaces to six provided parking spaces. The site is located within the planning area of *University District Plan* (2015), which recommends "lower intensity residential" uses for this location. Staff finds the proposal to be consistent with the Plan's land use recommendation, will not add incompatible uses to the area, and is consistent with the recent development pattern in historic urban neighborhoods.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05 (A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(C)(1), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes; for the property located at **1337 & 1345 HUNTER AVENUE (43201),** to permit two detached single-unit dwellings on two contiguous lots, with reduced development standards in the R-4, Residential District (Council Variance # CV17-081)**.**

**WHEREAS**, by application # CV17-081, the owner of property at **1337 & 1345 HUNTER AVENUE (43201),** is requesting a Council variance to permit two detached single-unit dwellings on two contiguous lots, with reduced development standards in the R-4, Residential District; and

**WHEREAS,** Section 3332.039, R-4, Residential District, permits a maximum of 4 dwelling units in one building but does not permit 2 separate dwellings on one lot, while the applicant proposes to construct a rear single-unit dwelling above a detached garage (a carriage house) on each lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, or 4 spaces total on each lot containing two single-unit dwellings, while the applicant proposes 3 parking spaces per lot; and

**WHEREAS,** Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs shall cover no more than 25 percent of the lot area, while the applicant proposes to increase coverage to 49

percent of the lot area for each lot; and

**WHEREAS,** Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes an increased FAR of 0.62 for each lot; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-4, Residential District, while the applicant proposes to maintain a lot width of 31.4 feet for each lot; and

**WHEREAS**, Section 3332.15 R-4 area district requirements, requires a lot of 5,000 square feet for a single-unit dwelling, while the applicant proposes to maintain an existing single-unit dwelling and construct a second single-unit dwelling (a carriage house) on two contiguous lots that are each approximately 4,710 square feet (2,355 square feet 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 proposes a carriage house fronting on a rear public alley for each lot; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, or 6.28 feet for each lot, while the applicant proposes to maintain a maximum side yard of 6.16 feet for the existing dwelling unit at 1337 Hunter Avenue and 5 feet for the existing dwelling unit at 1345 Hunter Avenue, and proposes reduced maximum side yard of 4.7 feet for each of the new rear dwelling units; and

**WHEREAS,** Section 3332.26(C)(1), Minimum side yard permitted, requires a side yard of no less than 3 feet, while the applicant proposes to maintain a reduced minimum side yard of 1.4 feet along the northern property line for the existing dwelling and proposes a 1.7 feet side yard along the northern property line for the rear dwelling unit at 1337 Hunter Avenue, and to maintain a reduced minimum side yard of 1 foot along the northern property line for the existing dwelling and proposes a 1.7 feet side yard along the southern property line for the rear dwelling unit at 1345 Hunter Avenue; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for each of the carriage house dwellings; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS,** the City Departments recommend approval of the requested variances because the proposal is consistent with *University District Plan*'s recommendation for lower intensity residential uses, will not add incompatible uses to the area, and is compatible with the recent development pattern 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 **1337 & 1345 HUNTER AVENUE (43201),** in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**



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**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; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(C)(1), Minimum side yard permitted; and 3332.27, and Rear yard, of the City of Columbus codes, is hereby granted for the property located at **1337 & 1345 HUNTER AVENUE (43201),** insofar as said sections prohibit two single-unit dwellings on one lot in the R-4, Residential District, with a required parking space reduction from 4 spaces to 3 spaces for each lot; increased lot coverage from 25 percent to 49 percent for each lot; increased maximum floor area ratio (FAR) from 0.40 to 0.62 for each lot; a reduced lot area requirement from 5,000 square feet per dwelling unit to 2,355 square feet per dwelling for each lot; no frontage on a public street for each proposed rear dwelling unit on each lot; reduced maximum side yards required from 6.28 feet to 6.16 feet and 6.28 feet to 5 feet for the existing dwelling units at 1337 and 1345 Hunter Avenue respectively, while proposing reduced maximum side yards of 4.7 feet for the proposed rear dwelling unit on each lot; reduced minimum side yard of 1.5 feet along the northern property line for the existing dwelling unit and 1.7 feet along the northern property line for the proposed rear dwelling unit at 1337 Hunter Avenue, and a reduced minimum side yard of 1 foot along the norther property line for the existing dwelling unit and 1.7 feet along the southern property line for the proposed rear dwelling unit at 1345 Hunter Avenue; and reduced rear yard from 25 percent to 0 percent the proposed rear dwelling unit on each lot; said property being more particularly described as follows:

**1337 & 1345 HUNTER AVENUE (43201),** being 0.21± acres located on the west side of Hunter Avenue, 256± feet south of King Avenue, and being more particularly described as follows:

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

Being Lots number One Hundred Ninety-Nine (199) and Two Hundred (200), of DENNISON PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, pages 13, 14, and 15 Recorder's Office, Franklin County, Ohio.

Known as 1337 & 1345 Hunter Avenue, Columbus, OH 43201
Parcel IDs: 010-011866 & 010-009670

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

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ARCHITECTURAL SITE PLAN**," dated June 18, 2018, drawn by Timothy J. Shremshock, Shremshock Architects, Inc., and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the 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 on 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.