



Legislation Text

File #: 2656-2018, **Version:** 1

Council Variance Application: CV18-041

APPLICANT: Bernard Frankl; 917 Oak Street; Columbus, OH 43205.

PROPOSED USE: Lot split for existing dwellings.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling and a three-unit dwelling zoned in the ARLD, Apartment Residential District. The applicant proposes a lot split resulting in the single-unit dwelling and the three-unit dwelling each being on its own parcel. The applicant also proposes construction of a detached garage for the single-unit dwelling. A Council variance is necessary because the ARLD district, per Section 3333.055, only permits a single-unit dwelling when the lot meets specific platting criteria. The request includes a parking reduction from six required to zero provided spaces for the three-unit dwelling, and variances for lot width, area district requirements, lot coverage, fronting, maximum and minimum side yards, rear yard, and private garage standards. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a specific land use recommendation for this location, but does provide recommendations that buildings should be compatible with surrounding structures in terms of height and setbacks. Staff supports this request as it allows existing site conditions and site improvements that are otherwise compatible with the pattern of the surrounding area, as recommended by the Plan.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements; Section 3333.11, ARLD area district requirements; 3333.15(C), Basis of computing area; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3333.35(E)(G), Private garage, of the Columbus City Codes; for the property located at **138 WILSON AVENUE (43205)**, to permit a single-unit dwelling and a three-unit dwelling on lots with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV18-041).

WHEREAS, by application #CV18-041, the owner of the property at **138 WILSON AVENUE (43205)**, is requesting a Variance to permit a single-unit dwelling and a three-unit dwelling on lots 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, prohibits single-unit dwellings on parcels that do not meet the platting criteria contained in Section 3333.055, while the applicant proposes to split the existing parcel so that the single-unit dwelling, and the three-unit dwelling each has its own parcel; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit for a total of 6 parking spaces for the existing three-unit dwelling, while the applicant proposes to maintain a total of 0 parking spaces; and

WHEREAS, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a

width of less than 50 feet, while the applicant proposes to maintain lot widths of 35± feet on both parcels; and

WHEREAS, Section 3333.11, ARLD area district requirements, requires 2,500 square feet per dwelling unit on interior lots, while the applicant proposes 960± square feet per dwelling unit for the three-unit dwelling; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 68 percent for the three-unit dwelling and 60 percent for the single-unit dwelling; and

WHEREAS, Section 3333.16, Fronting, requires each dwelling to front on a public street, while the applicant will maintain frontage for the three-unit dwelling on the eastern parcel onto an alley (Kutchins Place); 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% of the width of the lot, while the applicant proposes to maintain a maximum side yard of 2.5± feet for the single-unit dwelling where 7 feet is required; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain a minimum side yards of zero feet on the north side and 2.5 feet on the south side for the single-unit dwelling; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes no rear yard for the three-unit dwelling; and

WHEREAS, Section 3333.35(E)(G), Private garage, prohibits a detached garage from occupying more than 45 percent of the rear yard, and restricts the height of a detached garage to 15 feet, while the applicant proposes an increased occupation of the rear yard by the garage to 50 percent and an increased height to 25 feet (with no habitable space within the garage); and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance allows existing site conditions and site improvements that are compatible with the pattern of the surrounding area, as recommended by the *Near East Area Plan*; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **138 WILSON AVENUE (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 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3333.09, Area requirements;

Section 3333.11, ARLD area district requirements; 3333.15(C), Basis of computing area; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3333.35(E)(G), Private garage, of the Columbus City Codes; for the property located at **138 WILSON AVENUE (43205)**, insofar as said sections prohibit a single-unit dwelling in the ARLD district; a reduction in the required minimum number of parking spaces from 6 to 0 spaces for the three-unit dwelling; a reduced lot width from 50 feet to 35 feet for both parcels; reduced lot area per dwelling from 2,500 to 960± square feet for the three-unit dwelling; increased lot coverage from 50 percent to 68 percent for the three-unit dwelling, and to 60 percent for the single-unit dwelling; frontage of the three-unit dwelling on a public alley; reduced maximum side yard from 7 feet to 2.5 feet for the single-unit dwelling; reduced minimum side yards from 5 feet to zero feet on the north side and to 2.5 feet for the single-unit dwelling; reduced rear yard from 25 percent to zero percent for the three-unit dwelling; and an increased garage occupation of the total rear yard from 45 percent to 50 percent, and an increased garage height from 15 feet to 25 feet, with no habitable space in the garage; said property being more particularly described as follows:

138 WILSON AVENUE (43205), being 0.14± acres located on the southeast corner of Wilson Avenue and Kutchins Place, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin City of Columbus and being part of Lot 37, Wilson and Sharp's First Addition as the same is numbered and delineated upon the recorded plat thereof, record in Plat Book 2, Page 255, Recorder's Office Franklin County Ohio and being more particularly described as follows:

Beginning at a set drill hole in a concrete sidewalk at the Northwest corner of said Lot 37, said point being also the intersection of the Westerly line of Wilson Avenue (60 feet wide) with the Southerly line of Kutchins Place (20 feet wide);

Thence along the Northerly line of said Lot 37 (Southerly line of said Kutchins Place), North 89 degrees 43 minutes East 172.00 feet to a set iron pin at the Northwesterly corner of said Lot 37 and in the Easterly line of Mac Lee Alley (20 feet wide);

Thence along the Westerly line of said Lot 37 (Easterly line of said Alley), South 35.00 feet to a set railroad at eth Southwest corner of said lot 37 and Northwest corner of Lot 36 said addition;

Thence along the line common to said Lots 37 and 36, South 89 degrees 43 minutes West, 93.80 feet to a point at the Westerly Edge of Wooden Steps;

Thence across said Lot 37, and along the edge of said lot Woodsteps, a wood porch and the West North and Easterly face of the Sandstone Waterable of the three story brick building commonly known as 142-144 Wilson Avenue the following courses:

- (1) North 00 degrees 01 minutes West, 0.86 feet to a point;
- (2) South 89 degrees 59 minutes West, 4.10 feet to a point;
- (3) North 00 degrees 01 minutes West, 0.20 feet to a point;
- (4) South 89 degrees 59 minutes West, 4.50 feet to a point;
- (5) North 00 degrees 01 minutes West ,0.26 feet to a point at the Northeast corner of said building;
- (6) South 89 degrees 59 minutes West. 22.10 feet to a point;
- (7) North 66 degrees 51 minutes 18 seconds West, 4.07 feet to a point;
- (8) South 89 degrees 59 minutes West, 7.55 feet to a point;
- (9) South 66 degrees 49 minutes 18 seconds West, 4.07 feet to a point;
- (10) South 89 degrees 59 minutes West, 4.87 feet to a point;
- (11) North 00 degrees 01 minutes West 0.33 feet to a point;
- (12) South 89 degrees 59 minutes West, 5.15 feet to a point;
- (13) South 00 degrees 01 minutes East 0.33 feet to a point;
- (14) South 89 degrees 01 minutes West, 5.15 feet to a point;
- (15) South 00 degrees 01 minutes East, 1.60 feet to a cut on the Easterly face of the Waterable and on the line common to said lots 37 and 46;

Thence along said common line, South 89 degrees 43 minutes West, 17.30 feet to a set iron pin at the Southwest corner of said lot 47 and in the Westerly line of said Wilson Avenue.

Thence along the East line of said Lot 37 (Westerly line of said Wilson Avenue), North 35.00 feet to the place of beginning, containing 0.136 acres, subject however to all legal highways and easements of record.

Parcel Number: 010-018724

Property known as: 138 Wilson Avenue, Columbus Ohio 43205

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 on the western parcel and a three-unit dwelling on the eastern parcel in accordance with the submitted site plan, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**," dated July 16, 2018, and signed by the applicant, Bernie Frankl. 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 shall take effect and be in force from and after the earliest period allowed by law.