



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0255-2020, **Version:** 1

Council Variance Application: CV19-095

APPLICANT: New Heights Contracting; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-unit dwelling zoned in the R-2F, Residential District. The requested Council variance will permit the addition of a carriage house on the rear of the property. The variance is necessary because while the R-2F district permits two dwellings in one building, two separate single-unit dwellings on the same lot are prohibited. Variances for reduced number of parking spaces, lot width, lot area, fronting, minimum and maximum side yards, and rear yard are included in this request. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. However, the Plan does include design recommendations, and Planning Division Staff is in support of the proposed elevations, as the request has design elements that are compatible with surrounding structures.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18 (D), Basis of computing area; 3332.19, Fronting; 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 **70 N. 21ST. ST. (43203)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV19-095).

WHEREAS, by application #CV19-095, the owner of property at **70 N. 21ST. ST. (43203)**, is requesting a Council Variance to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district, permits a maximum of two units in one building, but prohibits two single-unit 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, or four spaces total for two units, while the applicant proposes 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 30.5 foot wide lot; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes two separate single-unit

dwellings on a lot that contains 2,790 square feet (pursuant to lot area calculation in 3332.18(C)) totaling 1,395 square feet of lot area per dwelling unit; and

WHEREAS, Section 3332.18(D), Basis of computing area, requires that a residential building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes 57 percent lot coverage; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the rear carriage house dwelling; 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, a maximum requirement of 6.1 feet, while the applicant proposes a maximum side yard of 4 feet for both the existing single-unit dwelling and the proposed rear carriage house dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three feet for lots less than 40 feet wide, while the applicant proposes a minimum side yard of approximately one foot on the south side of the proposed rear carriage house dwelling and approximately one foot on the north side of the existing single-unit dwelling; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the lot area for each dwelling, while the applicant proposes no rear yard for the rear carriage house dwelling and a reduced rear yard of 21 percent for the existing single-unit dwelling; and

WHEREAS, the Near East Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval because the requested variances would permit development of a carriage house in character and scale with the dwellings in the surrounding properties; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed dwelling; 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 **70 N. 21ST. ST. (43203)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance be hereby granted from the provisions of Sections 3332.037, R-2F, residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **70 N. 21ST. ST. (43203)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District, with a parking space reduction from 4 spaces to 2 spaces; a reduced minimum lot width from 50 feet to 30.5 feet; a reduced lot area from 6,000 square feet to 2,790 square feet and 1,395± square feet per dwelling unit; increased lot coverage from 50 percent to 57 percent; no frontage on a public street for the rear carriage house dwelling; reduced maximum side yard from 6.1 feet to 4 feet for both the existing single-unit dwelling and the

proposed rear carriage house dwelling; a reduced minimum side yard from 3 feet to 1 foot on the south side of the proposed rear carriage house dwelling and on the north side of the existing single-unit dwelling; and a reduced rear yard from 25 percent to 0 percent for the rear carriage house dwelling and 21 percent for the existing single-unit dwelling; said property being more particularly described as follows:

70 N. 21ST. ST. (43203), being 0.09± acres located on the east side of N. 21st St., 400± feet south of E. Long St., and being more particularly described as follows:

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

Being Lot Number Forty-One (41) of Joyce and Sheldon's East Long Street Woodland Addition to the said City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, Page 10, Recorder's Office, Franklin County, Ohio; excepting therefrom a strip of five (5) inches in width off of the South side thereof.

Parcel No. 010-016341-00

Property Address: 70 North 21st Street, Columbus, Ohio 43203

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling and a rear single-unit carriage house on the same lot, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**70 N 21ST ST CARRIAGE HOUSE**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated December 12, 2019. 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 plan shall be subject to review and approval 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 is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed dwelling.

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