



## Legislation Text

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**File #:** 0555-2020, **Version:** 1

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### **Council Variance Application: CV19-115**

**APPLICANT:** Clearview Property Management; c/o Benjamin Perryman, Agent; 699 Collingwood Drive; Westerville, OH 43081.

**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 has reviewed building elevations, and has determined that the design elements are compatible with surrounding structures. The request is consistent with the recent development pattern in urban neighborhoods.

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; 3332.19, 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 **34 MIAMI AVE. (43203)**, to permit a second single-unit dwelling (carriage house) on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV19-115).

**WHEREAS**, by application #CV19-115, the owner of property at **34 MIAMI AVE. (43203)**, is requesting a Council Variance to permit a second single-unit dwelling (carriage house) on one lot 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 three 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 42-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 5,292 square feet (pursuant to lot area calculation in 3332.18(C)) totaling 2,646□ square feet of lot area per dwelling unit; 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 8.4 feet, while the applicant proposes a maximum side yard of 6 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 five feet for lots more than 40 feet wide, while the applicant proposes minimum side yards of approximately three feet on the north and south sides of the proposed rear carriage house dwelling, and zero feet 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

**WHEREAS**, the Near East Area Commission recommends approval; 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. The request is consistent with the recent development pattern in urban neighborhoods; 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 **34 MIAMI AVE. (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 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; 3332.19, 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 **34 MIAMI AVE. (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 3 spaces; a reduced lot width from 50 feet to 42 feet; a reduced lot area from 6,000 square feet to 5,292 square feet (2,646□ square feet per dwelling unit); no frontage on a public street for the rear carriage house dwelling; reduced maximum side yard from 8.4 feet to 6 feet for both the existing single-unit dwelling and the proposed rear carriage house dwelling; reduced minimum side yards from 5 feet to 3 feet on the north and south sides of the proposed rear carriage house dwelling, and from 5 feet to zero feet on the north side of the existing single-unit dwelling; and no rear yard for the rear carriage house dwelling; said property being more particularly described as follows:

**34 MIAMI AVE. (43205)**, being 0.16± acres located on the east side of Miami Avenue, 260± feet north of East Broad

Street., and being more particularly described as follows:

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

Being Lot Number Thirty-Three (33) of Hayden, Baker and Brown's Addition to the City of Columbus, as numbered and delineated on the Recorder's Plat thereof, in Plat Book No. 4, Page 208, Recorder's Office, Franklin County, State of Ohio.

Subject to all legal highways, easements, restrictions and right of ways of record.

More commonly known as 34 N. Miami Ave., Columbus, OH 43203  
Permanent parcel ID #010-030999-00

**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, "**34 MIAMI AVE. COLUMBUS, OH 43203**," signed by Benjamin Perryman, Agent for the Applicant, and dated January 14, 2020. 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.