



Legislation Text

File #: 2147-2020, **Version:** 1

Council Variance Application: CV20-054

APPLICANT: Brenda Parker; 405 North Front Street; Columbus, OH 43215.

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

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling with a rear structure currently used as a garage in the AR-1, Apartment Residential District. The applicant requests a Council variance to permit the rear structure to be partially converted into a single-unit dwelling that also contains a home office. A Council variance is required because the AR-1 district does not permit two single-unit dwellings on one lot. Variances for maneuvering, fronting, minimum and maximum yards, rear yard, side yard obstruction, and home occupation are included in the request. The site is within the planning boundaries of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends single/two-unit dwellings at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). Staff finds the proposal to be consistent with the Plan's land use recommendation, and compatible with the housing types and density and the recent development trends in urban neighborhoods.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.25, Maneuvering; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3333.35, Side or rear yard obstruction; and 3333.34(A), Home occupation, of the Columbus City Codes; for the property located at **1652 W. 3RD AVE. (43212)**, to permit two single-unit dwellings on one lot with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV20-054).

WHEREAS, by application #CV20-054, the owner of the property at **1652 W. 3RD AVE. (43212)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, requires a separate lot for each principal use, while the applicant proposes a rear accessory dwelling-unit on a lot developed with a single-unit dwelling; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to permit maneuvering over parking spaces, as shown on the submitted site plan; and

WHEREAS, Section 3333.16, Fronting, requires each dwelling unit to have frontage on a public street, while the applicant proposes a rear dwelling-unit fronting on a public alley; 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 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the

applicant proposes a reduced total side yard from 10 feet to 1 foot eleven inches for the rear dwelling unit; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to reduced minimum side yards from 5 feet to 1 foot eleven inches on the western property line, and from 5 feet to 0 feet on the eastern property line for the rear 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 proposed rear dwelling; and

WHEREAS, Section 3333.35, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering in the required western side yard of the the existing front dwelling; and

WHEREAS, Section 3333.34(A), Home occupation, requires that any home occupation use shall be confined to the principal residence of the individual so engaged, while the applicant proposes to use the proposed rear dwelling for home occupation; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal is consistent with the *Fifth by Northwest Neighborhood Plan*'s recommendation for sinlge/two-unit dwellings, and is compatible with the housing types and density andthe recent development patterns in historic urban neighborhoods; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed rear 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 **1652 W. 3RD AVE. (43212)**, 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; 3312.25, Maneuvering; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3333.35, Side or rear yard obstruction; and 3333.34(A), Home occupation, of the Columbus City Codes, is hereby granted for the property located at **1652 W. 3RD AVE. (43212)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the ARLD, Apartment Residential District; with maneuvering over parking spaces; no frontage on a public street for the rear dwelling; reduced maximum side yard from 10 feet to 1 foot eleven inches for the rear dwelling; reduced minimum side yards from 5 feet to 1 foot and eleven inches and 0 feet along the western and eastern property lines respectively for the rear dwelling; reduced rear yard from 25 percent of the lot to 0 perecent for the rear dwelling; an obstruction of the required western side yard of the existing front dwelling for parking and maneuvering; and a home occupation that occurs outside of the principal residence; said property being more particularly described as follows:

1652 W. 3RD AVE. (43212), being 0.16± acres located on the north side of West Third Avenue, 86± feet east of Ashland

Avenue, and being more particularly described as follows:

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

Being Lot Number Two Hundred Thirteen (213), in URLIN'S GRANDVIEW HEIGHT SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 32, Recorder's Office, Franklin County, Ohio.

Property Address: 1652 W. 3rd Ave., Columbus, OH 43212

Parcel No.: 010-062874

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, which may also include a home occupation for the principal residence occurring in the rear dwelling, or those uses permitted in the AR-1, 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, "**SITE PLAN**," dated July 30, 2020, signed by Brenda Parker, 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 shall take effect and be in force from and after the earliest period allowed by law.