



## Legislation Text

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**File #:** 2199-2020, **Version:** 1

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**Council Variance Application: CV20-063**

**APPLICANT:** Mathew C. Lovett & Matthew Bell; c/o Maurice Wells, Agent; Two Miranova Place, Suite 700; Columbus, OH 43215.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a nonconforming single-unit dwelling in the I, Institutional District. The applicant proposes to construct a rear single-unit dwelling above a detached garage (a carriage house). A Council variance is required because the I, Institutional District does not permit single-unit dwellings. Variances for lot size, minimum lot frontage, building setback, side yards, and rear yard are included in the request to conform the existing dwelling and to permit the proposed dwelling. Staff supports the proposal because the request will not add incompatible uses to the area as there are other carriage houses within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3349.03, Permitted uses; and 3349.04(b)(c), Height, area and yard regulations, of the Columbus City Codes; for the property located at **47 W. 4TH AVE. (43201)**, to conform an existing single-unit dwelling and to permit a single-unit carriage house on the same lot with reduced development standards in the I, Institutional District (Council Variance #CV20-063).

**WHEREAS**, by application #CV20-063, the owner of the property at **47 W. 4TH AVE. (43201)**, is requesting a Variance to conform an existing single-unit dwelling and to permit a single-unit carriage house on the same lot with reduced development standards in the I, Institutional District; and

**WHEREAS**, Section 3349.03, Permitted uses, prohibits single-unit dwellings, while the applicant proposes to conform an existing single-unit dwelling and construct a new single-unit carriage house on the same lot; and

**WHEREAS**, Section 3349.04(b), Height, area and yard regulations, requires a lot area of not less than one acre with a minimum frontage of no less than 100 feet, while the applicant proposes to maintain the existing lot size of 0.18 acres with 41.66 feet of frontage; and

**WHEREAS**, Section 3349.04(c), Height, area and yard regulations, requires a minimum building setback of 50 feet from West Fourth Avenue, a minimum side yard of 20 feet on each side of a structure, and a minimum rear yard of 50 feet, while the applicant proposes to maintain a front setback of 25.2 feet from West Fourth Avenue, a minimum yard for the existing single-unit dwelling of 9.86 feet and 3.4 feet, on the east and west property lines, respectively, a reduced minimum yard for the proposed carriage house of 5 feet and 3.36 feet, on the east and west property lines, respectively, and a reduced minimum rear yard of 5 feet; and

**WHEREAS**, the Victorian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other single-unit dwellings with carriage houses within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed carriage house; 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 **47 W. 4TH AVE. (43201)**, 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 3349.03, Permitted uses; and 3349.04(b) (c), Height, area and yard regulations, of the Columbus City Codes; for the property located at **47 W. 4TH AVE. (43201)**, insofar as said sections prohibit two single-unit dwellings on one lot in the I, Institutional District; with a reduced lot size from 1 acre to 0.18 acres; reduced frontage from 100 feet to 41.66 feet; reduced building setback from West Fourth Avenue from 50 feet to 25.2 feet; reduced side yards for the existing dwelling unit from 20 feet to 9.86 feet and 3.4 feet, on the east and west property lines, respectively; reduced side yards for the proposed carriage house from 20 feet to 5 feet and 3.36 feet, on the east and west property lines, respectively; and a reduced minimum rear yard from 50 feet to 5 feet; said property being more particularly described as follows:

**47 W. 4TH AVE. (43201)**, being 0.18± acres located on the south side of West Fourth Avenue, 337± feet west of North High Street, and being more particularly described as follows:

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

Being Lot Number Two (2) of SMITH AND JOHNSON'S ADDITION, to the City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 184, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-035161

Property Address: 47 W. 4<sup>th</sup> Ave., Columbus, OH 43201

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for one or two single-unit dwellings on one lot, or those uses permitted in the I, Institutional District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**SITE PLAN**," signed by Maurice A. Wells, Attorney for the Applicant, and dated September 21, 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 adjustment to the plan shall be reviewed and may be approved 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 upon the applicant obtaining all applicable permits and a

Certificate of Occupancy for the proposed carriage house.

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