



Legislation Text

File #: 2852-2020, **Version:** 1

Council Variance Application: CV20-100

APPLICANT: William E. Edwards, et al; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; 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, and a two-unit dwelling on an adjacent lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two adjacent parcels zoned in the R-3, Residential District established by a city-sponsored down-zoning of the Near East Area in 1993 (Z93-023A). The requested Council variance will permit a single-unit carriage house on a lot developed with a single-unit dwelling at 735 Oak Street, and will conform an existing two-unit dwelling with a new two-car garage at 739-741 Oak Street. A Council variance is necessary because the R-3 district permits only one single-unit dwelling per lot. The request includes variances for reduced number of parking spaces, lot width and area, fronting, and side and rear yards. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location. The Plan does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area as there are carriage houses and two-unit dwellings in this neighborhood.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(B), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **735 & 739-741 OAK ST. (43205)**, to permit two single-unit dwellings on one lot, and to conform an existing two-unit dwelling on an adjacent lot, with reduced development standards in the R-3, Residential District (Council Variance #CV20-100).

WHEREAS, by application #CV20-100, the owners of the properties at **735 & 739-741 OAK ST. (43205)**, are requesting a Variance to permit to permit two single-unit dwellings on one lot, and to conform an existing two-unit dwelling on an adjacent lot, with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, residential district, lists one single-unit dwelling as the only permitted residential use, while the applicant proposes to construct a rear single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling at 735 Oak Street, and to conform a two-unit dwelling and construct a detached private garage at 739-741 Oak Street; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two dwelling units, while the applicant proposes a total of three parking spaces at 735 Oak Street, and 2 parking spaces at 739-741 Oak Street; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the

R-3, Residential District, while the applicant proposes to maintain a lot width of 40.25 feet on each lot; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes two dwelling units on each lot that are 4,860 square feet in area pursuant to the lot area calculation in Section 3332.18(C); and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a carriage house fronting on a rear public alley at 735 Oak Street; 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 8.05 feet for a 40.25 foot wide lot, while the applicant proposes to maintain a maximum side yard of 8 feet for the existing two-unit dwelling at 739-741 Oak Street; and

WHEREAS, Section 3332.26(B), Minimum side yard permitted, requires a minimum side yard of 5 feet; while the applicant proposes to maintain reduced side yards of zero feet for the existing dwellings on the west side of each lot; 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 carriage house at 735 Oak Street; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow residential development that is consistent with the housing types and densities found in the surrounding area as recommended by the *Near East Area Plan*. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area as there are carriage houses and two-unit dwellings in this neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **735 & 739-741 OAK ST. (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 3332.035, R-3, residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(B), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **735 & 739-741 OAK ST. (43205)**, insofar as said sections prohibit two single-unit dwellings on one lot at 735 Oak Street and a two-unit dwelling at 739-741 Oak Street in the R-3, Residential District; with a parking space reduction from 4 spaces to 3 spaces at 735 Oak Street and to 2 spaces at 739-741 Oak Street; reduced lot widths from 50 to 40.25 feet on each lot; reduced lot areas from 5,000 to 4,860 square feet on each lot; no frontage on a public street for the proposed carriage house at 735

Oak Street; reduced maximum side yard from 8.05 feet to 8 feet for the existing two-unit dwelling at 739-741 Oak Street; reduced side yards from five feet to zero feet for the existing dwellings on the west side of each lot; and no rear yard for the proposed carriage house at 735 Oak Street; said property being more particularly described as follows:

735 & 739-741 OAK ST. (43205), being 0.25± acres located on the south side of Oak Street, 171± feet east of Parsons Avenue, and being more particularly described as follows:

735 Oak Street
Legal Description

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

Being Lot Number Sixty-nine (69) of Deshlers' Sinks' Subdivision, in the City of Columbus, Ohio, as the same is numbered and delineated on the recorded plat thereof of record in Plat Book No. 3, Page 425, Recorder's Office, Franklin County, Ohio.

Tax Parcel No.: 010-000263-00
Property Address: 735 Oak Street, Columbus, OH 43205

739-741 Oak Street
Legal Description

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

Being Lot Number Seventy (70) of Deshler and Sinks, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 423, Recorder's Office, Franklin County, Ohio.

Tax Parcel No.: 010-050906-00
Property Address: 739-741 Oak Street, Columbus, OH 43205

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 on one lot at 735 Oak Street and a two-unit dwelling at 739-741 Oak Street in accordance with the submitted site plans, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plans titled, "**SITE PLAN (SHEETS 1 & 2)**," dated November 12, 2020, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plans 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 is further conditioned on the applicant obtaining all applicable permits and Certificates 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.