

## **Meeting Notes from Monday, May 2, 2016 meeting of the UAC Zoning Committee:**

**6:00 PM** – Business/administrative session.

- We discussed the agenda, briefly, at the Pride Center

PRESENT: Rory Krupp, Susan Keeny, Deb Supelak, Brian Williams, Craig Bouska, Pasquale Grado

EXCUSED/ABSENT: Tom Wildman, Dick Talbot, Seth Golding

VISITORS: Alan Jones

**6:30 PM** – Applicant(s):

1. **154 E. 5th Avenue** – This was a request for council variance in order to renovate a two (2) family dwelling & a 15 dwelling unit residential building on one parcel. The applicant, Victorian Heritage Homes, seeks to make these existing dwelling units comply with current standards of this R4 zoning district. The units are located on E. 5<sup>th</sup> Avenue near Hamlet.

### **Project Information/Applicant Presentation:**

- To summarize,
  - 15-unit townhouse on 5<sup>th</sup>; 2-family unit on Hamlet.
  - These dwelling units are and shall remain "Section 8" (affordable) housing.
  - The structures are non-conforming uses.
  - These masonry row houses existed long before existence of R4 zoning.
  - The properties will be renovated. No additional square footage will be added.
  - This application was tabled from Aug. 3, 2015 zoning committee meeting. No vote was taken.
- There has been no change in the council variance submitted last year.
- Requested variances are:
  1. Section 3312.49, Min. Number of Parking Spaces Required: to reduce code required parking from 26 spaces (17 DU x 1.5 = 26 spaces) to 13 spaces.
  2. Section 3321.05(B)(2), Vision Clearance: to reduce the code-required 30 ft. clear vision triangle at the intersection of 5th Ave. & Hamlet St. to 9' x 9'.
  3. Section 3332.039, R-4 Area District Requirements: to permit a two (2) family dwelling unit building (total of 17 dwelling units) on a single parcel.
  4. Section 3332.15 R-4 Area District Requirements: to permit a two (2) family dwelling unit & a 15 dwelling unit building (total of 17 dwelling units) on one 22,130 SF parcel (1,300 SF lot area/DU) rather than on separate lots with 2,500 SF of lot area per unit.
  5. Section 3332.21, Building Lines: To reduce building setback lines on E. 5th Ave. & Hamlet from a min. of 60 ft. & 25 ft. to 21 ft. & 0 ft., respectively,
  6. Section 3332.23, Max. Side Yards Required: to reduce the max. side yard from 16 ft. to 0 ft. for E. 5th Ave. building.
  7. Section 3332.26, Min. Side Yard Permitted: to reduce the min. 5 ft. side yard to 0 ft. for the west side yard of the E. 5th Ave. building & to 0.75 ft. for the north side yard of the Hamlet St. building.
  8. Section 3332.541, Landscaped Area & Treatment: to reduce landscaped area behind the most rear portion of the buildings from 10% of lot area to 0%.
  9. Section 3372.542, Max. Lot Coverage: to increase permitted max. lot coverage from 25% to 42%
  10. Section 3372.543, Building Lines: to increase the E. 5th Ave. building setback from 5 ft. to 21 ft.
  11. Section 3372.544, Max. Floor Area: to increase the permitted floor area ration from the code maximum of 0.40 to 1.2.
- Lenders are always concerned with non-conforming conditions. Without a variance, if the current structure is destroyed by more than 50%, the owner cannot re-build with the current footprint. Replaced structure must be built according to current code..
- Owner is currently halfway done with the renovations – 8 units are done and occupied.

### **Discussion, Comments/Observations:**

- Pasquale - reiterated the importance to lending institutions to make non-conforming properties conforming so that properties could be rebuilt in the same footprint. This provides security to the lender
- Rory - still has objections to Landscape variance #8. Same concern as last time:
  - Children play in front grassy yards rather than paved back yards. 5<sup>th</sup> Ave. traffic poses danger to children.
  - "CPO" provides landscaping for their properties. Applicant should for this project.

- Response: Grass won't survive on north side of property -difficult to maintain.
- Deb – landscaping done in other projects with north exposures. Suitable shade plant materials available
- Pasquale suggested reducing patio depth from 20 ft. to approx.. 12 ft. and planting a 'green strip' at the south edge of the parking lot. Could be a compromise solution. Response: Tearing out existing pavement is not part of scope of work. But, Dave suggested that ordinance could be written such that upon any reconstruction, the owner must comply with the 10% landscaping requirement.
- Craig – If maintenance is an issue, could a synthetic grass product be used instead? Response: Products like this not particularly attractive or pleasant to walk on.
- Susan – Understand that site improvements are important, but with a set budget, money should be placed into building remodeling rather than landscaping. Important to get the building issues corrected now, when building is exposed and unoccupied. Only one shot to get it right. Too costly to go back later and make repairs. Landscaping could be handled later as separately funded project. Do we want to vote against this project because of one variance? Response: Several committee members said 'yes'.
- Deb – Consider eliminating landscaping variance #8 altogether. Response: Dave will withdraw variance #8 from this council variance. This process is similar to what was done on the renovation of the row houses on Dennison Pl. (*The variance to permit existing air conditioning units in the front yard setback was withdrawn from that council variance request.*)
- Committee agreed to approve the request for council variance with the condition that Variance #8 - *Section 3332.541, Landscaped Area & Treatment: to reduce landscaped area behind the most rear portion of the buildings from 10% of lot area to 0% - be withdrawn from this council variance.*

**Motion to approve the request for council variance for the existing dwelling units building located at 154 E. Fifth Avenue minus variance #8, as noted above: Deb; seconded: Craig. For-3; Against-1; Abstentions-1. Motion is approved.**

2. **1497 Perry Street** – request for variances to build a 3-car garage with single unit carriage house above in NECKO neighborhood. We met twice previously with the applicant and at the site last month to review the revised plans with applicant Mike Mahaney (*see 4/04/2016 meeting notes*). This was the 3rd meeting with the applicant.

**Project Information/Applicant Presentation:**

- Summary:
  - The parcel is an unusually wide lot for that area – 53.13 ft. wide.
  - Existing rental house is side-by-side duplex w/ 4-5 students each apartment unit
  - Existing outdoor raised deck covers large portion of rear yard. Applicant proposes to remove this deck.
  - Created 2 small secondary porch/entries to the rear of each apartment unit.
  - Proposal to build a 3-car garage with single family dwelling unit above – intended for owner and his wife.
- Applicant Mike Mahaney presented current plan and the revisions from the last meeting as depicted on the plans dated April 21, 2016:
  - Removed the existing raised deck in the rear yard
  - Removed the existing illegal gravel drive at the north property line, per the recommendations of the zoning committee last month.
  - Put back curb along Perry where existing driveway was located
  - Added 2 spaces of side parking to the north of the proposed new carriage house.
  - Added more green space and plantings to rear yard.
  - Dimensions of garage/carriage house the same as on previous plan.
  - Garage setback from alley is same as on previous plan.
- List of 8 variances requested:
  1. Section 3332.039 - R-4 residential district: to permit **2 separate dwellings** in an R4 zone instead of one dwelling, max. per code.
  2. Section 3332.15 - R-4 area district requirements: to permit 3dwelling units on a single lot of **7,439 SF** rather than the code-required minimum lot size of 7,500 SF. (*99.2% of 2,500 SF requirement*).
  3. Section 3332.19 – Fronting: to permit a **dwelling unit (carriage house) to front on an alley** rather than a public street.
  4. Section 3332.27 - Rear yard: to **permit zero (0) rear yard** for the carriage house instead of the minimum 25% of the total lot area. (Rear yard of 25.3% applies to existing dwelling only).

5. Section 3372.542 - Maximum lot coverage: to permit the 2 buildings to cover **31.8% of the lot** instead of the maximum 25% allowed by code.
  6. Section 3372.544 - Maximum floor area: to permit a **0.61 F.A.R.** (floor area ratio) of instead of the code maximum of 0.4 F.A.R.
  7. Section 3332.28 - Side or rear yard obstruction: to permit **side yard obstruction of 2 parking spaces** along the north property line (*on the existing gravel driveway*).
- Applicant had preliminary meeting with Shannon Pine at the city to confirm variances.
  - Applicant presented photos of comparable carriage houses in the Victorian Village that he has built to show quality of work.

**Discussion, Comments/Observations:**

- Committee noted that changes presented in the revised plan addressed many of the concerns expressed at the last meeting with the applicant. Committee appreciated that applicant listened to their concerns.
- Pasquale – suggested making parking pad at the rear of the garage a dimension of 18 ft., which is legitimate parking space. Also suggested that rear decks at each unit be increased – approximately. 10 ft. x 12 ft. Will make them more useable.
- Deb expressed hesitancy over statement of hardship. Variances diminish community, benefit owner. Needs to hear overwhelming reasons why variances should be granted. Response: Applicant agreed that “hardship” not easily confirmed. There are conflicting issues. Zoning made for entire city, not just this neighborhood. No easy response to this concern.
- Brian – reiterated that depth of parking pad hadn’t changed since last meeting. Concern.
- Craig – suggested a depth of 16 ½ ft. for parking pad to accommodate a standard length vehicle without bumping up against garage door and having potential damage to door.
- Adjacent neighbor to the north, Alan Jones, spoke in support of project:
  - Applicant showed good faith to neighborhood by contacting him to discuss proposed carriage house project
  - Glad that the owner is removing the large existing deck and grave drive.
  - Alan will appreciate having a neighbor with a vested interest in the neighborhood.
  - Along W. 8<sup>th</sup>, only 2 owner-occupied homes between Cannon and High.
  - Doesn’t see the negatives to this project
- Susan reported on NECKO neighborhood meeting with the applicant. Everyone present was supportive of the project and looking forward to seeing a new structure built in the neighborhood. They appreciated what appeared to be a quality building. That the owner wants to live there is only more reason to recommend the project.
- Some committee members expressed concern about setting precedent for carriage houses throughout the district. Counter argument: We should consider this proposed project more parcel-specific than precedent-setting.
- Some committee members still had concerns that the carriage house might not be owner-occupied in the future and become another rental property.
- In the end, the committee supported the proposed council variance.

**Motion to approve the request for council variance to permit construction of a 3-car garage with single dwelling unit above at 1497 E. Perry Street: Deb; seconded: Craig. For–3; Against–1; Abstentions–1. Motion is approved.**

## VOTING RESULTS FOR ZONING COMMITTEE MEETING: May 2, 2016

MEMBER	Craig Bouska	Seth Golding	Pasquale Grado-non-voting member	Susan Keeny	Rory Krupp	Deb Supelak	Dick Talbot	Tom Wildman	Brian Williams
Attendance	Present	Excused	Present	Present	Present	Present	Excused	Absent	Present
CASE/ VOTE	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*
154 E. 5 <sup>th</sup>	Y			Y	N	Y			A
1497 E. Perry	Y			Y	A	N			Y

\*Y – yes; N – no; A – abstain; R – recused

The following link is to the on-line zoning code, for your use and information:

[https://www.municode.com/library/oh/columbus/codes/code\\_of\\_ordinances?nodeId=TIT33ZOCO](https://www.municode.com/library/oh/columbus/codes/code_of_ordinances?nodeId=TIT33ZOCO)

### For Commission Presentations:

Commissioners may speak twice, up to 3 minutes each time per Bylaws Article IV, Section 1(b).

### For All Zoning Presentations:

Applicants will present at the next University Area Commission (UAC) meeting which will take place (*unless otherwise notified*) on **Wednesday, April 20, 2016** at the Northwood & High Building, 2231 North High Street, one block north of Lane Avenue, Room 100. Zoning cases will be heard beginning approximately at 7:15 PM. Applicants are to bring at least 10 copies of their presentation that best presents their specific case – the specific variances requested, any plans, photos of existing properties, and a statement of hardship as to why the particular request should be granted. There is also an available overhead screen and projector for applicant power point presentations. The vote taken by the UAC that evening will be communicated to either the Columbus Board of Zoning Appeals, or City Council, or Graphics Commission, which will make the final determination of all requested variances

**PLEASE NOTE** the following parameters for all participants in Commission meetings with regard to zoning cases, per our REVISED bylaws, Article IV – MEETINGS, Section 7:

The following time limits will be adhered to for all zoning cases heard before the Commission:

1. Zoning Committee presents the facts of the case - **5 min. max**
2. Applicant Presentation - **7 min. max**
3. Zoning Committee report – **5 min. max**
4. Public comment (max 3 people each pro/con) - **2 min each (max)**. Only those who complete speaker slips prior to the case being heard will be considered for speaking based on the order the slips were received
5. Commissioner discussion: Commissioner who wishes may speak once per round for **1 min (max) for 2 rounds**. A Commissioner cannot save time for their second round or transfer their remaining time to someone else
6. Applicant response - **3 min (max)**
7. Commission vote
8. A motion to extend the max time limits can be made at the beginning of the case stating which portion(s) should be extended and by how long. The motion must pass by two-thirds (2/3) majority with no debate on this motion.