



## Legislation Details (With Text)

**File #:** 1973-2017      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 7/12/2017      **In control:** Zoning Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05, Area district lot width requirements; Section 3332.15, R-4 Area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the Columbus City codes; for the property located at 1069 SAY AVENUE (43201), to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV15-052) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1973-2017.Attachments, 2. ORD1973-2017.Labels

Date	Ver.	Action By	Action	Result
8/3/2017	2	ACTING CITY CLERK	Attest	
8/2/2017	2	MAYOR	Signed	
7/31/2017	2	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Zoning Committee	Approved as Amended	Pass
7/31/2017	1	Zoning Committee	Amended to Emergency	Pass
7/24/2017	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV15-052**

**APPLICANT:** Jessica Moore and Timothy Foradis; 1069 Say Avenue; Columbus, OH 43201.

**PROPOSED USE:** A carriage house on a lot developed with a single-unit dwelling.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-4, Residential District, and is developed with a single-unit dwelling. The requested Council variance will permit the construction of a single-unit dwelling above a garage (carriage house) on the rear of the lot, while conforming the existing lot width. A Council variance is necessary because the R-4, Residential District permits a maximum of four dwelling units in one building, but does not permit two residential buildings on the same lot. Variances for lot width, area district requirements, basis for computing area, fronting, and rear yard, are also included in the request. Staff finds that the proposal 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 Italian Village Commission requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05, Area district lot width

requirements; Section 3332.15, R-4 Area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the Columbus City codes; for the property located at **1069 SAY AVENUE (43201)**, to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV15-052) **and to declare an emergency.**

**WHEREAS**, by application # CV15-052, the owner of property at **1069 SAY AVENUE (43201)**, is requesting a Council variance to permit a single-unit dwelling above a garage (a carriage house) on the rear of a lot developed with a single-unit dwelling, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District, permits a maximum of four units in one building, but does not permit two separate dwellings on one lot, while the applicant proposes to construct a rear single-unit dwelling above a detached garage (a carriage house) on a lot developed with a single-unit dwelling; 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 32-foot wide lot; and

**WHEREAS**, Section 3332.15, R-4 Area district requirements, requires a lot of 5,000 square feet for a single-unit dwelling, while the applicant proposes to maintain an existing single-unit dwelling and construct a second single-unit dwelling (a carriage house) on a lot that is approximately 3,594 square feet (1,797 square feet per dwelling); 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; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes 17 percent for the existing dwelling and no rear yard for the carriage house dwelling; and

**WHEREAS**, the Italian 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 carriage houses within this community. The request is consistent with the recent development pattern in historic urban neighborhoods; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **1069 SAY AVENUE (43201)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05, Area district lot width requirements; Section 3332.15, R-4 Area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes, is hereby granted for the property located at **1069 SAY AVENUE (43201)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-4, Residential District; a reduced lot width from 50 feet to 32 feet; a reduced lot area from 5,000 square feet to 1,797 square feet per dwelling unit; no frontage on a public street for the carriage house; and a reduced rear yard from 25 percent to 17 percent for the existing dwelling and no rear yard for the carriage home; said property being more particularly described as follows:

**1069 SAY AVENUE (43201)** being 0.08± acres located on the west side of Say Avenue, 220± feet north of East 3rd Avenue, and being more particularly described as follows:

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

Being Lot Number Eleven (11) of SELLS AND SAY'S SUBCIVISION of Lot Nos. 32 and 33, of Mw. Phelan's Mt. Pleasant Addition to said City of Columbus, as the said Lot 11, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 41, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-040408

Property Address: 1069 Say Avenue, 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 a single-unit dwelling with a rear single-unit carriage house, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan and elevation exhibit titled, "**SITE PLAN AND ELEVATIONS**," signed by Jessica Moore, Applicant, dated July 11, 2017. 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 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

~~SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**