



## Legislation Details (With Text)

**File #:** 1067-2007      **Version:** 1

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

**File created:** 6/22/2007      **In control:** Zoning Committee

**On agenda:** 7/23/2007      **Final action:** 7/25/2007

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3309.14, Height districts; 3332.05, Area district lot width requirements; 3332.19, Fronting; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.29, Height District; 3342.28(A)(6), Minimum number of parking spaces required, for the property located at 157 EAST DESHLER AVENUE (43206), to permit a second single-family dwelling (carriage house) and conform an existing single-family dwelling with reduced development standards on a lot zoned in the R-2F, Residential District. (Council Variance #CV07-016)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1067-2007 Attachments.pdf, 2. ORD # 1067-2007 Mailing Labels.pdf, 3. ORD # 1067-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	1	CITY CLERK	Attest	
7/24/2007	1	MAYOR	Signed	
7/23/2007	1	Zoning Committee	Approved	Pass
7/23/2007	1	COUNCIL PRESIDENT	Signed	
7/3/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
7/2/2007	1	Dev Drafter	Sent for Approval	
7/2/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/29/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
6/29/2007	1	Dev Reviewer	Reviewed and Approved	
6/22/2007	1	Dev Drafter	Sent for Approval	

**Council Variance Application: CV07-016**

**APPLICANT:** Brian & Lisa House; c/o Albert Unetic; 910 Mohawk Street; Columbus, Ohio 43206.

**PROPOSED USE:** Second single-family dwelling (carriage house) on one lot.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-family dwelling in the R-2F, Residential District. The applicant proposes to build a second single-family dwelling above a garage (carriage house) on the rear of the property. A variance is necessary because the R-2F district does not permit more than one dwelling on the same lot. In addition to the use variance, requested variances to the development standards include lot width, building height, frontage, building line, side yards, rear yard and parking. There is a four-unit dwelling adjacent to the west of the rear portion of the site. Approval of this request will not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3309.14, Height districts; 3332.05, Area district lot width requirements; 3332.19, Fronting; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.29, Height District; 3342.28(A)(6), Minimum number of parking spaces required, for the property located at **157 EAST DESHLER AVENUE (43206)**, to permit a second single-family dwelling (carriage house) and conform an existing single-family dwelling with reduced development standards on a lot zoned in the R-2F, Residential District. (Council Variance #CV07-016)

**WHEREAS**, by application No. CV07-016, the owner of property at **157 EAST DESHLER AVENUE (43206)**, is requesting a Council Variance to permit a second single-family dwelling (carriage house) and to conform an existing single-family dwelling on a lot with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential District, prohibits two single-family dwellings on one lot, while the applicant proposes to build a second single-family dwelling and conform an existing single-family dwelling on one lot; and

**WHEREAS**, Sections 3309.14, Height districts, requires a maximum building height of thirty-five (35) feet at the setback for this property, while the applicant proposes to maintain the existing single-family building height of 41 feet; 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 single-family dwelling and construct a second single-family dwelling (carriage house) on a 46.88 foot wide lot; and

**WHEREAS**, Section 3332.19, Fronting, requires each dwelling to front upon a public street, while the applicant proposes to construct a second single-family dwelling which does not front upon a public street; and

**WHEREAS**, Section 3332.21, Building lines, requires the building line to be an average of the building lines on the contiguous lots, for a building line of approximately 23 feet, while the applicant proposes to maintain the building line of 22 feet for the existing single-family dwelling; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 9.38 feet for the dwellings, while the applicant proposes the sum of the widths for the side yards to be 8.7 feet for the existing single-family dwelling and 6 feet for the proposed single-family dwelling; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum five (5) foot side yard along the property lines, while the applicant proposes to maintain the existing single-family dwelling with a 1.5 foot west side yard and provide three (3) foot side yards for the proposed single-family dwelling; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a rear yard for the existing single-family dwelling of 21.1 percent and for the second single-family dwelling of 4.7 percent of the total lot area; and

**WHEREAS**, Section 3332.29, Height District, requires that no dwelling exceed a height of 35 feet, while the applicant proposes to maintain the existing single-family dwelling with a height of 41 feet; and

**WHEREAS**, Section 3342.28(A)(6), Minimum number of parking spaces required, requires two (2) parking spaces for each dwelling unit for a total of four (4) required parking spaces, while the applicant proposes a total of three (3) parking spaces; and

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

**WHEREAS**, City Departments recommend approval because this request will not introduce an incompatible use to the area.; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 **157 EAST DESHLER AVENUE (43206)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F, Residential District; 3309.14, Height districts; 3332.05, Area district lot width requirements; 3332.19, Fronting; 3332.21 Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.29, Height District; 3342.28(A)(6) Minimum number of parking spaces required, for the property located at **157 EAST DESHLER AVENUE (43206)**, insofar as said sections prohibit two single-family dwellings on a lot that is 46.88 feet wide, no frontage for the second single-family dwelling, with a building line of 22 feet, a maximum side yard of 8.7 feet for the existing single-family dwelling and 6 feet for the second single-family dwelling, a minimum side yard of 1.5 feet on the west side for the existing single-family dwelling and 3 feet for the second single-family dwelling, 21.1 percent rear yard for the existing single-family dwelling and 4.7 percent rear yard for the carriage house, a maximum building height of 41 feet and a reduction in required parking spaces from four (4) to three (3) parking spaces; said property being more particularly described as follows:

**157 EAST DESHLER AVENUE (43206)**, being 0.18± acres located on the south side of Deshler Avenue, 90± feet east of Fourth Street, and being more particularly described as follows:

**Legal Description**

**157 East Deshler Avenue, Columbus, OH (43206)**

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

Being the east three-fourths (3/4) of Lot Number Ninety-four (94) of DESHLER'S AND THURMAN'S ADDITION, to said City, as numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 357, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-015411-00

Property Address: 157 East Deshler Avenue, Columbus, Ohio 43206

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a second single-family dwelling (a carriage house) on the rear of a lot developed with a single-family dwelling, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned to be consistent with the site plan titled, "**HOUSE RESIDENCE**," signed by Albert Unetic, Architect, and dated June 6, 2007. Any slight adjustment to the drawing shall be subject to review and approval by the Director of the Department of Development, or his 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.