



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 5/22/2007 **In control:** Zoning Committee

On agenda: 6/25/2007 **Final action:** 6/27/2007

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.19, Fronting on a public street; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes for the property located at 813 SUMMIT STREET (43215), to permit a nine-hundred (900) square foot general office above a private detached garage with reduced development standards in the R-4, Residential District and to declare an emergency (Council Variance # CV07-011).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0870-2007Attachments.pdf, 2. ORD0870-2007Labels.pdf, 3. ORD0870-2007DataSheet.pdf

Date	Ver.	Action By	Action	Result
6/27/2007	2	CITY CLERK	Attest	
6/26/2007	2	MAYOR	Signed	
6/25/2007	1	Zoning Committee	Approved as Amended	Pass
6/25/2007	2	COUNCIL PRESIDENT	Signed	
6/25/2007	1	Zoning Committee	Amended to Emergency	Pass
6/18/2007	1	Columbus City Council	Read for the First Time	
6/8/2007	1	Dev Reviewer	Reviewed and Approved	
6/8/2007	1	Dev Zoning Drafter	Sent for Approval	
6/8/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/8/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/7/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
5/31/2007	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV07-011

APPLICANT: Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

PROPOSED USE: Office above a private detached garage.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to convert the storage area above a private detached garage to a nine-hundred (900) square foot general office on a lot developed with a single-family dwelling in the R-4, Residential District. The site is subject of a 1999 Board of Zoning Adjustment variance to increase the allowable square footage and height of the garage with a condition that the structure would not be used for business purposes. The

Council variance is necessary because the R-4, Residential District prohibits commercial uses in residential accessory structures. Nine conditions addressing items such as size limitation, number of employees, and exterior appearance have been established to ensure the proposed office use will not have a negative impact on the surrounding residential uses. Two on-site parking spaces will be provided in the garage for the single-family dwelling. Variances for minimum number of parking spaces, fronting on a public street, existing side yards and rear yard are also included in the request. No recommendation is being made regarding the hardship aspects of this application.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.19, Fronting on a public street; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes for the property located at **813 SUMMIT STREET (43215)**, to permit a nine-hundred (900) square foot general office above a private detached garage with reduced development standards in the R-4, Residential District **and to declare an emergency** (Council Variance # CV07-011).

WHEREAS, by application #CV07-011, the owner of the property at **813 SUMMIT STREET (43215)**, is requesting a Variance to permit a nine-hundred (900) square foot general office above a private detached garage with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district uses, prohibits commercial uses, while the applicant proposes a nine-hundred (900) square foot general office above a private detached garage with reduced development standards on a lot developed with a single-family dwelling; and

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the fact that the owners' office use on their property is vital to their continued ownership and participation in the surrounding community for the immediate preservation of the public peace, property, health and safety; and**

WHEREAS, Section 3332.19, Fronting on a public street, requires a principal building to have frontage on a public street, while the applicant proposes to maintain frontage for the existing building along the rear alley; and

WHEREAS, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard to equal twenty (20) percent of the lot width or 10.25 feet, while the applicant proposes to maintain the existing side yard of 7.3 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain the existing side yard of 2.3 feet along the north property line for the single-family dwelling, and a side yard of 2.3 feet along south property line for the garage/office structure; and

WHEREAS, Section 3332.27, Rear yard, requires a principal building to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a rear yard of 0% for the garage/office structure; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces for the single-family dwelling, and one (1) parking space per three-hundred (300) square feet of gross floor area for the office, or three (3) parking spaces, while the applicant proposes to provide two (2) garage parking spaces for the single-family dwelling and zero (0) parking spaces for the office; and

WHEREAS, the applicant has secured a parking agreement with a nearby church to use at least three (3) parking spaces; and

WHEREAS, this variance will allow an office above a private garage with reduced development standards in the R-4, Residential District; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because nine conditions addressing items such as size limitation, number of employees, and exterior appearance have been established to ensure the proposed office use will not have a negative impact on the surrounding residential uses. The requested Council variance will allow the conversion of the storage area above a private detached garage to a nine-hundred (900) square foot general office on a lot developed with a single-family dwelling in the R-4, Residential District. The site is subject of a 1999 Board of Zoning Adjustment variance to increase the allowable square footage and height of the

garage with a condition that the structure would not be used for business purposes. The Council variance is necessary because the R-4, Residential District prohibits commercial uses in residential accessory structures. Two on-site parking spaces will be provided in the garage for the single-family dwelling. Variances for minimum number of parking spaces, fronting on a public street, existing side yards and rear yard are also included in the request; 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 **813 SUMMIT STREET (43215)**, in using said property as desired and; 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; 3332.19, Fronting on a public street; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes is hereby granted for the property located at **813 SUMMIT STREET (43215)**, to permit a nine-hundred (900) square foot general office above a private detached garage with frontage along the rear alley, a maximum side yard of 7.3 feet, a minimum side yard of 2.3 feet for the single-family dwelling along the north property line and for the garage/office structure along the south property line, no rear yard for the garage/office structure, and a parking space reduction from five (5) required spaces to two (2) spaces; said property being more particularly described as follows:

813 SUMMIT STREET (43215), being 0.22± acres located on the west side of Summit Street, 447± feet south of East First Avenue, and being more particularly described as follows:

Parcel # 010-047557

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

Being Lot Number Four (4) in Starr and Long's Addition or Subdivision a subdivision to Phelan's Mount Pleasant Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 143, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a general office above a private detached garage on a lot developed with a single-family dwelling, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the following:

1. The office use shall be confined to the foyer, stairway, and second (2nd) floor of the existing, detached garage of 813 Summit Street and shall be excluded from the dwelling, yard, and any accessory buildings.
2. No alteration shall be made on the external garage structure for purpose of the office use.
3. No evidence of any office use shall be visible from off the lot including no signage.
4. No persons other than the permanent residents of the dwelling at 813 Summit may operate the business and no more than two (2) employees not residing at the dwelling may use the office space, said use by employees being limited to no more than four (4) days per week per employee.
5. No storage of equipment or materials used in the office shall be outside the building or obstruct the garage parking spaces.
6. No equipment or process shall be used in the office which emits radiation or creates noise, vibration, glare, fumes, odors, or

electrical interference detectable to the normal senses or which creates visual or audible interference.

7. No traffic, whether by foot or vehicle, shall be generated by the office use unreasonably greater in volume or different in nature than would otherwise normally occur in the residential neighborhood.
8. No wholesale or retail business shall be conducted in the office space.
9. Access to and from the office shall be from the east side of the garage.

SECTION 4. That this ordinance is further conditioned upon 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.**