



Legislation Details (With Text)

File #: 0221-2019 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 1/10/2019 **In control:** Zoning Committee

On agenda: 1/28/2019 **Final action:** 1/31/2019

Title: To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.18 (D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at 985 BRYDEN ROAD (43205), to permit a two-unit dwelling and a carriage house dwelling on the same lot with reduced development standards in the R-3, Residential District (Council Variance #CV18-093) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0221-2019_Attachments, 2. ORD0221-2019_Labels

Date	Ver.	Action By	Action	Result
1/31/2019	2	CITY CLERK	Attest	
1/30/2019	2	MAYOR	Signed	
1/28/2019	2	COUNCIL PRESIDENT	Signed	
1/28/2019	1	Zoning Committee	Amended to Emergency	Pass
1/28/2019	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV18-093

APPLICANT: Right Property Group, LLC, c/o Dave Perry; Dave Perry Company; 411 East Town Street, Floor 1; Columbus, OH 43205.

PROPOSED USE: Two-unit dwelling and a carriage house.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single undeveloped parcel zoned in the R-3, Residential District. The existing zoning is the result of a city-initiated downzoning of the neighborhood in 1993 (Z93-023A). A Council variance is necessary because the current zoning district only permits single-unit dwellings, while the applicant proposes a two-unit dwelling and a carriage house. The request includes variances to parking, lot width, lot coverage, 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, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the requested variance as the proposal is consistent with the housing types and density along Bryden Road. Additionally, the site is within the Bryden Road Historic District, and is subject to review by the Historic Resources Commission.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **985 BRYDEN ROAD (43205)**, to permit a two-unit dwelling and a carriage house dwelling on the same lot with reduced development standards in the R-3, Residential District (Council Variance #CV18-093) **and to declare an emergency.**

WHEREAS, by application #CV18-093, the owner of the property at **985 BRYDEN ROAD (43205)**, is requesting a Variance to permit a two-unit dwelling and a carriage house dwelling on the same lot with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a two-unit dwelling and a rear carriage house dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires six parking spaces for three dwelling units, while the applicant proposes a total of five parking spaces; and

WHEREAS, Section 3332.05 Area district lot width requirements, requires a lot width of no less than 50 feet, while the applicant proposes to maintain the existing 43 foot wide lot; and

WHEREAS, Section 3332.18(D), Basis of computing area, limits lot coverage by buildings to 50 percent, while the applicant proposes 51 percent lot coverage; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a carriage house dwelling fronting on a rear public alley; 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, or 8.6 feet for a lot width of 43 feet, while the applicant proposes a reduced maximum side yard of 8 feet for the two-unit dwelling and 4 feet for the rear carriage house dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes side yards of one foot along the west property line for both dwellings, and of three feet along the east property line for the rear carriage house dwelling; 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 no rear yard for the rear carriage house dwelling; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will permit residential development that is consistent with the housing types, density and development pattern found along Bryden Road; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **985 BRYDEN ROAD (43205)**, 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **985 BRYDEN ROAD (43205)**, insofar as said sections prohibit a two-unit dwelling and a carriage house on the same lot in the R-3, Residential District, with a parking space reduction from six required parking spaces to five provided spaces; a reduced lot width from 50 feet to 43 feet; an increased maximum lot coverage from 50 percent to 51 percent; no frontage on a public street for the rear carriage house dwelling; a reduction in maximum side yard from 8.6 feet to 8 feet for the two-unit dwelling and to 4 feet for the rear carriage house dwelling; a reduced minimum side yard from five feet to one foot along the west property line for both dwellings, and of three feet along the east property line for the rear carriage house dwelling; and no rear yard for the rear carriage house dwelling; said property being more particularly described as follows:

985 BRYDEN ROAD (43205), being 0.16± acres located at the southeast corner of Bryden Road and South Twentieth Street, and being more particularly described as follows:

Situated in the County of Franklin and State of Ohio and in the City of Columbus and bounded and described below:

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

Being Lot Number Ten (10) in George M. Parsons Subdivision of parts of Lots Number Five (5) and Six (6) of James Bryden and Others Subdivision of Half-Section No. 24, Township No. 5, Range No. 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 336, Recorder's Office, Franklin County, Ohio.

Auditor's Parcel Number 010-033881-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling and a carriage house on the same lot in accordance with the submitted site plan, 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 plan titled, "**985 BRYDEN ROAD**," dated December 31, 2018, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plan 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 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.**