



## Legislation Details (With Text)

**File #:** 1109-2007      **Version:** 1

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

**File created:** 6/28/2007      **In control:** Zoning Committee

**On agenda:** 2/25/2008      **Final action:** 2/28/2008

**Title:** To grant a Variance from the provisions of Sections 3332.029, R-4, Residential District; 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; 3342.28(A)(6) Minimum number of parking spaces required, for the property located at 93 KING AVENUE (43201), to permit a second single-family dwelling (carriage house) on a lot with an existing single-family dwelling both with reduced development standards in the R-4, Residential District. (Council Variance #CV07-019)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD # 1109-2007 Attachments.pdf, 2. ORD #1109-2007 Mailing Labels.pdf, 3. ORD # 1109-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
2/28/2008	1	CITY CLERK	Attest	
2/27/2008	1	MAYOR	Signed	
2/25/2008	1	Zoning Committee	Approved	Pass
2/25/2008	1	Zoning Committee	Waive the 2nd Reading	Pass
2/25/2008	1	COUNCIL PRESIDENT	Signed	
2/6/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
2/5/2008	1	Dev Drafter	Sent for Approval	
2/5/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
2/2/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
2/2/2008	1	Dev Reviewer	Reviewed and Approved	
6/28/2007	1	Dev Drafter	Sent for Approval	

**Council Variance Application: CV07-019**

**APPLICANT:** Chris Haehn; c/o Chris Shea; 54 West Third Avenue; Columbus, Ohio 43201.

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

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-family dwelling in the R-4, Residential District. The applicant proposes to build a carriage house above a three car garage on the rear of the property. A variance is necessary because the R-4 district does not permit two single-family dwellings on the same lot. In addition to the use variance, requested variances include reductions to lot width, fronting, building line, required side yard, rear yard and in the number of parking spaces from four (4) to three (3). Staff supports the request, which will not add an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.029, R-4, Residential District; 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; 3342.28(A)(6) Minimum number of parking spaces required, for the property located at **93 KING AVENUE (43201)**, to permit a second single-family dwelling (carriage house) on a lot with an existing single-family dwelling both with reduced development standards in the R-4, Residential District. (Council Variance #CV07-019)

**WHEREAS**, by application No. CV07-019, the owner of property at **93 KING AVENUE (43201)**, is requesting a Council Variance to permit a second single-family dwelling (carriage house) and maintain an existing single-family dwelling on a lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District, prohibits two single-family dwellings on one lot, while the applicant proposes to build a second single-family dwelling and maintain an existing single-family dwelling on one lot; 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 38.83-foot wide lot; and

**WHEREAS**, Section 3332.19, Fronting, requires each dwelling to front on a public street, while the applicant proposes to construct a second single-family dwelling without frontage on a public street;

**WHEREAS**, Section 3332.21, Building lines, requires a minimum distance from the street property line for the existing single-family dwelling of twenty-five (25) feet, while the applicant proposes a building line of 23.8 feet; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 7.8 feet, while the applicant proposes to construct a second single-family dwelling with the sum of the widths of the side yards to be 4.83 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum three (3) foot side yard , while the applicant proposes to construct a second single-family dwelling with a 1.83 foot side yard; 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 of 22.3% for the existing single-family dwelling and no rear yard for the second single-family dwelling; 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 University Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed use will not add an incompatible use to the area. The site is developed with a single-family dwelling in the R-4, Residential District. The applicant proposes to build a carriage house above a three car garage on the rear of the property. A variance is necessary because the R-4 district does not permit two single-family dwellings on the same lot. In addition to the use variance, requested variances include reductions to lot width, fronting, building line, required side yard, rear yard and in the number of parking spaces from four (4) to three (3); 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 **93 KING AVENUE (43201)**, 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 3332.029, R-4, Residential District; 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; 3342.28(A)(6) Minimum number of parking spaces required, for the property located at **93 KING AVENUE (43201)**, insofar as said sections prohibit two single-family dwellings on a lot that is 38.83-feet wide, with no fronting for the second single-family dwelling, a building line of 23.8-feet, a maximum side yard of 4.83 feet for the second single-family dwelling, a minimum side yard of 1.83 feet for the second single-family dwelling, no rear yard for the second single-family dwelling and a reduction in required parking spaces from four (4) to three (3) parking spaces; said property being more particularly described as follows:

**93 KING AVENUE (43201)**, being 0.13± acres located on the south side of King Avenue, 105 feet east of Hunter Avenue, and being more particularly described as follows:

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

Being Lot Number Ninety (90) DENNISON PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, pages 13, 14 and 15, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-056592

**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-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned to be consistent with the plans titled, "**SITE PLAN,**" and "**ELEVATIONS**" signed by Chris Shea, attorney for the applicant, and dated January 10, 2008. 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 that one garage parking space shall be provided for use by the renter of the second single-family dwelling (carriage house).

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.