



## Legislation Details (With Text)

**File #:** 2786-2018      **Version:** 1

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

**File created:** 10/2/2018      **In control:** Zoning Committee

**On agenda:** 10/22/2018      **Final action:** 10/24/2018

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at 109 EAST WARREN STREET (43215), 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 #CV18-078).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2786-2018\_Attachments, 2. ORD2786-2018.Labels

| Date       | Ver. | Action By             | Action                  | Result |
|------------|------|-----------------------|-------------------------|--------|
| 10/24/2018 | 1    | CITY CLERK            | Attest                  |        |
| 10/23/2018 | 1    | MAYOR                 | Signed                  |        |
| 10/22/2018 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 10/22/2018 | 1    | Zoning Committee      | Approved                | Pass   |
| 10/15/2018 | 1    | Columbus City Council | Read for the First Time |        |

**Council Variance Application: CV18-078**

**APPLICANT:** Michael Mahaney; 1499 Perry Street; 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 being developed with a single-unit dwelling that is subject of a prior area variance approved by the Board of Zoning Adjustment (BZA18-059). The requested Council variance will permit the construction of a single-unit dwelling above a garage (carriage house) on the rear yard of the lot. 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 single-unit dwellings on one lot. In addition to the use variance, variances to lot width, lot area, area district requirements, fronting, and rear yard are included in this request. Staff finds that the proposal will not add an incompatible use 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 use; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at **109 EAST WARREN STREET (43215)**, 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 #CV18-078).

**WHEREAS**, by application #CV18-078, the owner of property at **109 EAST WARREN STREET (43215)**, 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 3333.039, R-4, Residential District, allows a maximum of four units in one building, but does not permit two single-unit residential buildings 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 30 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 4,774 square feet; and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes for the rear single-unit dwelling to front on an alley; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area for each dwelling, while the applicant proposes to provide no rear yard for the rear 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 an incompatible use 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

**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 **109 EAST WARREN STREET (43215)**, 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 3332.039, R-4, Residential District use; 3332.05, Area district lot width requirements; 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 **109 EAST WARREN STREET (43215)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-4, Residential District; with a reduced lot width from 50 feet to 30 feet; a reduced lot area from 5,000 square feet per dwelling unit to 4,774± square feet for two single-unit dwellings; no frontage on a public street for the carriage house dwelling; and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

**109 EAST WARREN STREET (43215)**, being 0.11± acres located on the south side of East Warren Street, 250± feet east of Kerr Street, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio, and in the City of Columbus: Being Lot Number Forty-three (43) in W.A. NEIL'S SUMMIT ADDITION to the City of Columbus, as the same numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 167, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-021000

Property Addresses: 109 East Warren Street, Columbus Ohio 43215

Prior instrument: Official Record Volume 20785, page A03, 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 for a single-unit dwelling (carriage house) on the rear of a lot developed with a single-unit dwelling, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibits titled, "**SITE PLAN**," signed by Michael Mahaney, Applicant, and dated August 4, 2018. 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 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.