



Legislation Text

File #: 1392-2015, Version: 3

Council Variance Application: CV15-017

APPLICANT: Will-Seff Properties; c/o David Hodge; Smith & Hale, LLC; 37 West Broad Street, Suite 460; Columbus, Ohio 43215.

PROPOSED USE: Rear single-unit dwelling above a detached garage (carriage house) on a lot developed with a single-unit dwelling.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-4, Residential District, and developed with a single-unit dwelling. The requested Council variance will permit the development of a single-unit dwelling above a detached garage (carriage house) on the same lot. A variance is necessary because the R-4, Residential District allows a maximum of four units in one building, but does not permit two residential buildings on one lot. Other variances are included for fronting on a public street with reductions to side yard and rear yard, and increased garage size. Staff finds that the proposal is compatible with the area as there are other carriage houses with similar arrangements within this neighborhood. The request is consistent with the recent development patterns in the area.

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 yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.38 (F), Private garage, of the Columbus City codes; for the property located at **1627 NORTH STAR AVENUE (43212)**, to permit a rear single-unit dwelling above a detached garage (carriage house) in the R-4, Residential District **and to declare an emergency** (Council Variance # CV15-017).

WHEREAS, by application No. CV15-017, the owner of the property at **1627 NORTH STAR AVENUE (43212)**, is requesting a Variance to permit a rear single-unit dwelling above a detached garage (carriage house) on a lot developed with a single-unit dwelling in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district, allows a maximum of four units in one building but does not permit two residential buildings on one lot, while the applicant proposes to build a single-unit dwelling above a detached garage (carriage house) on the rear of a lot developed with a single-unit dwelling; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes no frontage for the rear carriage house dwelling; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be twelve (12) feet, while the applicant proposes a reduced maximum side yard of six (6) feet for the carriage house dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires dwellings in the R-4 district to have side yards of no less than five (5) feet, while the applicant proposes minimum side yards of three (3) feet for the carriage house dwelling, and to maintain a side yard of two (2) feet along the north property line for the existing single-unit 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 no rear yard for the rear dwelling; and

WHEREAS, Section 3332.38(F), Private garage, requires no portion of the lot area devoted to a private garage or a carport to exceed the greater of 720 square feet, or one-third of the minimum net floor area for living quarters of the principal residence, while the applicant proposes a garage of 1,284 square feet to serve both dwellings; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other carriage houses with similar arrangements within this neighborhood. The request is consistent with the recent development patterns in the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1627 NORTH STAR AVENUE (43212)**, in using said property as desired and; 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 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 from the provisions of Sections 3332.039, R-4, Residential District; 3332.19, Fronting on a public street; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard and 3332.38(F), Private garage, of the Columbus City codes; are hereby granted for the property located at **1627 NORTH STAR AVENUE (43212)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the R-4, Residential District; with no frontage on a public street for the carriage house dwelling; a reduced maximum side yard from twelve (12) feet to six (6) feet for the carriage house; reduced minimum side yards from five (5) feet to three (3) feet for the carriage house dwelling and two (2) feet along the north property line for the existing single-unit dwelling; no rear yard for the carriage house dwelling; and an increased garage size from 720 square feet to 1,284 square feet; said property being more particularly described as follows:

1627 NORTH STAR AVENUE (43212), being 0.19± acres located on the west side of North Star Avenue, 70± feet south of West Seventh Avenue, and being more particularly described as follows:

Of the following premises in the County of Franklin in the State of Ohio, and in the City of Columbus;

Being Lots Number Seventeen (17) and Eighteen (18) of RICKETTS AND MILLER'S SUMMIT PLAIN ADDITION, as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 344, Recorder's Office, Franklin County, Ohio.

Known as Parcel Numbers: 010-062292 and 010-062293
Addressed as: 1627 North Star Avenue, Columbus, Ohio 43212.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a single-unit dwelling and a rear single-unit dwelling above a detached garage (carriage house), or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan and elevation drawings titled, "**SITE PLAN; PLAN BUILDING ELEVATIONS,**" signed by David Hodge, Attorney for the Applicant, dated June 30, 2015. The plans 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 adjustment to the plan shall be reviewed and may be approved 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 Certificates of Occupancy for the proposed carriage house use.

SECTION 5. That this ordinance is further conditioned on the applicant combining tax parcels 010-062292 and 010-062293 into one parcel prior to building permit submittal.

SECTION 6. That this ordinance is further conditioned on the following: **The existing access point to North Star Avenue shall be utilized in a manner such that vehicles enter from North Star Avenue and exit onto the east-west alley along the southern edge of this site.**

~~SECTION 6 7. 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.