



Legislation Text

File #: 1983-2007, **Version:** 1

Council Variance Application: CV07-001

APPLICANT: Home Designs, Ltd.; c/o Donald Plank; Plank & Brahm; 145 East Rich Street; Columbus, Ohio 43215.

PROPOSED USE: Three-family dwelling and single-family dwelling (carriage house) on one lot.

5th BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will permit a three-unit dwelling and a single-family dwelling above a garage (carriage house) on the same lot in the R-4, Residential District. A variance is necessary in that the R-4, Residential District limits development to one dwelling containing a maximum of four units, while the applicant proposes two dwellings, one with three units and a single-family dwelling on the same lot. There have been variances for similar carriage houses permitted in the area.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3342.15, Maneuvering, for the property located at **1453 NORTH STAR AVENUE (43212)**, to permit a three-unit dwelling and a single-family dwelling above a garage with reduced development standards on a lot zoned in the R-4, Residential District. (Council Variance #CV07-001)

WHEREAS, by application No. CV07-001, the owner of property at **1453 NORTH STAR AVENUE (43212)**, is requesting a Council Variance to permit a three-family dwelling and a single-family dwelling (carriage house) on a lot with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District, prohibits a three-family dwelling and a single-family dwelling on one lot, while the applicant proposes to build a three-family dwelling and a single-family dwelling on one lot; and

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

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 10 feet, while the applicant proposes to construct a single-family dwelling with the sum of the widths of the side yards to be 6 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum five (5) foot side yard, while the applicant proposes to construct a single-family dwelling with three (3) foot side yards; 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 22.2% for the three-family dwelling and no rear yard for the single-family dwelling; and

WHEREAS, Section 3342.15, Maneuvering, requires sufficient access and maneuvering area for every parking space, while the applicant proposes a stacked parking space behind each parking space in the garage, therefore providing no maneuvering for the four (4) parking spaces in the garage; and

WHEREAS, the 5th by Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval; 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 **1453 NORTH STAR AVENUE (43212)**, 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; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3342.15, Maneuvering, for the property located at **1453 NORTH STAR AVENUE (43212)**, insofar as said sections prohibit a three-unit dwelling and a single-family dwelling on one lot with no fronting for the single-family dwelling, a maximum side yard of six (6) feet for the single-family dwelling, a minimum side yard of three (3) feet for the single-family dwelling, a 22.2% rear yard for the three-unit dwelling and no rear yard for the single-family dwelling and with stacked parking in the driveway; said property being more particularly described as follows:

1453 NORTH STAR AVENUE (43212), being 0.18± acres located on the west side of North Star Avenue, 570± feet north of Third Avenue, 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-eight (48) and Fifty (50), except a strip ten (10) feet off the entire south side of Lot 50, in RICKETTS WALCUTT'S RUNNYMEDE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 322, 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-family dwelling (a carriage house) on the rear of a lot developed with a three-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 plan titled, "**1453 NORTH STAR AVE,**" signed by Donald Plank, attorney for the applicant, and dated September 4, 2007. 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 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.