



## Legislation Text

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**File #:** 1823-2024, **Version:** 1

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### **Council Variance Application CV24-032**

**APPLICANT:** Elie Younes; c/o Timothy Bass, Agent; 36 King Avenue; Columbus, OH 43201.

**PROPOSED USE:** Two single-unit dwellings on one lot.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a single-unit dwelling in the R-2F, Residential District. The requested Council variance will allow the construction of a single-unit dwelling above a detached garage (carriage house). A Council variance is required because the R-2F district only allows one single- or two-unit dwelling per lot, but does not allow two single-unit dwellings on one lot. The site is within the planning boundaries of the *University District Plan* (2015), which recommends "Lower Intensity Residential" uses at this location. Although this proposal exceeds the recommended density, staff recognizes that the existing R-2F district would allow a two-unit dwelling by right, and notes the presence of existing accessory dwelling units in the neighborhood. Additionally, the proposal is consistent with the Plan's design guidelines.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3325.801, Maximum lot coverage; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **103 W. TOMPKINS ST. (43202)**, to allow two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV24-032).

**WHEREAS**, by application #CV24-032, the owner of the property at **103 W. TOMPKINS ST. (43202)**, is requesting a Council variance to allow two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F residential district, allows one single-unit dwelling on a lot, while the applicant proposes a single-unit dwelling above a detached garage (carriage house) on a lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs shall cover no more than 25 percent of the lot area, while the applicant proposes increased coverage of 43 percent of the lot area for two single-unit dwellings; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-2F, Residential District, while the applicant proposes to maintain a reduced lot width of 35 feet; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes two separate single-unit dwellings on a lot that contains 3,675 square feet (pursuant to lot area calculation in 3332.18(C)) totaling 1,837.5 square feet of lot area per dwelling unit; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a carriage house to front on a public alley; and

**WHEREAS**, Section 3332.27, Rear yard, requires each dwelling, residence or principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes no rear yard for the carriage house; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposal is consistent with the existing development pattern in the surrounding neighborhood, and the *University District Plan's* design guidelines; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed carriage house; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **103 W. TOMPKINS ST. (43202)**, in using said property as desired; 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 3332.037, R-2F residential district; 3325.801, Maximum lot coverage; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **103 W. TOMPKINS ST. (43202)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District, with increased lot coverage from 25 to 43 percent; reduced minimum lot width from 50 to 35 feet; reduced lot area from 6,000 to 3,675 square feet; no frontage on a public street for the proposed carriage house; and no rear yard for the carriage house; said property being more particularly described as follows:

**103 W. TOMPKINS ST. (43202)**, being 0.12± acres located on the south side of West Tompkins Street, 150± feet west of Neil Avenue:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Township 1, Range 18, United State Military Lands, containing 0.1262 acre of land, more or less, out of Outlot 19 as the same is numbered and delineated on the plat of George W. and Solomon Beer's First Addition to North Columbus, of record in Plat Book 1, Page 54 (all references to plat books, instruments, official records and deed books in the description refer to the records of the Recorder's Office, Franklin County, Ohio), said 0.1262 acre tract also being all of that tract of land and described in a deed to Peter J. Manos, Trustee, of record in Instrument 200304240119436, said 0.1262 acre tract of land being more particularly described as follows:

Beginning, for reference, at the intersection of the southerly line of Tompkins Street (60 feet in width) with the westerly line of Neil Avenue (60 feet in width) also being in northeasterly corner of said Outlot 19; thence S 76 deg. 13'00" W, with the southerly line of said Tompkins Street, the northerly line of said Outlot 19, a distance of 149.03 feet to an iron pin (set) at the northeasterly corner of said Manos tract, the northwesterly corner of that tract of land as described in a deed to Charles Herman Mitchell, Jr. and Doris S. Mitchell, of record in Deed Book 2979, Page 150, passing a 1/2 "(I.D.)

hollow iron pin (found) at a distance of 38.03 feet;

Thence, from said true point of beginning, S 14 deg. 00'00" E. with the westerly line of said Mitchell tract, a distance of 162.01 feet to an iron pin (set) at the southwesterly corner of said Mitchell tract, being in the southerly line of said Outlot 19, in the northerly line of that 7.50 foot wide reserve as the same is designated and delineated on the plat of Montgomery and McKees Amended and Corrected Plat of Laura Maynard Knickerbrockers Second Subdivision, of record in Plat Book 5, Page 102;

Thence, N 88 deg. 06' 45" W, with the southerly line of said Outlot 19, the northerly line of said 7.50 foot wide reserve, a distance of 36.39 feet to an Iron pin (set) at the southeasterly corner of that tract of land as described in a deed to John J. Flood, Jr. and Teresa L. Flood, of record in Official Record 19510 D18;

Thence N 14 deg. 00' 00" W, with the easterly line of said Flood tract, a distance of 152.18 feet to an iron pin (set) in the southerly line of said Tompkins Street, the northerly line of said Outlot 19, also being northeasterly corner of said Flood tract;

Thence N 76 deg. 13' 00" E, with the southerly line of said Tompkins Street, the northerly line of said Outlot 19, a distance of 35.00 feet to the point of beginning of containing 0.1262 acre of land, more or less.

Subject to all right-of-way, easements or restrictions, if any, of previous record.

All iron pins denoted as "set" are 5/8" (I.D.) x 30" iron pipe plugged with a plastic cap stamped "ELSCO S5519" and have been set by Erienbach Land Surveying Company. All iron pins denoted as "found" have been set by others.

The basis of bearing is the westerly line of Neil Avenue being N 14 deg. 00' 00" Was the same as denoted on the plat of George W. Solomon Beer's First Addition to North Columbus, of record in Plat Book 1, Page 54, Recorder's Office, Franklin County, Ohio.

The foregoing description was prepared from existing deed, plat and survey information also an actual field survey of the premises in accordance with Chapter 4733-37 Ohio Administrative Code by ERLNBACH LAND SURVEYING COMPANY on November 2, 2004.

Commonly known as: 103 West Tompkins Street, Columbus, Ohio, 43202

Parcel Number: 010-040595-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with two single-unit dwellings on one lot, in accordance with the submitted site plan and building elevations, or those uses allowed in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN**", and building elevations titled, "**BUILDING ELEVATIONS**", both dated June 13, 2024, and signed by Timothy Bass, Agent for the Applicant. 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 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed carriage house.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

