



## Legislation Details (With Text)

**File #:** 1898-2016      **Version:** 1

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

**File created:** 7/6/2016      **In control:** Zoning Committee

**On agenda:** 7/25/2016      **Final action:** 7/26/2016

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.25, Maneuvering; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.542, Maximum Lot coverage; and 3372.544, Maximum floor area, of the Columbus City codes; for the property located at 1497-1499 PERRY STREET (43201), to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a two-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV16-035).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1898-2016.Attachments

Date	Ver.	Action By	Action	Result
7/26/2016	1	CITY CLERK	Attest	
7/26/2016	1	ACTING MAYOR	Signed	
7/25/2016	1	COUNCIL PRESIDENT	Signed	
7/25/2016	1	Zoning Committee	Approved	Pass
7/18/2016	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV16-035**

**APPLICANT:** Michael R. Mahaney; 1499 Perry Street; Columbus, OH 43201.

**PROPOSED USE:** A carriage house on a lot developed with a two-unit dwelling.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY AREA REVIEW BOARD RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-4, Residential District, and developed with a two-unit dwelling. 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, while bringing the non-conforming existing dwelling unit and parcel into compliance. The variance is necessary because the R-4, Residential District permits a maximum of four dwelling units in one building, but does not permit two residential buildings on one lot. Variances for fronting, rear yard, maximum lot coverage, and maximum floor area are also included in the request. The site is located within the planning area of the *University District Plan* (2015) which recommends "lower intensity residential" uses for this location. Staff finds that the proposal is consistent with the Plan's land use recommendation, will not add incompatible uses to the area, will remove a curbcut on Perry Street, will preserve an existing contributing structure, and the carriage house will act as a buffer to the non-residential uses on university-owned property to the west. The request is consistent with the recent development pattern in historic urban neighborhoods. Building design will conform to the University Area Review Board

requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.25, Maneuvering; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.542, Maximum Lot coverage; and 3372.544, Maximum floor area, of the Columbus City codes; for the property located at **1497-1499 PERRY STREET (43201)**, to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a two-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV16-035).

**WHEREAS**, by application No. CV16-035, the owner of property at **1497-1499 PERRY STREET (43201)**, 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 two-unit dwelling, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District, permits a maximum of four units in one building, but does not permit two separate dwellings 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 two-unit dwelling; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant proposes to allow maneuvering over and through four parking spaces; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three or four dwelling units shall be situated on a lot with an area which equals or exceeds 2,500 square feet of lot area per dwelling unit, while applicant proposes a two-unit dwelling and a carriage house on a 7,439 ± square foot lot, totaling 2,479.7± square feet of lot area per dwelling unit; and

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

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for the carriage house dwelling; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes to maintain pavement for parking and maneuvering in the side and rear yards; and

**WHEREAS**, Section 3372.542, Maximum lot coverage, requires that a building or combination of buildings shall cover no more than 25 percent of the lot area, while the applicant proposes 31.8 percent lot coverage by the existing dwelling and new carriage house dwelling; and

**WHEREAS**, Section 3372.544, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R) of not greater than 0.40, while the applicant proposes a floor area ratio of 0.61; and

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

**WHEREAS**, the University Area Review Board recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal is consistent with *University District Plan*'s recommendation for lower intensity residential uses, will not add incompatible uses to the area, will remove a curbcut on Perry Street, will preserve an existing contributing structure, and the carriage house will act as a buffer to the university-owned property to the west. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the University Area Review Board requirements;

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 **1497-1499 PERRY STREET (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 3332.039, R-4, Residential District; 3312.25, Maneuvering; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3372.542, Maximum Lot coverage; and 3372.544, Maximum floor area, of the City of Columbus codes, is hereby granted for the property located at **1497-1499 PERRY STREET (43201)**, insofar as said sections prohibit a two-unit and single-unit dwelling on one lot in the R-4, Residential District, with extra spaces maneuvering over four parking spaces; a reduced lot area from 2,500 square feet per dwelling unit to 2479.7± per dwelling unit; no frontage on a public street for the carriage house dwelling; a reduced rear yard from 25 percent to zero percent for the carriage house dwelling; an obstruction of the required side and rear yards for parking and maneuvering; an increased maximum lot coverage from 25 to 31.8 percent; and an increased maximum floor area ratio from 0.40 to 0.61 percent; said property being more particularly described as follows:

**1497-1499 PERRY STREET (43201)**, being 0.17± acres located on the west side of Perry Street, 250± feet south of W. 8th Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Being Lot Number One Hundred Twenty-Five (125), and the South One-Half (S-1/2) of Lot Number One Hundred and Twenty-Four (124), of ELIZABETH J. MCMILLEN'S HOMESTEAD ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 400, Recorder's Office, Franklin County, Ohio.

Property Address: 1497-1499 Perry Street, Columbus, Ohio 43201

Parcel No.: 010-006296

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-unit dwelling and a single-unit 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**," signed by Michael R. Mahaney, Applicant, dated June 1, 2016. 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 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.