



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 6/14/2017 **In control:** Zoning Committee

On agenda: 7/10/2017 **Final action:** 7/12/2017

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05, Area district lot width requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(C) (1), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 148 BUTTLES AVENUE (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 and to declare an emergency (Council Variance # CV17-019).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1633-2017_Attachments, 2. ORD1633-2017_Labels

Date	Ver.	Action By	Action	Result
7/12/2017	2	CITY CLERK	Attest	
7/12/2017	2	MAYOR	Signed	
7/10/2017	2	COUNCIL PRESIDENT	Signed	
7/10/2017	1	Zoning Committee	Amended to Emergency	Pass
7/10/2017	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV17-019

APPLICANT: Benjamin Niswander; 5389 Deforest Drive; Columbus, OH 43232.

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

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned R-4, Residential District, and developed with a single-unit dwelling. The requested Council variance will permit the conversion of an existing two-story garage to a carriage house, 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 dwellings on one lot. Variances for lot width, fronting, maximum and minimum side yards, and rear yard are also included in the request. Staff finds that the proposal will not add incompatible uses 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 comply with the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05, Area district lot width requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(C)(1), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **148 BUTTLES AVENUE (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 **and to declare an emergency** (Council Variance # CV17-019).

WHEREAS, by application #CV17-019, the owner of the property at **148 BUTTLES AVENUE (43215)**, is requesting a Variance 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; 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 convert the second story of an existing detached garage into a single-unit carriage house on a lot developed with a single-unit dwelling; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 40-foot wide lot; and

WHEREAS, Section 3332.19, Fronting, 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 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, or eight feet, while the applicant proposes to maintain a maximum side yard of 2.83± feet for the existing dwelling; and

WHEREAS, Section 3332.26(C)(1), Minimum side yard permitted, requires a minimum side yard of three feet on a lot width of 40 feet or less, while the applicant proposes to maintain a western side yard of 2.83± feet and an eastern side yard of zero feet for the existing dwelling, and proposes a western minimum side yard of two feet for the rear carriage house dwelling; 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, the Victorian Village Commission recommends approval; and

WHEREAS, 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 within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will comply with the Victorian Village Commission 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 **148 BUTTLES AVENUE (43215)**, in using said property as desired; 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 is hereby granted from the provisions of Sections 3332.039, R-4, Residential District; Section 3332.05(A)(4), Area district lot width requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26(C)(1), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **148 BUTTLES AVENUE (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 to 40 feet; no frontage on a public street for the carriage house; a reduced maximum side yard from 8 feet to 2.83± feet for the existing dwelling; a reduced minimum side yard for the existing dwelling from 3 feet to 2.83± feet on the western side, and from 3 feet to 0 on the eastern side, and a reduced minimum side yard for the proposed rear carriage dwelling from 3 feet to 2 feet on the western side; and a reduced rear yard from 25 percent to 0 percent for the rear carriage dwelling; said property being more particularly described as follows:

148 BUTTLES AVENUE (43215), being 0.20± acres located on the north side of Buttles Avenue, 320± feet east of Dennison Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, in the State of Ohio and being further described as:

Being Lot Number Nine (9) of H.M. Hubbard's Heirs Subdivision of the Hubbard Property, as the same is known and delineated upon the recorded plat of said subdivision of record of the Recorder's Office, in said Franklin County, Ohio in Plat Book 3, page 426.

Parcel No: 010-053330

Known as address: 148 Buttles Avenue, Columbus, OH 43215

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 with a rear single-unit carriage house, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificates of Occupancy for the proposed rear carriage dwelling.

SECTION 4. ~~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.