



## Legislation Details (With Text)

**File #:** 0621-2021      **Version:** 1

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

**File created:** 3/4/2021      **In control:** Zoning Committee

**On agenda:** 3/22/2021      **Final action:** 3/25/2021

**Title:** To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing District; 3332.26(E), Minimum side yard permitted; and 3391.07(b), Expansion of nonconforming uses; of the Columbus City codes; for the property located at 75 W. KOSSUTH ST. (43206), to conform an existing single-unit dwelling and to permit a reduced minimum side yard for a detached garage in the M, Manufacturing District (Council Variance #CV21-008).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0621-2021\_Attachments, 2. ORD#0621-2021\_Labels

Date	Ver.	Action By	Action	Result
3/25/2021	1	CITY CLERK	Attest	
3/24/2021	1	ACTING MAYOR	Signed	
3/22/2021	1	COUNCIL PRESIDENT	Signed	
3/22/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
3/22/2021	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV21-008**

**APPLICANT:** Abigail and Sean Cowan; 6638 Merwin Road; Columbus, OH 43235.

**PROPOSED USE:** Single-unit dwelling.

**BREWERY DISTRICT COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a single-unit dwelling and detached garage in the M, Manufacturing District. The requested Council variance will conform the existing dwelling and permit reduced minimum side yards for a new detached garage. A Council variance is necessary because the M district does not permit a single-unit dwelling and allows only limited residential uses. The site is located within the boundaries of the "Southern Tier" of the *Brewery District Plan* (1993), which supports residential uses. The proposal is also compatible with the residential uses that are prevalent in the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3363.01, M, Manufacturing District; 3332.26(E), Minimum side yard permitted; and 3391.07(b), Expansion of nonconforming uses; of the Columbus City codes; for the property located at **75 W. KOSSUTH ST. (43206)**, to conform an existing single-unit dwelling and to permit a reduced minimum side yard for a detached garage in the M, Manufacturing District (Council Variance #CV21-008).

**WHEREAS**, by application #CV21-008, the owner of property at **75 W. KOSSUTH ST. (43206)**, is requesting a Council variance to conform an existing single-unit dwelling and to allow a reduced minimum side yard for a proposed detached garage in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, Manufacturing districts, does not permit a single-unit dwelling and allows only limited residential uses, while the applicant proposes to maintain an existing single-unit dwelling and to reconstruct a nonconforming detached garage; and

**WHEREAS**, Section 3332.26(E), Minimum side yard permitted, requires a minimum side yard of 3 feet for detached garages, while the applicant proposes a minimum side yard of 2 feet 4 inches along the north lot line and 6 inches along the south lot line of the proposed detached garage; and

**WHEREAS**, Section 3391.07(b), Expansion of nonconforming uses, requires that nonhabitable expansions of nonconforming residential structures shall comply with the applicable development standards of the residential district that permits such use, while the applicant proposes to reconstruct a nonconforming detached garage; and

**WHEREAS**, the Brewery District Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will permit a single-unit dwelling in the M, Manufacturing District, and the *Brewery District Plan* recognizes that the current zoning does not accurately represent the increasingly predominant residential nature of the area, and supports the preservation of residential uses in the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use (if applicable); 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 **75 W. KOSSUTH ST. (43206)**, 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 3363.01, M, Manufacturing District; 3332.26(E), Minimum side yard permitted; and 3391.07(b), Expansion of nonconforming uses, of the City of Columbus codes; are hereby granted for the property located at **75 W. KOSSUTH ST. (43206)**, insofar as said sections prohibit a single-unit dwelling in the M, Manufacturing District, with a reduced minimum side yard from 3 feet to 2 feet 4 inches along the north lot line and 6 inches along the south lot line of a proposed detached garage; said property being more particularly described as follows:

**75 W. KOSSUTH ST. (43206)**, being 0.07± acres located on the south side of West Kossuth Street and the east side of Bank Street, 70± feet west of South Front Street, and being more particularly described as follows:

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

Beginning at a cross on the wall of a brick house on the north line of Lot No. 8 and south line of Kossuth Street, said point being 63 feet west of the northeast corner of said Lot No. 8; thence southerly and right angles with the south line of

Kossuth Street, 66.41 feet to a cross in edge of cement walk, crossing the south line of Lot No. 8 at 52.72 feet; thence westerly in Lot No. 7 and parallel with the north line of said Lot No. 7, 107.65 feet to an iron pin in the west line of said Lot and the east line of Bank St.; thence northerly 14 feet to an iron pin in the Northwest corner of Lot No. 7; thence easterly on the north line of said Lot 79.80 feet to a point; thence northerly and at right angles with said Lot line, through Lot No. 8, 52.82 feet to an iron pin in the south line of Kossuth St.; thence with the South line of Kossuth St. and the north line of Lot No. 8, to the places of beginning, together with all privileges and appurtenances thereunto belonging.

**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 and detached garage, or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, “**COWAN RESIDENCE**,” dated February 23, 2021, and signed by Abigail Cowan, 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 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 (if applicable) 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.