



Legislation Details (With Text)

File #: 1132-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/28/2021 **In control:** Zoning Committee

On agenda: 5/17/2021 **Final action:** 5/20/2021

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1400 N. 5TH ST. (43201), to permit two single-unit dwellings on one lot with reduced development standards in the R-4, Residential District, and to repeal Ordinance #2972-2019, passed November 11, 2019 (Council Variance #CV21-015).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1132-2021_Attachments, 2. ORD1132-2021_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|-------------------------|--------|
| 5/20/2021 | 1 | CITY CLERK | Attest | |
| 5/18/2021 | 1 | MAYOR | Signed | |
| 5/17/2021 | 1 | COUNCIL PRESIDENT PRO-TEM | Signed | |
| 5/17/2021 | 1 | Zoning Committee | Approved | Pass |
| 5/10/2021 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV21-015

APPLICANT: John Neil Lindsey; 1400 North Fifth Street; 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-4, Residential District. The applicant proposes to construct a single-unit dwelling with a rear single-unit dwelling above a detached garage (a carriage house). A Council variance is required because while the R-4, Residential District permits a maximum of four dwelling units in one building, it does not permit two dwellings on one lot. Variances for minimum number of parking spaces required, lot coverage, floor area ratio (FAR), lot width, lot area, fronting, and rear yard are also included in the request. The site is within the boundaries of the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses for this location. Staff finds the proposal to be consistent with the Plan's land use recommendation and the recent development pattern in urban neighborhoods. Staff notes that Ordinance #2972-2019 (CV19-076) is in effect on this property which permits a carriage house, but because the site plan has changed, a new Council variance is necessary.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49, Minimum numbers of

parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1400 N. 5TH ST. (43201)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-4, Residential District, and to repeal Ordinance #2972-2019, passed November 11, 2019 (Council Variance #CV21-015).

WHEREAS, by application #CV21-015, the owner of the property at **1400 N. 5TH ST. (43201)**, is requesting a Variance to permit two single-unit dwellings on one lot 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 a single-unit dwelling with a rear single-unit dwelling above a detached garage (carriage house); and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two single-unit dwellings, while the applicant proposes a total of two parking spaces; 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 to increase coverage to 35.9 percent of the lot area with two single-unit dwellings; and

WHEREAS, Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes an increased FAR of 0.58; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a lot to be no less than 50 feet wide, while the applicant proposes to maintain the existing 36.5 foot wide lot; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires a lot of 5,000 square feet for a single-unit dwelling, while the applicant proposes two single-unit dwellings on a lot that is approximately 3,997 square feet, (pursuant to lot area calculation in 3332.18(C)), providing 1,998 square feet 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 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 lot area for each dwelling, while the applicant proposes no rear yard for the rear dwelling (carriage house); and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal is consistent with the *University District Plan*'s recommendation for lower intensity residential uses, and is compatible with the recent development pattern in historic urban neighborhoods; 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 **1400 N. 5TH ST. (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 is hereby granted from the provisions of Sections 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at **1400 N. 5TH ST. (43201)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-4, Residential District; with a parking space reduction from 4 spaces to 2 spaces; increased lot coverage from 25 percent to 35.9 percent; increased maximum floor area ratio (FAR) from 0.40 to 0.58; reduced lot width from 50 feet to 36.5 feet; reduced lot area from 5,000 square feet per dwelling unit to 1,998 square feet per dwelling unit; no frontage on a public street for the carriage house; and a reduction in rear yard from 25 to 0 percent for the rear dwelling (carriage house); said property being more particularly described as follows:

1400 N. 5TH ST. (43201), being 0.11± acres located on the east side of North Fifth Street, 50± feet north of East Eighth Avenue, and being more particularly described as follows:

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

Being Lot Number Two Hundred Sixteen (216) of New Indianola Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 12, Page 35, Recorder's Office, Franklin County, Ohio.

Property Address: 1400 N. Fifth St., Columbus, Ohio 43201
Parcel No. 010-032848

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**LYNDSEY RESIDENCE**," dated April 27, 2021, and signed by John Lindsey, Applicant. The plan 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 plan 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 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.

SECTION 6. That Ordinance #2972-2019, passed November 11, 2019, be and is hereby repealed.