Legislation Details (With Text)

File #:	1591-2021 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	6/11/2021	**In control:**	Zoning Committee
On agenda:	7/12/2021	**Final action:**	7/15/2021
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; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at 1365-1367 N. 6TH ST. (43201), to permit a two-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-4, Residential District (Council Variance #CV20-108).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1591-2021_Attachments, 2. ORD1591-2021_Labels		

Date	Ver.	Action By	Action	Result
7/15/2021	1	CITY CLERK	Attest	
7/13/2021	1	MAYOR	Signed	
7/12/2021	1	COUNCIL PRESIDENT	Signed	
7/12/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
7/12/2021	1	Zoning Committee	Approved	Pass

Council Variance Application: CV20-108

APPLICANT: OBrien Company, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: A two-unit dwelling with a carriage house.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a two-unit dwelling in the R-4, Residential District. The applicant proposes to construct 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 separate dwellings on the same lot. Variances for minimum number of parking spaces required, lot coverage, minimum floor area ratio (FAR), lot width, area district requirements, fronting, minimum side yard permitted, 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.

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; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at **1365-1367 N. 6TH ST. (43201)**, to permit a two-unit dwelling and a single-unit carriage house on the same lot with reduced development standards in the R-4, Residential District (Council Variance #CV20-108).

WHEREAS, by application #CV20-108, the owner of the property at **1365-1367 N. 6TH ST. (43201)**, is requesting a Variance to permit a two-unit dwelling and a single-unit carriage house on the same 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 two-unit dwelling and a single-unit carriage house on the same lot; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or six spaces for a two-unit dwelling and a single-unit dwelling, while the applicant proposes a total of three 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 49 percent of the lot area with two 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 1.02; 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 35.5 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 three dwellings on a lot that is approximately 3,780 square feet, pursuant to lot area calculation in 3332.18(C), providing 1,260 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 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 7.1 feet for a lot width of 35.5 feet, while the applicant proposes to maintain a reduced total maximum side yard of 5.5 feet for the existing two-unit dwelling, and proposes a maximum side yard of 6 feet for the new carriage house; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain reduced side yards of 2.5 feet along the north side and 3 feet along the south side of the existing two-unit dwelling, and proposes reduced side yards of 3 feet on either side of the new carriage house; 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 a reduced rear yard of approximately 20 percent for the existing two-unit dwelling, and no rear yard for the new carriage house; and

WHEREAS, the University Area Commission recommends approval; and

powered by Legistar™

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 **1365-1367 N. 6TH ST. (43201)**, in using said property as desired;

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; 3332.25, Maximum side yards required; 3332.26(C)(3), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes,for the property located at **1365-1367 N. 6TH ST. (43201)**, insofar as said sections prohibit a two-unit dwelling and a single-unit dwelling (carriage house) on the same lot in the R-4, Residential District; with a parking space reduction from 6 spaces to 3 spaces; increased lot coverage from 25 percent to 49 percent; increased maximum floor area ratio (FAR) from 0.40 to 1.02; reduced lot width from 50 feet to 35.5 feet; reduced lot area from 5,000 square feet to 1,260 square feet per dwelling unit; no frontage on a public street for the carriage house; reduced maximum side yards from 7.1 feet to 5.25 feet for the two-unit dwelling and 6 feet for the carriage house; reduced minimum side yards from 5 feet to 2.5 feet along the north side and 3 feet along the south side of the two-unit dwelling, and 3 feet on either side of the carriage house; and a reduced rear yard of approximately 20% for the two-unit dwelling, and no rear yard for the carriage house; said property being more particularly described as follows:

1365-1367 N. 6TH ST. (43201), being 0.10± acres located on the west side of North 6th Street, side of Summit Street, 90± feet south of East 8th Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being all of Lot Number Two Hundred Ninety-One (291) of NEW INDIANOLA ADDITION to the City of Columbus, Ohio, as said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Franklin County, Ohio records.

Property Address: 1365 - 1367 North Sixth Street, Columbus, OH 43201
Tax Parcel No.: 010-007294

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for up to three dwelling units contained within two dwellings on one lot, 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, "**SITE PLAN**," dated June 7, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney 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 plan 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 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.