



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1545-2019, **Version:** 1

Council Variance Application: CV19-033

APPLICANT: Amiya K. Dey; 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: Carriage house on a lot developed with a single-unit dwelling.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-4, Residential District. The requested Council variance will permit the construction of a carriage house while also bringing the existing dwelling unit and parcel into conformance. 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 separate dwellings on one lot. Variances for lot width, lot area, fronting, maximum and minimum side yards, and rear yard are included in this request. The site is within the boundaries of the *Italian Village East Redevelopment Plan* (2005), which recommends residential (1-2 units) at this location. The proposal is consistent with the Plan's land use recommendation and with recent development patterns in historic urban neighborhoods. Additionally, Staff finds the proposal will not add incompatible uses to the area as other carriage houses exist within this neighborhood.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4, area district 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 **854 SUMMIT ST (43215)**, to permit a carriage house on lot developed with a single-unit dwelling with reduced development standards in the R-4, Residential District (Council Variance #CV19-033).

WHEREAS, by application #CV19-033, the owner of the property at **854 SUMMIT ST (43215)**, is requesting a Variance to permit a carriage house on 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 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 30-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 to maintain an existing single-unit dwelling and construct a carriage house on a lot area of 2,700 square feet (pursuant to lot area calculation in 3332.18(C)); 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 six feet, while the applicant proposes a maximum side yard of four feet for the carriage house; 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 northern side yard of 0.5± feet for the existing dwelling and a reduced southern side yard of 1 foot for the carriage house; 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; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variance because the proposal is consistent with the *Italian Village East Redevelopment Plan's* land use recommendation for residential development and with recent development trends in historic urban neighborhoods, and does not add incompatible uses to the area; 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 **854 SUMMIT ST (43215)**, 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; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4, area district 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 **854 SUMMIT ST (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 feet to 30 feet; reduced lot area from 5,000 square feet per dwelling unit to 2,700 square feet for two single-unit dwellings; no frontage on a public street for the carriage house; reduced maximum side yard from 6 feet to 4 feet for the carriage house; reduced side yards on the north side of the existing dwelling from 3 feet to 0.5 feet and on the south side of the carriage house from 3 feet to 1 foot; and a reduced rear yard from 25 percent to 0 percent for the carriage house; said property being more particularly described as follows:

854 SUMMIT ST (43215), being 0.11± acres located on the east side of Summit Street, 200± feet south of East First Avenue, and being more particularly described as follows:

Situated in State of Ohio, County of Franklin, and City of Columbus: Being 32.13 feet off the North side of Lot Number Thirteen (13), EXCEPTING THEREFROM 2.13 feet by 110 feet deep out of the northwest corner of said Lot No. 13, in GEORGE W. RICE'S SUBDIVISION of the west half and part of the east half of original Lots No. 23 and 24 in William Phelan's Mount Pleasant Addition to Columbus, as said Lot No. 13 is numbered and delineated upon the recorded plat

thereof, of record in Plat Book No. 3, Page 79, Recorder's Office, Franklin County.

Parcel Number: 010-005587

Property Address: 854 Summit Street, Columbus, Ohio 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 carriage house on lot developed with a single-unit dwelling, 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 drawing titled, "**ZONING VARIANCE SITE PLAN**," dated May 14, 2019, drawn by Gunzelman Architecture + Interiors, and signed by both David B. 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 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 upon 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.