



## Legislation Text

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**File #:** 2278-2019, **Version:** 1

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### **Council Variance Application: CV19-073**

**APPLICANT:** Zac McKenzie; 6087 Red Bank Road; Galena, OH 43021.

**PROPOSED USE:** Two single-unit dwellings on one lot.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel zoned in the R-4, Residential District. The applicant proposes to construct a single-unit dwelling with a rear a 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 reduced parking from four spaces to two spaces, increased lot coverage and maximum floor area ratio (FAR), reduced lot width, area district requirements, fronting, rear yard, and side yard obstruction are included in the request. The site is located within the planning area of *University District Plan* (2015), which recommends "lower intensity residential" uses for this location. Staff finds the proposal to be consistent with the Plan's land use recommendation, will not add incompatible uses to the area, and is consistent with the recent development pattern in historic urban neighborhoods.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05 (A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City codes; for the property located at **1463 N. 4<sup>TH</sup> ST. (43201)**, to permit two detached single-unit dwellings (a single-unit dwelling and a carriage house) on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV19-073).

**WHEREAS**, by application #CV19-073, the owner of property at **1463 N. 4<sup>TH</sup> ST. (43201)**, is requesting a Council variance to permit two detached single-unit dwellings, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District, permits a maximum of 4 dwelling units in one building but does not permit 2 separate dwellings on one lot, while the applicant proposes to construct a single-unit dwelling and a rear single-unit dwelling above a detached garage (a carriage house) on one lot; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces total for two single-unit dwellings, while the applicant proposes 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 47 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 0.59; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes to maintain a lot width of 33 feet; 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 construct a single-unit dwelling with a second single-unit dwelling (a carriage house) on a lot that is approximately 3,267 square feet per the calculation required by Section 3332.18(C) (1,633.5 square feet per dwelling unit); and

**WHEREAS**, Section 3332.19, Fronting on a public street, 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 total lot area for each dwelling, while the applicant proposes no rear yard for the carriage house dwelling; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes a stairway for the carriage house dwelling to encroach 7.2 inches into the required maximum side yard; 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 *University District Plan's* recommendation for lower intensity residential uses, will not add incompatible uses to the area, and is compatible with the recent development pattern in historic urban neighborhoods; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **1463 N. 4<sup>TH</sup> 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 from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the City of Columbus codes, is hereby granted for the property located at **1463 N. 4<sup>TH</sup> 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 required spaces to 2 spaces; increased lot coverage from 25 percent to 47 percent; increased maximum floor area ratio (FAR) from 0.40 to 0.59; a reduced lot area requirement from 5,000 square feet per dwelling unit to 1,633.5 square feet per dwelling unit; no frontage on a public street for the rear carriage house dwelling; no rear yard for the rear carriage house dwelling; and a stairway encroachment of 7.2 inches into the maximum side yard; said property being more particularly described as follows:

**1463 N. 4<sup>TH</sup> ST. (43201)**, being 0.1± acres located on the west side of North Fourth Street, 34± feet South of East Ninth Avenue, and being more particularly described as follows:

Being real estate situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being a part of Out Lot Number Thirty-three (33) of CHITTENDEN'S WOODBURN ADDITION, as said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 384, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the west line of Fourth Street, 33 feet south of the south line of Ninth Avenue; thence southerly with the west line of Fourth Street, 33 feet to a point; thence westerly and parallel with the south line of Ninth Avenue, 136 feet, more or less, to the east line of an alley; thence northerly with the east line of said alley, a distance of 33 feet to a point; thence easterly and parallel with the south line of Ninth Avenue, 135 feet, more or less, to the place of beginning.

Known as 1463 N. 4<sup>th</sup> St., Columbus, OH 43201

Parcel IDs: 010-024099

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two detached 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, "**SITE PLAN**," dated August 28, 2019, drawn by F5 Design/ Architecture Inc., and signed by Zac McKenzie, 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 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 Certificates 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.