



## Legislation Text

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**File #:** 2437-2022, **Version:** 1

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### **Council Variance Application: CV22-033**

**APPLICANT:** Joshua J. Tomey; 1282 E. Fulton Street; Columbus, OH 43206.

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

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the R-3, Residential District. The applicant requests a Council variance to permit two single-unit dwellings on one parcel. A Council variance is necessary because the R-3 district only permits one single-unit dwelling per lot. Variances to minimum numbers of parking spaces required, lot width, lot area, fronting, maximum side yard, and rear yard are included in this request. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. However, the Plan does include design recommendations, and Planning Division staff has determined that the proposal includes design elements that are compatible with surrounding structures.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; and 3332.27, Rear yard, for the property located at **1286 E. FULTON ST. (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV22-033).

**WHEREAS**, by application #CV22-033, the owner of property at **1286 E. FULTON ST. (43205)**, is requesting a Council variance to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a single-unit dwelling and a rear carriage house dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per residential unit, or 4 parking spaces for 2 single-unit dwellings, while the applicant proposes 3 parking spaces; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-3, Residential District, while the applicant proposes to maintain a lot width of 37.88± feet; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes two single-unit dwellings on a lot that contains 4,191.79± square feet (2,095.9± square feet per dwelling unit, pursuant to the lot area calculation per Section 3332.18(C)); and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street, while the applicant

proposes a carriage house dwelling to front on Engler Street which is not considered to be a public street because it is less than 35 feet wide; 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 7.47 feet, while the applicant proposes a maximum side yard 16.93%, or 6.33± feet for the carriage house dwelling; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes no rear yard for the carriage house dwelling; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variances would permit development of a single-unit dwelling and carriage house dwelling in character and scale with the dwellings on the surrounding properties; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1286 E. FULTON ST. (43205)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance be granted from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; and 3332.27, Rear yard, for the property located at **1286 E. FULTON ST. (43205)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-3, Residential District, with a parking space reduction from 4 required spaces to 3 spaces; a reduced lot width from 50 to 37.88± feet; a reduced lot area from 5,000 square feet for one dwelling unit to 4,191.79± square feet for two dwelling units (2,095.9± square feet per dwelling unit); no frontage on a public street for the carriage house dwelling; a reduced maximum side yard from 7.47 feet to 6.33± feet for the carriage house dwelling; and no rear yard for the carriage house; said property being more particularly described as follows:

**1286 E. FULTON ST. (43205)**, being 0.16± acres located on the north side of East Fulton Street, 230± feet west of Kimball, and being more particularly described as follows:

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

Being lot number thirty-five (35) of H.H. Kimballs' Heirs Subdivision as part of the east half of lots twenty-one (21) to twenty-five (25), inclusive of John N. Champion's subdivision of half section no. twenty-three (23), Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, or record in plat book 3, page 320, Recorder's Office, Franklin County, Ohio.

**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 on the same lot, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**1286 E FULTON STREET**," and elevations titled, "**1286 E FULTON STREET ELEVATIONS**," both signed by Joshua J. Tomey, Applicant, and dated July 13, 2022. 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 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 uses.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.