



## Legislation Details (With Text)

**File #:** 0525-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 2/17/2016      **In control:** Zoning Committee

**On agenda:** 3/14/2016      **Final action:** 3/17/2016

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.49 (C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.26(C)(1), Minimum side yard permitted; 3332.27, Rear yard; and 3332.38(F), Private garage, of the Columbus City codes; for the property located at 903 NEIL AVENUE (43215), to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV15-080) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0525-2016Attachments, 2. ORD0525-2016Labels

Date	Ver.	Action By	Action	Result
3/17/2016	2	CITY CLERK	Attest	
3/16/2016	2	MAYOR	Signed	
3/14/2016	2	COUNCIL PRESIDENT	Signed	
3/14/2016	1	Zoning Committee	Amended to Emergency	Pass
3/14/2016	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV15-080**

**APPLICANT:** Shawn D. Conyers; 903 Neil Avenue; Columbus, OH 43215.

**PROPOSED USE:** A carriage house on a lot developed with a single-unit dwelling.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-4, Residential District, and developed with a single-unit dwelling. The requested Council variance will permit the construction of a single-unit dwelling above a garage (carriage house) on the rear yard of the lot, while bringing the non-conforming existing dwelling unit and parcel into compliance. 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 residential buildings on one lot. Variances for one required parking space, fronting, minimum side yard and rear yard are also included in the request. Staff finds that the proposal will not add incompatible uses to the area as there are other carriage houses within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements.

**Emergency justification; to proceed the project to the permitting stage with the City Development office in order to start construction as soon as possible.**

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.19, Fronting on a public street; 3332.26(C)(1), Minimum side yard permitted; 3332.27, Rear yard; and 3332.38(F), Private garage, of the Columbus City codes; for the property located at **903 NEIL AVENUE (43215)**, to permit a single-unit dwelling (a carriage house) on the rear of a lot developed with a single-unit dwelling, with reduced development standards in the R-4, Residential District (Council variance # CV15-080) **and to declare an emergency.**

**WHEREAS**, by application No. CV15-080, the owner of property at **903 NEIL AVENUE (43215)**, is requesting a Council variance to permit a single-unit dwelling above a garage (a carriage house) on the rear of a 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 to construct a rear single-unit dwelling above a detached garage (a carriage house) on a lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3312.49(C) Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or four (4) spaces total for the two single-unit dwellings, while the applicant proposes three (3) parking spaces; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing forty (40) 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 second single-unit dwelling (a carriage house) on a lot that is approximately 6,000 square feet; 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 3332.26(C)(1), Minimum side yard permitted, requires a minimum side yard of three (3) feet on a lot width of forty (40) feet or less, while the applicant proposes to maintain the north side yard of 2.3 feet for the existing dwelling; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (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 3332.38(F), Private garage, requires no portion of the lot area devoted to a private garage or a carport to exceed the greater of 720 square feet, while the applicant proposes a garage of 832 square feet to serve both dwellings; and

**WHEREAS**, the Victorian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other carriage houses within this neighborhood. The request is consistent with the recent development pattern in historic urban neighborhoods, and building design will conform to the Victorian Village Commission requirements; 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 **903 NEIL AVENUE (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 from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; **WHEREAS**, Section 3332.15 R-4 area district requirements; 3332.19, Fronting on a public street; 3332.26(C)(1), Minimum side yard permitted; 3332.27, Rear yard; and 3332.38(F), Private garage, of the City of Columbus codes, is hereby granted for the property located at **903 NEIL AVENUE (43215)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-4, Residential District, with parking space reduction from four (4) spaces to three (3) spaces; a reduced lot width from fifty (50) feet to forty (40) feet; a reduced lot size from 5,000 square feet per dwelling unit to 6,000± square feet for two single-unit dwellings; no frontage on a public street for the carriage house dwelling; a reduced minimum side yard from three (3) feet to 2.3 feet for the existing dwelling along the north property line; a reduced rear yard from twenty-five (25) percent to zero (0) percent for the carriage house dwelling; and an increased garage size from 720 square feet to 832 square feet; said property being more particularly described as follows:

**903 NEIL AVENUE (43215)**, being 0.14± acres located on the west side of Neil Avenue, approximately 115± feet south of West First Avenue, and being more particularly described as follows:

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

Being Lot Number 220 of R. E. Neil Trustee's Third Neil Place Addition, of record in Plat Book 4, Page 201, Franklin County Recorder's Office, Columbus, Ohio.

Posted Address: 903 Neil Ave, Columbus Ohio

Parcel No: 010-038756

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling and a single-unit carriage house, 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 and elevation drawings titled, "**THE CONYERS RESIDENCE GARAGE REPLACEMENT**," signed by Shawn Conyers, Applicant, dated February 9, 2016. 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 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. **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval**

**by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**