



## Legislation Details (With Text)

**File #:** 1665-2020      **Version:** 1

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

**File created:** 7/7/2020      **In control:** Zoning Committee

**On agenda:** 7/27/2020      **Final action:** 7/30/2020

**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 1382 NEIL AVE. (43201), to permit a carriage house on a lot developed with a single-unit dwelling with reduced development standards in the R-4, Residential District (Council Variance #CV20-029).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1665-2020\_Attachments, 2. ORD1665-2020\_Labels

Date	Ver.	Action By	Action	Result
7/30/2020	1	CITY CLERK	Attest	
7/29/2020	1	MAYOR	Signed	
7/27/2020	1	COUNCIL PRESIDENT	Signed	
7/27/2020	1	Zoning Committee	Approved	Pass
7/20/2020	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-029**

**APPLICANT:** Eric D. Martineau; 3001 North High Street, Suite 1A; Columbus, OH 43202.

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

**UNIVERSITY AREA 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 applicant proposes to construct a rear single-unit dwelling above a detached garage (a carriage house). A Council variance is required 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 minimum number of parking spaces required, lot coverage, minimum floor area ratio (FAR), lot width, area district requirements, fronting, minimum and maximum side yards, and rear yard are 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 historic 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 **1382 NEIL AVE. (43201)**, to permit a carriage house on a lot developed with a single-unit dwelling with reduced development standards in the R-4, Residential District (Council Variance #CV20-029).

**WHEREAS**, by application #CV20-029, the owner of the property at **1382 NEIL AVE. (43201)**, is requesting a Variance to permit a carriage house on 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 (carriage house) on a lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two single-unit dwellings, 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 38.3 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 lot to be no less than 50 feet wide, while the applicant proposes to maintain the existing 33.2 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 two single-unit dwellings on a lot that is approximately 3,306.7 square feet, (pursuant to lot area calculation in 3332.18(C)), providing approximately 1,653 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 be 20 percent of the lot width, or 6.6 feet, while the applicant proposes to maintain a maximum side yard of 4.6 feet for the existing dwelling and proposes a reduced maximum side yard of 4.5 feet for the carriage house; and

**WHEREAS**, Section 3332.26(C)(1), Minimum side yard permitted, requires a side yard of no less than 3 feet, while the applicant proposes to maintain a reduced side yard of 1 foot on the north side of the existing dwelling and 1.5 feet on the north side of the proposed 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 no rear yard for the carriage house; 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 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 a Certificate of Occupancy for

the proposed carriage house; 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 **1382 NEIL AVE. (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 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, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1382 NEIL AVE. (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 spaces to 3 spaces; increased lot coverage from 25 to 38.3 percent; increased maximum floor area ratio (FAR) from 0.40 to 0.59; reduced lot width from 50 to 33.2 feet; reduced lot area from 5,000 square feet per dwelling to approximately 1,653 square feet per dwelling; no frontage on a public street for the carriage house; reduced maximum side yard from 6.6 to 4.6 feet for the existing dwelling and 4.5 feet for the proposed carriage house; reduced minimum side yard from 3 feet to 1 foot on the north side of the existing dwelling and from 3 to 1.5 feet on the north side of the proposed carriage house; and no rear yard for the carriage house; said property being more particularly described as follows:

**1382 NEIL AVE. (43201)**, being 0.13± acres located on the east side of Neil Avenue, 275± feet south of King Avenue, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND IN THE CITY OF COLUMBUS AND IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEING 33.2 FEET OFF THE SOUTH SIDE OF LOT NUMBER TWO HUNDRED SEVENTY SIX (276), OF DENNISON PLACE SUBDIVISION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 3, PAGE 13, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO

Parcel No. 010-050453

Property Address: 1382 Neil Ave., Columbus, OH 43201

**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 one lot, 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 titled, "**NEW CARRIAGE HOUSE AT 1382 NEIL AVENUE,**" signed by Eric Martineau the Applicant, and dated July 6, 2020. 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 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 carriage house.

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