



## Legislation Details (With Text)

**File #:** 2211-2020      **Version:** 1

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

**File created:** 9/24/2020      **In control:** Zoning Committee

**On agenda:** 10/12/2020      **Final action:** 10/15/2020

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 33312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1154 NEIL AVE. (43201), to permit two single-unit dwellings on one lot with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV20-067).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2211-2020\_Attachments, 2. ORD#2211-2020\_Labels

Date	Ver.	Action By	Action	Result
10/15/2020	1	ACTING CITY CLERK	Attest	
10/14/2020	1	MAYOR	Signed	
10/12/2020	1	COUNCIL PRESIDENT	Signed	
10/12/2020	1	Zoning Committee	Approved	Pass
10/5/2020	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-067**

**APPLICANT:** Eric D. Martineau; 3006 North High Street, Suite 1A; Columbus, OH 43202.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a single-unit dwelling and detached garage zoned in the ARLD, Apartment Residential District. The requested Council variance will permit the conversion of the second floor of the existing two-story garage into a carriage house. A variance is necessary because the ARLD, Apartment Residential District prohibits two dwellings on the same lot. Variances for lot width, fronting, side yards, rear yard, and a parking space reduction are included in the request. Staff supports the proposal because the request 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.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 33312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1154 NEIL AVE. (43201)**, to permit two single-unit dwellings on one lot with reduced

development standards in the ARLD, Apartment Residential District (Council Variance # CV20-067).

**WHEREAS**, by application #CV20-067, the owner of the property at **1154 NEIL AVE. (43201)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, requires a separate lot for each principal use, while the applicant proposes a single-unit dwelling above a detached garage (carriage house) on the rear of a lot developed with a single-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum number 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 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of less than 50 feet, while the applicant proposes to maintain the existing lot width of 38 feet; and

**WHEREAS**, Section 3333.16, Fronting, requires each 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 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the applicant proposes to maintain a reduced total side yard from 7.6 to 4.4 feet for the existing single-unit dwelling, and proposes a reduced total side yard of 6 feet for the new carriage house; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain 1.4 feet and 3 feet side yards along the northern and southern property lines, respectively, for the existing single-unit dwelling, and proposes a reduced side yard of 3 feet along the northern and southern property lines for the new carriage house; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of 56.9 percent for the existing single-unit dwelling, and no rear yard for the new carriage house; and

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

**WHEREAS**, 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 **1154 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 from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1154 NEIL AVE. (43201)**, insofar as said sections prohibit two single-unit dwellings on the same lot in the ARLD, Apartment Residential District; with a reduced lot width from 50 feet to 38 feet; no frontage on a public street for the rear carriage house dwelling; reduced maximum side yard from 7.6 feet to 4.4 feet for the existing single-unit dwelling, and to 6 feet for the new carriage house; reduced minimum side yards from 5 feet to 1.4 feet and 3 feet along the northern and southern property lines, respectively, for the existing single-unit dwelling, and to 3 feet along the northern and southern property lines for the new carriage house; and no rear yard for the new carriage house; said property being more particularly described as follows:

**1154 NEIL AVE. (43201)**, being 0.17± acres located on the east side of Neil Avenue, 165± feet south of West 4<sup>th</sup> Avenue, and being more particularly described as follows:

**TRACT 1:**

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

Being part of Lots Number Fifty-three (53) and Fifty-four (54) of Collins, Atkinson and Guitner's Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 84, Recorder's Office, Franklin County, Ohio, and bounded and described as follows: Beginning at a point in the east line of Neil Avenue 35.90 feet south of the northwest corner of said Lot No. 53; thence east 121.07 feet to a point 26.50 feet south of the north line of said lot 53; thence south along the west line of a proposed alley and parallel to Neil Avenue, 26 feet to a point; thence west about 121.07 feet to a point in the east line of Neil Avenue, 73.90 feet south of the northwest corner of lot 53; thence north along the east line of Neil Avenue 38 feet to the place of beginning. Also a strip of ground 6 feet wide at the rear end of said tract to be used for an alley in connection with a strip of the same width adjoining the above describe premises, on the east, to be used for alley purposes.

**TRACT 2:**

Situate in the State of Ohio County of Franklin, City of Columbus and being part of lot 53, Collins, Atkinson & Guitner's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 84, and being part of Parcel 2 and all of Parcel 3 as conveyed to Arthur A. Sankovich and Barbara A. Mallett by William Jeffrey Leland, Executor of the Will of Virginia Drake Leland, aka Virginia D. Leland, aka Virginia Davis Leland for 2/3 of the interest by Deed of Record in Volume 3797, page 763, and by Janet Georgia Kellner for 1/3 of the interest by Deed of Record in volume 3797, page 768 and 770, all of the records of the Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the northeast corner of lot 53; thence South 1 deg. 52' 51" W, with the west line of Sunside Alley and the east line of Parcel 2 aforesaid, a distance of 35.66 feet to an iron pin, being the northeast corner of a 0.039 acre tract conveyed to Elaine M. and James T. Mason; thence with the north line of said tract, South 81 deg. 39' 33" W, a distance of 86.62 feet to the southwest corner of Parcel 3 aforesaid; thence with the west line of said Parcel 3, N 10 deg. 15' 00" W, a distance of 51.69 feet to a point in the north line of said lot 53; thence with the north line of Lot 53, S 88 deg. 24' 46" E, a distance of 96.11 feet to the place of beginning, containing 0.091 acres, more or less;

LESS AND EXCEPT the 0.016 Acre Tract described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a lot 53 of Collins, Atkinson and Guitner's Addition, as the same is shown and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 84, Franklin County Recorder's Office also being part of a 0.091 acre tract (Parcel 2) conveyed to Carl. L. Fankhauser and David J. Labus as shown of record in Official Record Volume 28974 B-13, said Recorder's Office, and being more particularly described as follows:

Commencing at an iron pin in the northeast corner of said Lot 53, also being the northeast corner of said Parcel 2, said corner being the intersection of the west line of Sunside Alley (20 feet wide) with the south line of a 12 foot wide alley;

Thence, along part of the north line of said Parcel 2, part of the north line of said Lot 53, along the south line of said 12 foot wide alley, North 88 degrees 20 minutes 47 seconds West, 66.64 feet to an iron pin set at the TRUE POINT OF BEGINNING:

Thence, across said Parcel 2, South 01 degree 39 minutes 13 seconds West, 23.89 feet to an iron pin set;

Thence, across said Parcel 2, South 87 degrees 24 minutes 48 seconds West, 24.78 feet to an iron pin found on the west line of said Parcel 2, being the centerline of a private alley (12 feet wide), also being the southeast corner of the tract conveyed to Roger D. Farrell as shown of record in Official Record Volume 19850, I-16;

Thence, along part of the west line of said Parcel 2, along the center line of said private alley, along the west line of said Fankhauser and Labus tract, North 09 degrees 57 minutes 56seconds West, 26.26 feet to an iron pin found at the northwest corner of said Fankhauser and Labus tract, the northwest corner of said Parcel 2, also being on the south line of said 12 foot wide alley;

Thence, along part of the north line of said Parcel 2, along the south line of said 12 foot wide alley, South 88 degrees 20 minutes 47 seconds East, 30.00 feet to the place of beginning CONTAINING 0.016 ACRES, more or less.

Iron pins set are 30'' x 1'' O. D. with the orange plastic caps inscribed "P.S. #6579". Basis of bearings is the west line of said Sunside Alley held as South 01 degrees 52 minutes 51 seconds West as per Official Record Volume 28974 B-13.

**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 ARLD, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan drawing titled, "**1154 NEIL AVENUE**," dated August 26, 2020, and signed by Eric Martineau, 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 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.