



## Legislation Details (With Text)

**File #:** 0911-2021      **Version:** 2

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

**File created:** 4/7/2021      **In control:** Zoning Committee

**On agenda:** 12/6/2021      **Final action:** 12/8/2021

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 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 1135 NEIL AVE. (43201), to permit a two-unit dwelling and a single-unit dwelling (carriage house) on one lot with reduced development standards in the R-4 Residential District (Council Variance #CV21-021).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0911-2021\_ AttachmentsAmended, 2. ORD0911-2021\_ Attachments

Date	Ver.	Action By	Action	Result
12/8/2021	2	CITY CLERK	Attest	
12/7/2021	2	MAYOR	Signed	
12/6/2021	2	COUNCIL PRESIDENT	Signed	
12/6/2021	1	Zoning Committee	Taken from the Table	Pass
12/6/2021	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/6/2021	1	Zoning Committee	Approved as Amended	Pass
12/6/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
10/25/2021	1	Zoning Committee	Tabled Indefinitely	Pass
10/25/2021	1	Zoning Committee	Taken from the Table	Pass
10/18/2021	1	Columbus City Council	Read for the First Time	
5/10/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
5/10/2021	1	Zoning Committee	Tabled Indefinitely	Pass

**Council Variance Application: CV21-021**

**APPLICANT:** Mike Navarro; c/o Daniel Ferdelman; 679 High Street, Suite D; Worthington, Ohio 43085.

**PROPOSED USE:** A two-unit dwelling and a single-unit dwelling (carriage house) on one lot.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The undeveloped site is zoned in the R-4, Residential District. The requested Council variance will permit the development of a two-unit dwelling and a single-unit (carriage

house) dwelling. 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 to R-4 residential permitted uses, **the required number of parking spaces**, lot area, ~~side yard~~, rear yard and fronting are included in the request. Staff finds that the proposal will not add incompatible uses to the area, is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; **3312.49, Minimum numbers of parking spaces required**; 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 **1135 NEIL AVE. (43201)**, to permit a two-unit dwelling and a single-unit dwelling (carriage house) on one lot with reduced development standards in the R-4 Residential District (Council Variance #CV21-021).

**WHEREAS**, by application #CV21-021, the owner of the property at **1135 NEIL AVE. (43201)**, is requesting a Variance to permit a two-unit dwelling and a single-unit dwelling (carriage house) on one lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, residential district, allows a maximum of four units in one building, but does not permit two separate dwellings on one lot, while the applicant proposes a two-unit dwelling and a single-unit dwelling (carriage house) on one lot; and

**WHEREAS**, Section **3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, or 6 spaces total for 3 units, while the applicant proposes 3 parking spaces**; and

**WHEREAS**, Section 3332.05(A)(4), area district lot requirements, requires a lot width of no less than 50 feet, while the applicant proposes to maintain the existing lot width of 45 feet; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires a lot of 7,500 square feet minimum for three units (2,500 square feet per unit), while the applicant proposes to maintain the existing lot area of 6,075 square feet; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street, while the applicant proposes a carriage house fronting on a public alley; and

**WHEREAS**, Section 3332.25, ~~Maximum side yards required, requires that the sum of the width of each side yard shall equal or exceed 20 percent of the width of the lot, a requirement of nine feet for a lot width of 45 feet, while the applicant proposes a maximum side yard of seven feet for the two-unit dwelling~~; and

**WHEREAS**, Section 3332.26, ~~Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes minimum side yards of 3.5 feet for the two-unit 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 proposed carriage house; 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 and is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Victorian Village Commission requirements; 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 at **1135 NEIL AVE. (43201)**, in using said property as desired and; 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;** 3332.05(A)(4), area district lot 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 **1135 NEIL AVE. (43201)**, insofar as said sections prohibit a two-unit dwelling and a single-unit (carriage house) dwelling on one lot in the R-4, Residential District, **reduced number of parking spaces from six to three; with** reduced lot width from 50 to 45 feet; reduced lot area from 7,500 square feet to 6,075 square feet; no frontage on a public street for the carriage house; ~~reduced maximum side yard from 9 to 7 feet for the two-unit dwelling; reduced minimum side yards from 5 to 3.5 feet for the two-unit dwelling;~~ and a reduced rear yard from 25 percent to zero for the carriage house; said property being more particularly described as follows:

**1135 NEIL AVE. (43201)**, being 0.18± acres located on the west side of Neil Avenue, 300± feet north of West 3<sup>rd</sup> Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Being Lot Number Four Hundred Twenty-Three (423), of COLLINS ATKINSON AND GUITNER'S THIRD ADDITION, as the same is numbered and delineated upon the Plat thereof, of record in Plat Book 2, Page 222, Records Office, Franklin County, Ohio.

For informational purposes only:

Property Address: 1135 Neil Ave. Columbus, Ohio 43201

Parcel No: 010-053603

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling and a single unit (carriage house) dwelling designed in accordance with the attached site plan, 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 drawing titled, "**ROWEHOUSE PROJECT**," signed by Bradley Blumenshield, and dated ~~March 31, 2021~~ **October 20, 2021**. 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 on the applicant obtaining all applicable permits and Certificates 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.

