



## Legislation Details (With Text)

**File #:** 1966-2021      **Version:** 1

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

**File created:** 7/8/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** 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), 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, of the Columbus City Codes; for the property located at 1150 FAIR AVE. (43205), to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV21-058).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1966-2021\_Attachments, 2. ORD#1966-2021\_Labels

Date	Ver.	Action By	Action	Result
7/28/2021	1	CITY CLERK	Attest	
7/27/2021	1	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Approved	Pass
7/26/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV21-058**

**APPLICANT:** Compass Homes; c/o Ted Nemeth; 3763 Attucks Drive; Powell, OH 43065.

**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 zoned in the R-3, Residential District. The applicant proposes to construct a single-unit dwelling with a rear single-unit dwelling above a detached garage (a carriage house). A Council variance is necessary because the current zoning district prohibits more than one dwelling unit on a lot. The request includes variances to lot width, area district requirements, fronting, maximum side yard, rear yard, and to reduce required parking from four to three spaces. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location, but states that new housing should be consistent with the housing types, density, and development pattern of the neighborhood. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan, and does not introduce incompatible uses to the area. Planning staff also finds the conceptual elevations for the proposed dwellings consistent with the Plan's design recommendations.

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), 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, of the Columbus City Codes; for the property located at **1150 FAIR AVE. (43205)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District (Council Variance #CV21-058).

**WHEREAS**, by application #CV21-058, the owner of the property at **1150 FAIR AVE. (43205)**, is requesting a Variance to permit a single-unit dwelling and a rear carriage house dwelling on one lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, residential district, permits only one single-unit dwelling on a lot, while the applicant proposes a single-unit dwelling and a rear carriage house dwelling; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two dwelling units, while the applicant proposes a total of three parking spaces; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-3, Residential District, while the applicant proposes to maintain a lot width of 37.37± 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 not less than 5,000 square feet in area, while the applicant proposes two single-unit dwellings on a lot that contains 4,190± feet pursuant to the lot area calculation in Section 3332.18(C); 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 equal or exceed 20 percent of the width of the lot, or 7.48 feet, while the applicant proposes a maximum side yard of 6.06 feet for 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 proposed carriage house; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow residential development that is consistent with the housing types and densities found in the surrounding area as recommended by the *Near East Area Plan*. Staff believes the proposal is compatible with the urban character of the neighborhood and does not introduce incompatible uses to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **1150 FAIR AVE. (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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A), 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, of the Columbus City Codes; for the property located at **1150 FAIR AVE. (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 four spaces to three spaces; a reduced lot width from 50 feet to 37.37± feet; a reduced lot area from 5,000 square feet for one dwelling unit to 4,190± square feet for two dwelling units (2,095± square feet per dwelling unit); no frontage on a public street for the rear carriage house dwelling; a reduction in the maximum side yard for the rear carriage house dwelling from 7.48 feet to 6.06 feet; and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

**1150 FAIR AVE. (43205)**, being 0.10± acres located on the north side of Fair Avenue, 150± feet east of Ohio Avenue, and being more particularly described as follows:

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

Being Lot Number Two Hundred Eighty-six (286) in HOFFMAN AND MCGREW'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 200, 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 a single-unit dwelling and a rear single-unit carriage house 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, "**ZONING SITE PLAN**," dated June 28, 2021, and signed by Scott D. Grundei, Surveyor for the Applicant. 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 adjustments to the plans shall be subject to review and approval by the Director of the Department 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.