



## Legislation Details (With Text)

**File #:** 1198-2021      **Version:** 1

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

**File created:** 5/5/2021      **In control:** Zoning Committee

**On agenda:** 3/7/2022      **Final action:** 3/9/2022

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 Residential district; 3312.25, Maneuvering; 3312.29, Parking space; 3332.123, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at 2803 FERN AVE. (43211), to permit two single-unit dwellings on the same lot with reduced development standards in the R-3, Residential District (Council Variance #CV19-125).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1198-2021\_Attachments, 2. ORD1198-2021\_Labels

Date	Ver.	Action By	Action	Result
3/9/2022	1	CITY CLERK	Attest	
3/8/2022	1	MAYOR	Signed	
3/7/2022	1	COUNCIL PRESIDENT	Signed	
3/7/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
3/7/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
3/7/2022	1	Zoning Committee	Approved	Pass
2/28/2022	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-125**

**APPLICANT:** Rocio Nonato; 2803 Fern Avenue; Columbus, OH 43211.

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

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a two single-unit dwellings in the R-3, Residential District. The requested Council variance will legitimize a detached rear garage that has been converted into a single-unit dwelling. A Council variance is required because the R-3 district only permits one single-unit dwelling on a lot. Variances for maneuvering, parking space, area district requirements, fronting, side yards, rear yard, and side yard obstruction are included in this request. The request is consistent with the *Northeast Area Plan* (2007), which recommends "Low Density Residential" land uses. The request does not represent any new structures being proposed on the property and will not add any incompatible uses to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3 Residential district; 3312.25, Maneuvering; 3312.29,

Parking space; 3332.123, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **2803 FERN AVE. (43211)**, to permit two single-unit dwellings on the same lot with reduced development standards in the R-3, Residential District (Council Variance #CV19-125).

**WHEREAS**, by application #CV19-125, the owner of the property at **2803 FERN AVE. (43211)**, is requesting a Variance to permit two single-unit dwellings on the same lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.033, R-3, residential district use, only permits one single dwelling, while the applicant proposes to legitimize a detached garage that has been converted into a single dwelling-unit on a lot developed with an existing single-unit dwelling; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant proposes maneuvering over and through two pairs of two stacked parking spaces, one pair provided south of the principal dwelling and one pair north of the rear dwelling; and

**WHEREAS**, Section 3312.29, Parking space, does not permit stacked parking spaces to be counted as required parking, while the applicant proposes stacked parking spaces to satisfy the required number of parking spaces; 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 with 3,750 square feet in area each pursuant to the lot area calculation in Section 3332.18(C); and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling to have frontage on a public street, while the rear dwelling fronts on a 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 10 feet for a lot width of 50 feet, while the applicant proposes a reduced total maximum side yard of 6.5± feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain a reduced side yard of 2.5± feet along the north property line of the principal dwelling unit and 4± feet along the south property line of the rear dwelling unit; and

**WHEREAS**, Section 3332.27, Rear yard, requires that each dwelling, residence, or principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard for the rear dwelling unit; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes parking spaces to encroach into the southern side yard of the principal dwelling and the northern side yard of the rear dwelling; and

**WHEREAS**, the Northeast Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance is consistent with land use recommendation of the *Northeast Area Plan*, will not result in any new structures on the property, and will not introduce an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the rear dwelling; 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 **2803 FERN AVE. (43211)**, 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; 3312.25, Maneuvering; 3312.29, Parking space; 3332.123, R-3 area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, for the property located at **2803 FERN AVE. (43211)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-3, Residential District; maneuvering over a parking space for two pairs of two stacked parking spaces; stacked parking spaces to satisfy minimum numbers of parking spaces required; a reduced area from 5,000 square feet to 3,750 square feet per dwelling; no frontage on a public street for the rear dwelling; a reduced minimum side yard from 5 feet to 2.5± feet along the north property line of the principal dwelling and 4± feet along the south property line of the rear dwelling; a reduced rear yard from 25 percent to zero percent for the rear dwelling unit; and parking spaces that encroach into the southern side yard of the principal dwelling and the northern side yard of the rear dwelling; said property being more particularly described as follows:

**2803 FERN AVE. (43211)**, being 0.21± acres located on the west side of Fern Avenue, 640± feet south of Agler Road, and being more particularly described as follows:

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

Being the south one-half of the North one-half of Lot Number Eight (8), of FANNIE F. DENUNE'S SUBDIVISION OF EIGHTEEN (18) ACRES OF LAND KNOWN AS EAST LINDEN, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 48B, Recorder's Office, Franklin County, Ohio.

Property Address: 2803 Fern Avenue, Columbus, OH 43211  
Parcel No.: 010-069613

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as two single unit dwellings on one lot or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the rear dwelling.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.