



## Legislation Details (With Text)

**File #:** 0217-2023      **Version:** 1

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

**File created:** 1/13/2023      **In control:** Zoning Committee

**On agenda:** 1/30/2023      **Final action:** 2/1/2023

**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(A)(4), 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 515 E. HINMAN AVE. (43207), to permit two single-unit dwellings on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV22-099).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0217-2023\_Attachments, 2. ORD#0217-2023\_Labels

Date	Ver.	Action By	Action	Result
2/1/2023	1	CITY CLERK	Attest	
1/31/2023	1	MAYOR	Signed	
1/30/2023	1	COUNCIL PRESIDENT	Signed	
1/30/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
1/30/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
1/30/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
1/30/2023	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV22-099**

**APPLICANT:** Georgette Asfoura; c/o Brenda Parker, Architect; 405 North Front Street; Columbus, OH 43215.

**PROPOSED USE:** Single-unit dwelling with an accessory dwelling unit.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel in the R-4, Residential District developed with a single-unit dwelling. The requested Council variance will permit an accessory dwelling unit within the existing detached garage at the rear of the lot. A Council variance is necessary 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. The request includes variances to lot width, lot area, fronting, side and rear yards, and reduced parking from four spaces required to one space provided. The site is located within the planning boundaries of the *South Side Plan* (2014), which recommends "Medium-High Density Residential" land uses at this location, and includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The request is consistent with the housing types, density and development pattern found in the surrounding area, and is not considered to be an introduction of an incompatible

use.

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(A)(4), 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 **515 E. HINMAN AVE. (43207)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV22-099).

**WHEREAS**, by application #CV22-090, the owner of the property at **515 E. HINMAN AVE. (43207)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential district, does not permit two separate dwellings on one lot, while the applicant proposes a single-unit dwelling and an accessory dwelling unit within a detached garage on one lot; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit for a total of four required parking spaces, while the applicant proposes one parking space; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes to maintain a reduced lot width of 30 feet; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes to maintain an existing single-unit dwelling and introduce a new accessory dwelling unit on a lot area of 2,700 square feet (pursuant to lot area calculation in 3332.18(C)), or 1,350 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 an accessory dwelling unit 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, for a maximum requirement of 6 feet for a 30 foot wide lot, while the applicant proposes a maximum side yard of no less than 4 feet 7 inches; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 3 feet, while the applicant proposes side yards of 2 feet 6 inches along the east property line of the single-unit dwelling, and of 2 feet 1 inch along the west property line of the accessory dwelling unit; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for the accessory dwelling unit; and

**WHEREAS**, the Columbus Southside Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will permit a residential development that is consistent with the housing types, density and development pattern found in the surrounding area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed accessory dwelling unit; 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 **515 E. HINMAN AVE. (43207)**, 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; 3332.05(A)(4), 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 **515 E. HINMAN AVE. (43207)**, insofar as said sections prohibit a single-unit dwelling and an accessory dwelling unit on the same lot in R-4, Residential District; with a reduction in the required parking from four spaces to one provided space; a reduced lot width from 50 feet to 30 feet; reduced lot area from 5,000 square feet per dwelling unit to 1,350 square feet per dwelling unit; no frontage on a public street for the accessory dwelling unit; a reduced maximum side yard from 6 feet to no less than 4 feet 7 inches; a reduced minimum side yard from 3 feet to 2 feet 6 inches on the east property line for the existing dwelling, and 2 feet 1 inch on the west property line for the accessory dwelling; and no rear yard for the accessory dwelling unit; said property being more particularly described as follows:

**515 E. HINMAN AVE. (43207)**, being 0.09± acres located on the south side of East Hinman Avenue, 80± feet west of Ann Street, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, AND IN THE CITY OF COLUMBUS AND BEING DESCRIBED AS FOLLOWS BEING LOT NUMBER THIRTY-ONE (31), IN NEWELL AND MCCORTS FIRST ADDITION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 7, PAGE 16, RECORDERS OFFICE, FRANKLIN COUNTY, OHIO. KNOWN AS 515 E. HINMAN AVENUE, COLUMBUS, OH 43207

PARCEL NO. 010-052774-00

ADDRESS: 515 HINMAN AVENUE

**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 an accessory dwelling unit on the same lot in accordance with the submitted site plan, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and elevations titled, "**SITE PLAN**," and "**DWELLING UNIT #2 PLANS AND ELEVATIONS**," both dated January 12, 2023, and signed by Brenda Parker, Architect. 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 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 a Certificate of Occupancy for the proposed accessory dwelling unit.

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