Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	11/4/2022	**In control:**	Zoning Committee
On agenda:	11/21/2022	**Final action:**	11/23/2022
Title:	To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area Requirements; Section 3333.11, ARLD area district requirements; 3333.23(D), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, for the property located at 940 MCALLISTER AVE. (43205), to permit three single-unit dwellings with reduced development standards in the ARLD, Apartment Residential District (Council Variance #CV22-042).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD#3136-2022_Attachments, 2. ORD#3136-2022_Labels		

Date	Ver.	Action By	Action	Result
11/23/2022	1	ACTING CITY CLERK	Attest	
11/22/2022	1	MAYOR	Signed	
11/21/2022	1	COUNCIL PRESIDENT	Signed	
11/21/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
11/21/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/21/2022	1	Zoning Committee	Approved	Pass
11/14/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-042

APPLICANT: Joss Construction Group, LLC; c/o Rebecca J. Mott; Atty.; 411 East Town Street, 2nd floor; Columbus, OH 43215.

PROPOSED USE: Single-unit residential development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is comprised of four undeveloped parcels in the ARLD, Apartment Residential District. The applicant is requesting a Council variance to construct three single-unit dwellings on three reconfigured lots. A variance is necessary because single-unit dwellings are not a permitted use in the ARLD district. The request includes variances to lot width, area district requirements, and side and rear yards. The site is located within the boundaries of the *Near East Area Plan* (2005), which recommends “higher density residential/mixed-use development” land uses at this location. Staff does not support the request because the overall site design is not consistent with the *Near East Area Plan’s* design guidelines, which discourages attached garages in front of dwelling units, and states that building setbacks should be similar to those of adjacent buildings. While staff supports the proposed use and the submitted building elevations, the site plan is considered incompatible with the established development

pattern of the area and is therefore not supported. Staff will consider support for a site design that places buildings closer to the McAllister Avenue frontage, or driveways that provide rear access for vehicles.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area Requirements; Section 3333.11, ARLD area district requirements; 3333.23(D), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, for the property located at **940 MCALLISTER AVE. (43205)**, to permit three single-unit dwellings with reduced development standards in the ARLD, Apartment Residential District (Council Variance #CV22-042).

WHEREAS, by application #CV22-042, the owner of properties at **940 MCALLISTER AVE. (43205)**, is requesting a Variance to permit three single-unit dwellings 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, does not permit single-unit dwelling use on newly-created parcels, while the applicant proposes to reconfigure four existing parcels into three, and construct a single-unit dwelling on each of the newly-created parcels; 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 a lot width of approximately 22.22 feet for each lot; and

WHEREAS, Section 3333.11, ARLD area district requirements, requires 2,500 square feet in area per dwelling unit, while the applicant proposes 1,665 square feet per dwelling unit; and

WHEREAS, Section 3333.23(D), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.52 feet for a building with a maximum height of 33.5 feet in height, while the applicant proposes side yards of 3 feet; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of approximately 8 percent of the total lot area for each new lot; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend disapproval of the requested Council variance. While Staff supports the proposed use and submitted building elevations, the site plan is not consistent with the *Near East Area Plan's* design guidelines and is considered incompatible to the established development pattern of the surrounding area. Staff will consider support for a site design that places buildings closer to the McAllister Avenue frontage, or driveways that provide rear access for vehicles; 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 **940 MCALLISTER AVE. (43205)**, 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 from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area Requirements; Section 3333.11, ARLD area district requirements; 3333.23(D), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **940 MCALLISTER AVE. (43205)**, insofar as said sections prohibit three single-unit dwellings on reconfigured lots in the ARLD, Apartment Residential District; with reduced lot widths from 50 feet to 22.22 feet; a reduced lot area requirement from 2,500 square feet per dwelling unit to 1,665 square feet; reduced minimum side yards from 5.52 feet to 3 feet; and a reduced rear yard from 25 percent to 8 percent of the total lot area for each new lot; said properties being more particularly described as follows:

940 MCALLISTER AVE. (43205), being 0.28± acres located on the north side of McAllister Avenue, 50± feet west of Carpenter Avenue, and being more particularly described as follows:

Tract I:

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

Being a part of Lot 8 in Susana Wetzel's Subdivision as the same is of record in Plat Book 7, page 137, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a chiseled mark in the north line of McAllister Avenue in the south line of Lot 8 and 18.8 feet west of the south east corner of said lot 8;

Thence along the south line of said Lot, and the north line of McAllister Avenue, westerly 15.17 feet to an iron pipe;

Thence northerly (passing through the partition wall between Apartment #942 and #944) 75 feet to an iron pipe;

Thence along the north line of Lot 8 and the south line of the 15 foot alley, easterly 15.17 feet to an iron pipe;

Thence southerly passing through the partition wall between Apartment #944 and Apartment #945) 75 feet to the place of beginning.

Parcel Number: 010-010916

Tract II:

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

Beginning at an iron pin in the North line of McAllister Avenue at the South West corner of said Lot 7;

Thence along the West line of said Lot 7. Northerly 75 feet to an iron pipe;

Thence along the North line of Lot 7 and the South line of a 15 foot alley, Easterly 18.48 feet to an iron pipe;

Thence in a Southerly direction (passing through a partition wall between Apartment #940 and #942) 75 feet to a chiseled mark in the North line of McAllister Avenue;

Thence along said line and the South line of Lot 7, Westerly 18.48 feet to The Place of Beginning.

Parcel Number: 010-006707

Tract III:

Situated in the State of Ohio, county of Franklin, City of Columbus, and bounded and described as follows:

Being a part of Lots 7 and 8 in Susana Wetzel's Subdivision as the same is of record in Plat Book 7, page 137, Recorder's Office, Franklin County, Ohio:

Beginning at a chisel mark in the concrete in the South line of Lot 7 and 18.48 feet Easterly from the Southwest corner of the Lot;

Thence in a Northerly direction (parallel to the West line of the Lot0, passing through the partition wall between Apartment #940 and #942) 75 feet to an iron pipe;

Thence along the North line of Lot 7 and 8, Easterly 15.17 feet to an iron pipe;

Thence in a Southerly direction (passing through the partition wall between Apartment #942 and #944) 75 feet to an iron pipe;

Thence along the South line of Lot 8 and the South line of Lot 7, 15.17 feet to The Place of Beginning.

Parcel Number: 010-006709

Tract IV:

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

Being a part of Lot 8 in Susanna Wetzel's Subdivision as the same is of record in Plat Book 7, page 137, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Thence along the south line of Lot 8 and the North line of McAllister Avenue, Westerly 17.8 feet to a chiseled mark in the concrete;

Thence Northerly (Passing through the partition wall between Apartment #944 and #946) 75 feet to an iron pipe;

Thence along the North line of Lot 8 and the South line of a 15 foot alley, Easterly 17.8 feet to an iron pipe;

Thence along the East line of Lot 8, Southerly 75 feet to The Place of Beginning.

Parcel Number: 010-006708

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said properties are used as single-unit dwellings, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled **"THREE (3) PROPOSED 0.038 ACRE TRACTS,"** and building elevations titled "**ELEVATIONS** ," both dated September 8, 2022, and signed by Rebecca J. Mott, Attorney for 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 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 upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

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