



Legislation Details (With Text)

File #: 0942-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/24/2022 **In control:** Zoning Committee

On agenda: 4/18/2022 **Final action:** 4/20/2022

Title: To grant a Variance from the provisions of Sections 3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.23(A), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1300-1312 KING AVE. (43212), to permit reduced development standards for an existing multi-unit residential development in the AR-2, Apartment Residential District (Council Variance #CV21-124).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0942-2022.Attachments, 2. ORD0942-2022.Labels

Date	Ver.	Action By	Action	Result
4/20/2022	1	CITY CLERK	Attest	
4/19/2022	1	ACTING MAYOR	Signed	
4/18/2022	1	COUNCIL PRESIDENT	Signed	
4/18/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
4/18/2022	1	Zoning Committee	Approved	Pass
4/18/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
4/18/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
4/18/2022	1	Zoning Committee	To withdraw the amendment	Pass
4/18/2022	1	Zoning Committee	Approved	Pass
4/18/2022	1	Zoning Committee	Reconsidered	Pass

Council Variance Application: CV21-124

APPLICANT: Plaza Properties; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Reduced development standards for an existing multi-unit residential development.

5TH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-2, Apartment Residential District (Ordinance #0941-2022; Z21-095) to conform an existing multi-unit residential development. The requested Council variance conforms existing conditions of this 42-unit apartment complex (42.42 du/ac). Standards

variances are requested for landscaping and screening, parking setback, required parking, minimum side yard, and rear yard to account for the development's existing conditions. Staff finds the proposal supportable because the variances are reflective of as-built conditions and the existing development pattern along King Avenue.

To grant a Variance from the provisions of Sections 3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.23(A), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1300-1312 KING AVE. (43212)**, to permit reduced development standards for an existing multi-unit residential development in the AR-2, Apartment Residential District (Council Variance #CV21-124).

WHEREAS, by application #CV21-124, the owner of property at **1300-1312 KING AVE. (43212)**, is requesting a Council variance to permit reduced development standards for an existing multi-unit residential development in the AR-2, Apartment Residential District; and

WHEREAS, Section 3312.21(A)(D), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces, or 6 trees for a parking lot containing 52 spaces; and requires that parking lots contain headlight, while the applicant proposes to maintain 0 trees in the parking lot and to eliminate screening requirements to maintain existing conditions, as shown on the site plan; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet, while the applicant proposes to maintain a parking setback of 10 feet; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 63 spaces total for 42 dwelling units, while the applicant proposes to maintain 52 parking spaces; and

WHEREAS, Section 3333.23(A), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain zero feet along the western property line; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a reduced rear yard of 14± percent for the eastern building and 9± percent for the western building; and

WHEREAS, the 5th by Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the variances are reflective of as-built conditions and the existing development pattern along King Avenue; 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 roads, 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 **1300-1312 KING AVE. (43212)**, in using said property as desired, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3333.23(A), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; are hereby granted for the property located at **1300-1312 KING AVE. (43212)**, insofar as said sections prohibit no parking lot shade trees and screening; a reduced parking setback line from 25 feet to 10 feet; reduced parking from 63 required spaces to 52 provided spaces; reduced minimum side yard along the west property line from 5 feet to 0 feet; and reduced rear yard from 25 percent to 14 percent for the eastern building and 9 percent for the western building; said property being more particularly described as follows:

1300-1312 KING AVE. (43212), being 0.99± acres located on the north side King Avenue, 200± feet west of Northwest Boulevard, and being more particularly described as follows:

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

Being Lot Number Twenty-One (21) of Robert E. Neil's Trustees Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 130, Recorder's Office, Franklin County, Ohio.

Being fifty (50) feet off the entire east side of Lot Number Twenty-Two (22) of Robert E. Neil, sole surviving trustee of John G. Neil and Family Subdivision to said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 130, 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 those uses permitted in the AR-2, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**1300 KING AVENUE**," dated March 16, 2022, and signed by Jackson B. Reynolds III, Attorney 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 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 a Certificate of Occupancy for the proposed use.

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