



## Legislation Details (With Text)

**File #:** 3373-2021 **Version:** 1

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

**File created:** 12/13/2021 **In control:** Zoning Committee

**On agenda:** 1/10/2022 **Final action:** 1/13/2022

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.13, Driveway; 3312.49, Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at 359 FREBIS AVE. (43206), to permit a multi-unit residential development with reduced development standards in the AR -1, Apartment Residential District (Council Variance #CV21-072).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD3373-2021\_Attachments, 2. ORD3373-2021\_Labels

Date	Ver.	Action By	Action	Result
1/13/2022	1	CITY CLERK	Attest	
1/11/2022	1	ACTING MAYOR	Signed	
1/10/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
1/10/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
1/10/2022	1	Zoning Committee	Approved	Pass
1/10/2022	1	COUNCIL PRESIDENT	Signed	

### Council Variance Application: CV21-072

**APPLICANT:** Krais Companies; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 4305.

**PROPOSED USE:** Multi-unit residential development.

**COLUMBUS SOUTH SIDE 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-1, Apartment Residential District (Ordinance #3372-2021; Z21-055) to allow a multi-unit residential development. The requested Council variance proposes a 20-unit townhouse-style development with a mix of building types, and includes variances to driveway width, reduced parking (from 30 to 27 spaces), vision clearance, lot area, building lines, and perimeter yard. Staff supports the variances as the proposed site plan is consistent with the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*, which recommend that units front the street and that sites should include plazas/courtyards that are open to and visible. Additionally, the building elevations include art installation panels that are integrated with the building design as it addresses Frebis Avenue, and avoids a blank wall being presented to the street frontage, consistent with the Plan's guidelines.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.13, Driveway; 3312.49, Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **359 FREBIS AVE. (43206)**, to permit a multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV21-072).

**WHEREAS**, by application #CV21-072, the owner of property at **359 FREBIS AVE. (43206)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit single-unit or three-unit dwellings as part of an apartment complex, while the applicant proposes a multi-unit residential development with a mix of units (single-, three-, six-, and ten-unit buildings); and

**WHEREAS**, Section 3312.13, Driveway, requires a driveway width of twenty feet at the street right of way on each lot, while the applicant proposes the East Moler Street driveway width to be 14 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 30 spaces total for 20 dwelling units, while the applicant proposes 27 parking spaces; and

**WHEREAS**, Section 3321.05(A), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a driveway and the street right-of-way line, while the applicant proposes five foot clear vision triangles at the intersection of the Frebis Avenue and East Moler Street driveways; and

**WHEREAS**, Section 3333.15, Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 56 percent; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of 25 feet along Frebis Avenue and East Moler Street, while the applicant proposes a reduced building line of 5 feet, as shown on the Site Plan; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of three feet, as shown on the Site Plan; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances are consistent with infill residential developments in this area, and the site plan and building elevations include high quality design consistent with *Columbus Citywide Planning Policies (C2P2) Design Guidelines*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **359 FREBIS AVE. (43206)**, in using said property as desired, 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; 3312.13, Driveway; 3312.49, Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; is hereby granted for the property located at **359 FREBIS AVE. (43206)**, insofar as said sections prohibit single-unit or three-unit dwellings as part of an apartment complex in the AR-1, Apartment Residential District, with a reduced driveway width from 20 feet to 14 feet; a parking space reduction from 30 required spaces to 27 spaces; reduced clear vision triangles from 10 feet to 5 feet at the intersections of the Frebis Avenue and East Moler Street driveways; an increased lot coverage from 50 to 56 percent; reduced building lines from 25 feet to 5 feet along Frebis Avenue and East Moler Street; and a reduction in the perimeter yard from 25 feet to 3 feet; said property being more particularly described as follows:

**359 FREBIS AVE. (43206)**, being 0.64± acres located on the south side Frebis Avenue, 500± feet west of Parsons Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 29, Township 5, Range 22, Refugee Lands, being all of Parcel No. 1, Parcel No. 2, Parcel No. 3, and Parcel No. 4 conveyed to Omar Bakeries, Inc. by deed of record in Deed Book 2522, Page 413, Recorder's Office, Franklin County, Ohio, all references to recorded documents being on file in said Recorder's Office unless otherwise noted. and being more particularly described as follows:

Beginning at a found iron pipe in the northerly line of East Moler Street (50 feet wide) at the southeast corner of said Parcel No. 2, said pipe being the southwest corner of the tract conveyed to Delores L. Decker (Deed Book 3521, Page 360) and being South 86 degrees 28 minutes 30 seconds West, 141.34 feet from the intersection of said northerly line of East Moler Street with the northerly extension of the easterly line of South Washington Avenue (50 feet wide):

Thence, along the southerly line of said Parcel No. 2 (northerly line of said East Moler Street), South 86 degrees 28 minutes 30 seconds West, 75.49 feet to a found iron pipe at the southwest corner of said Parcel No. 2, and the southeast corner of the tract conveyed to Brett M. Lloyd, Trustee, (Official Record Volume 2374, E-14);

Thence, along part of the westerly line of said Parcel No. 2 (easterly line of said Lloyd tract), North 03 degrees 41 minutes 00 seconds West, 112.00 feet to a found iron pipe at the northeast corner of said Lloyd tract and the southeast corner of said Parcel No. 4;

Thence, along the southerly line of said Parcel No. 4, northerly lines of said Lloyd tract and the tract conveyed to Craig W. Dresbach (Deed Book 3710, Page 475), South 86 degrees 28 minutes 30 seconds West, 75.66 feet to a found iron pipe at the southwest corner of said Parcel No. 4 northwest corner of said Dresbach tract and in the easterly line of the tract conveyed to Earl E. and Verna E. Rhoads (Deed Book 1823, Page 45);

Thence, along part of the westerly line of said Parcel No. 4 (part of the easterly line of said Rhoads tract), North 03 degrees 36 minutes 30 seconds West, 20.63 feet to a found railroad spike at the southeast corner of said Parcel No. 3 and the northeast corner of said Rhoads tract;

Thence, along the southerly line of said Parcel No. 3 (northerly line of said Rhoads tract), South 86 degrees 28 minutes 30 seconds West, 37.82 feet to a found iron pipe at the southwest corner of said Parcel No. 3, northwest corner of said Rhoads tract, northeast corner of the tract conveyed to Byron L. and Edythe J. West (Deed Book 3544, Page 654) and the southeast corner of the tract conveyed to Helen J. Kirk (Deed Book 3072, Page 202);

Thence, along the westerly line of said Parcel No. 3, (easterly line of said Kirk tract), North 03 degrees 34 minutes 30 seconds West, 106.20 feet to a found iron pipe at the northwest corner of said Parcel No. 3 (northeast corner of said Kirk tract) in the southerly line of Frebis Avenue (50 feet wide);

Thence, along the northerly lines of said Parcel No. 3, Parcel No. 4 and Parcel No. 1, (southerly line of said Frebis Avenue), North 86 degrees 25 minutes 00 seconds East, 159.48 feet to a found iron pipe at the northeast corner of said Parcel No. 1 and the northwest corner of the tract conveyed to Elmer K. and Ina L. Barry (Deed Book 1809, Page 447);

Thence, along the easterly line of said Parcel No. 1, (westerly line of said Barry tract), South 03 degrees 41 minutes 00 seconds East, 123.25 feet to a found iron pipe at the southeast corner of said Parcel No. 1, (southwest corner of said Barry tract) and in the northerly line of said Parcel No. 2;

Thence, along part of the northerly line of said Parcel No. 2, (southerly line of said Barry tract), North 83 degrees 41 minutes 00 seconds East, 29.34 feet to a found iron pipe at the northeast corner of said Parcel No. 2, (southeast corner of said Barry tract), and in the westerly line of said Decker tract;

Thence, along the easterly line of said Parcel No. 2, (part of the westerly line of said Decker tract), South 03 degrees 39 minutes 30 seconds East, 117.16 feet to the point of beginning, CONTAINING 0.644 ACRES (28,061 Square Feet), subject however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices. Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". Basis of bearings is scaled off maps on file in the offices of The City of Columbus Map Department.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with those uses permitted in the AR-1, 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, "**ARCHITECTURAL SITE PLAN**," dated August 17, 2021, and building elevations titled, "**MERION VILLAGE TOWNHOUSE DEVELOPMENT**," dated December 9, 2021, both signed by Eric Zartman, 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 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 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.