



Legislation Details (With Text)

File #: 0992-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/29/2022 **In control:** Zoning Committee

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

Title: To grant a Variance from the provisions of Sections 3333.04, Permitted uses in the AR-O apartment office district; 3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 910 DENNISON AVE. (43201), to permit mixed-use developed with reduced development standards in the AR-O, Apartment Office District (Council Variance #CV22-001).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0992-2022_Attachments, 2. ORD0992-2022_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 | Accept entire staff report into evidence as an exhibit | 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 |

Council Variance Application: CV22-001

APPLICANT: Simplified Living Architecture; c/o Heidi Bolyard; 6065 Frantz Road, Suite 205; Dublin, OH 43017.

PROPOSED USE: Mixed-use development.

VICTORIAN VILLAGE 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 (Ordinance #0991-2022; Z21-096) to the AR-O, Apartment Office District. The applicant proposes the addition of two dwelling units above an existing one-story dental office. A variance is necessary because the AR-O, Apartment Office does not permit a building containing less than three dwelling units. Staff supports the requested variances as demonstrated on the submitted site plan as they are consistent with similar infill developments in urban neighborhoods. Staff notes a Certificate of Appropriateness from the Victorian Village Commission is required for the final design of the proposed addition.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in the AR-O apartment office district;

3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **910 DENNISON AVE. (43201)**, to permit mixed-use developed with reduced development standards in the AR-O, Apartment Office District (Council Variance #CV22-001).

WHEREAS, by application #CV22-001, the owner of property at **910 DENNISON AVE. (43201)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office District; and

WHEREAS, Section 3333.04, AR-O, Permitted uses in the AR-O apartment office district, prohibits dwellings containing fewer than three units, while the applicant proposes two dwelling units above the existing dental office; and

WHEREAS, Section 3312.21(A), 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 within islands or peninsulas, with two trees being required for a 12 space parking lot, while the applicant proposes to maintain no interior shade trees; and

WHEREAS, Section 3312.21(D), Landscaping and screening, requires headlight screening in a landscaped area at least four feet in width and to a total height of no less than three feet with an opacity of no less than 75 percent, while the applicant proposes to maintain no headlight screening for the parking lot along Dennison Avenue; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 25 feet along public streets, while the applicant proposes to maintain reduced parking setback lines of 0 feet along Dennison Avenue and 4 feet along West 1st Avenue; 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 rear yard of 6.7 percent; and

WHEREAS, the Victorian Village Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances are consistent with similar infill developments in urban neighborhoods and reflect existing conditions; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a Certificate 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 **910 DENNISON AVE. (43201)**, 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 3333.04, Permitted uses in the AR-O apartment office district; 3312.21(A)(D), Landscaping and screening; 3312.27, Parking setback line; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **910 DENNISON AVE. (43201)**, insofar as said sections prohibit a two-unit dwelling in the AR-O, Apartment Office District; with a reduction from two parking lot shade trees to zero; no headlight screening for the parking lot along Dennison Avenue; reduced parking setback lines from 25 to

zero feet along Dennison Avenue and 4 feet along West 1st Avenue; and a reduced rear yard from 25 to 6.7 percent, said property being more particularly described as follows:

910 DENNISON AVE. (43201), being 0.21± acres located at the northeast corner of Dennison Avenue and West 1st Avenue, and being more particularly described as follows:

Parcel 1:

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

And known as being Lot Number Eight (8), in Stewart and Greener's Addition to the City of Columbus, Ohio, as the same is numbered and delineated on the Recorded Plat thereof, of Andrew Greener's Change of Lots Nos. Eight (8) to Thirteen (13), in said Addition, of record in Plat Book Number Two (2), Page One hundred eleven (111), Record's Office, Franklin County, Ohio.

Excepting Twenty-nine and eighty-one hundredths (29.81) feet off the rear of said lot, and more particularly described as follows:

Beginning at the northeast intersection of First Avenue and Dennison Avenue;

Thence eastwardly along First Avenue Fifty and thirty-three hundredths (50.33) feet to an iron pin;

Then northwardly parallel to Dennison Avenue Ninety-one and sixty-seven hundredths (91.67) feet to an iron pin;

Thence westwardly parallel to First Avenue Fifth and thirty-three hundredths (50.33) feet to an iron pin in the east side of Dennison Avenue;

Thence southwardly along Dennison Avenue Ninety-one and sixty-seven hundredths (91.67) feet to the point of beginning.

Parcel 2:

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

And known as being Lot Number Nine (9) in Stewart and Greener's Addition to the City of Columbus, Ohio, as the same is numbered and delineated on the Recorded Plat thereof, of Andrew Greener's Change of Lots Nos. Eight (8) to Thirteen (13), in said Addition, of record in Plat Book Number Two (2), Page One hundred eleven (111), Record's Office, Franklin County, Ohio;

Except the following transferred to the City of Columbus in Deed Book 2915, Page 228;

Situated in the State of Ohio, County of Franklin, City of Columbus, Fractional Section 5, Township 5 North, Range 22 West, Refugee Lands; being part of Lot 9 of Andrew Greener's Alteration of Lots 8 to 13, of Stewart and Greener's Addition to the City of Columbus, as recorded in Plat Book 2, Page 111 (Plat destroyed), Franklin County Recorder's Office, and more particularly bounded as follows:

Beginning at the Northwest corner of Lot 9 on the South line of an alley (10 feet wide) said point of beginning being referenced, South 2 deg. 47' 02" West, 10.00 feet and South 86 deg. 45' 53" East, 50.40 feet from an iron pin at the Southwest corner of Lot 17 of Stewart and Greener's Addition;

Thence, along the South line of the alley, South 86 deg. 45' 53" East, 40.20 feet to the Northeast corner of Lot 9;

Then along the East line of Lot 9, South 2 deg. 47' 02" West, 10.00 feet;

Then through Lot 9, North 86 deg. 45' 53" West, 40.20 feet to the West line of Lot 9;

Thence along the West line of the Lot 9, North 2 deg. 47' 02" East, 10.00 feet to the point of beginning, containing 0.0092 acres.

Parcel: 010-052370-80 and 010-052370-90

Address: 910 Dennison Avenue, Columbus, OH 43201.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a dental office and two dwelling units, or those uses permitted in the AR-O, Apartment Office District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE PLAN**," drawn and signed by Heidi M. Bolyard, dated March 22, 2022. 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 adjustment to the plan shall be reviewed and may be approved 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.