



Legislation Details (With Text)

File #: 3344-2022 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/18/2022 **In control:** Zoning Committee

On agenda: 12/12/2022 **Final action:** 12/14/2022

Title: To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; for the property located at 42 W. JENKINS AVE. (43207), to permit reduced development standards for an apartment building in the AR-2, Apartment Residential District (Council Variance #CV22-081).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD3344-2022.Attachments, 2. ORD3344-2022.Labels

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|--|--------|
| 12/14/2022 | 2 | CITY CLERK | Attest | |
| 12/13/2022 | 2 | MAYOR | Signed | |
| 12/12/2022 | 2 | COUNCIL PRESIDENT | Signed | |
| 12/12/2022 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 12/12/2022 | 1 | Zoning Committee | Amended as submitted to the Clerk | Pass |
| 12/12/2022 | 1 | Zoning Committee | Approved as Amended | Pass |
| 12/12/2022 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 12/5/2022 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV22-081

APPLICANT: Community Development for All People, Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; 411 East Town Street, Second Floor; Columbus, OH 43215.

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-2, Apartment Residential District (Ordinance #3343-2022; Z22-060) for a multi-unit residential development. The requested Council variance will permit a an apartment building containing up to 70 units or 53 units, as shown on Site Plan A and Site Plan B, respectively. The final number of apartment-units will be based on Ohio Housing Finance Agency (OHFA) and/or other funding sources for this proposal. Variances to parking setback, minimum numbers of parking spaces required, and fronting are also included in this request. Staff supports the variances and the proposed number of units as shown with both Site Plan A and Site Plan B. Additionally, the proposals do not add incompatible uses to the neighborhood, and are

consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; for the property located at **42 W. JENKINS AVE. (43207)**, to permit reduced development standards for an apartment building in the AR-2, Apartment Residential District (Council Variance #CV22-081).

WHEREAS, by application #CV22-081, the owner of property at **42 W. JENKINS AVE. (43207)**, is requesting a Council variance to permit reduced development standards for an apartment building in the AR-2, Apartment Residential District; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 15 feet from West Neff Avenue, while the applicant proposes a 4 foot parking setback from West Neff Avenue on Site Plan A or 13 foot setback on Site Plan B;

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, a total of 105 spaces for 70 apartment units on Site Plan A, or a total of 80 spaces for 53 apartment units on Site Plan B, while the applicant proposes 85 parking spaces on Site Plan A, or 74 parking spaces on Site Plan B; and

WHEREAS, 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes an apartment building on both Site Plan A and Site Plan B that does not front on a public street but will instead front on Jenkins Avenue which is classified as an alley ; and

WHEREAS, the Columbus South Side Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances, as shown on both Site Plan A and Site Plan B, are consistent with recent urban infill development projects that have been approved in this neighborhood; and

WHEREAS, said 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 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 **42 W. JENKINS 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 be granted from the provisions of Sections 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; for the property located at **42 W. JENKINS AVE. (43207)**, insofar as said sections prohibit a reduced parking setback from 15 feet to 4 feet on Site Plan A, or 13 feet on Site Plan B; a parking space reduction from 105 spaces total to 85 spaces on Site Plan A, or from 80 spaces total to 74 parking spaces on Site Plan B; and no frontage on a public street; said property being more particularly described as follows:

42 W. JENKINS AVE. (43207), being 1.61± acres located at the northwest corner of West Jenkins Avenue and South Wall Street, and being more particularly described as follows:

Tract I (010-049236-00):

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

Being all of Lot Numbers Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and the south one-half of Lot Number Twelve (12) of Joseph Sauer's Addition to the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 84, Recorder's Office, Franklin County, Ohio, excepting therefrom 40 feet off of the east end of the said lots.

Tract II (010-227797-00):

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of South Front Street as shown on the recorded plat of Joseph Sauer's Subdivision, Plat Book 5, Page 84 and being all of South Front Street 50' wide beginning at the North line of Jenkins Avenue 30' wide and terminating at a point 15.50' North of the North line of Lot 12 of said Joseph's Sauer's Subdivision and containing 9710.25 square feet more or less.

Excepting therefrom the following described premises:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of South Front Street 50' wide;

Beginning at a point 15.50' North of the South line of Lot 12 as shown on the recorded subdivision plat of Joseph Sauer's Subdivision, Plat Book 5, Page 84, and terminating at a point 15.50' North of the North line of the said Lot 12, and containing 0.036 acres, more or less.

Tract III (010-010088-00; 010-010089-00; 010-010090-00; 010-010091-00; 010-010092-00; 010-010093-00; 010-010094-00; 010-010095-00; 010-010096-00; 010-010097-00):

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

Being Lots Numbered 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Joseph Sauer's Subdivision, as the same are designated and delineated on the recorded plat thereof, of record in Plat Book 5, Page 84, 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 developed with 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, "**SITE PLAN A**," or "**SITE PLAN B**," both dated November 15, 2022, and signed by David B. Perry, Agent for the Applicant and Donald Plank, 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 establishment of a Pedestrian Access Route (PAR) between the site and either the sidewalk along the north side of West Jenkins Avenue east of South Wall Street or between the site and the sidewalk along the south side of W. Neff Avenue, to provide pedestrian connectivity between the site and South High Street, subject to the approval of the Department of Public Service.

SECTION 4 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.