



## Legislation Text

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**File #:** 1256-2022, **Version:** 1

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### **Council Variance Application: CV21-148**

**APPLICANT:** WYNN QOZB, LLC; c/o Michael R. Neiman; 175 South Third Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** Conform existing residential development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one lot developed with an 11-unit apartment building and a two-unit dwelling in the R-2F, Residential District. A proposed lot split will result in two lots, the 11-unit apartment building (Parcel A) and the two-unit dwelling (Parcel B) each on their own lot. A Council variance is requested to permit an 11-unit apartment building in the R-2F district which permits a maximum of two dwelling units in one building. Variances to lot width, lot area, side yards, rear yard, and a parking reduction from 17 to 3 spaces for the apartment building and from 4 to 2 spaces for the two-unit dwelling are included in the request. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommendation for this location, but does encourage the preservation and renovation of historic structures rather than demolition. Staff supports the requested variances because they either will be the result of a future lot split or are existing conditions of the site. Additionally, the intensity of the uses on site are not increasing, and no incompatible uses are being introduced.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25, Maximum side yards required; 3332.26(C)(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at **61-67 N. 21ST ST. (43203)**, to conform an 11-unit apartment building and a two-unit dwelling with reduced development standards in the R-2F, Residential District (Council Variance #CV21-148).

**WHEREAS**, by application #CV21-148, the owner of property at **61-67 N. 21ST ST. (43203)**, is requesting a Council variance to conform an 11-unit apartment building and a two-unit dwelling with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, residential district, permits one and two unit dwellings, while the applicant proposes to conform an existing 11-unit apartment building on Parcel A; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces for an 11-unit apartment building or a total of 17 spaces, and 2 spaces per unit for a two-unit dwelling, or a total of 4 spaces, while the applicant proposes to maintain 3 parking spaces for the 11-unit apartment building (Parcel A), and 2 parking spaces for the two-unit dwelling (Parcel B); and

**WHEREAS**, Section 3332.05 Area district lot width requirements, requires a lot width of no less than 50 feet, while the applicant proposes a lot width of 42.5 feet for Parcel A and 31.9 feet for Parcel B; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, and a two-story, two-unit dwelling shall be situated on a lot of no less than 3,000 square feet per dwelling unit, while the applicant proposes an 11-unit apartment building on a lot containing 5,777 square feet and a two-story two-unit dwelling on a lot that containing 3,052 square feet or 1,526 square feet per dwelling unit, pursuant to the lot area calculation in Section 3332.18(C); and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be a minimum of 6.28 feet for Parcel B, while the applicant proposes a maximum side yard of 3.1 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 3 feet along property lines for lots less than 40 feet in width, and a minimum side yard of 5 feet along property lines for lots greater than 40 feet in width, while the applicant proposes a reduced side yard of 3.4 feet along the northern property line of Parcel A, and reduced side yards of 3 feet and 0.1 feet along the southern and northern property lines of Parcel B, respectively; and

**WHEREAS**, Section 3332.27, Rear yard, requires that each dwelling, residence, 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 on Parcel A, while the applicant proposes a reduced rear yard of 14.39 percent; and

**WHEREAS**, the Near East Area Commission recommends approval, and

**WHEREAS**, City Departments recommend approval because the requested variances are either the result of a requested lot split or existing conditions of the site. Additionally, the intensity of the uses on site are not increasing, and no incompatible uses are being introduced; 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 **61-67 N. 21ST ST. (43203)**, 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 3332.037, R-2F residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25, Maximum side yards required; 3332.26(C)(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **61-67 N. 21ST ST. (43203)**, insofar as said sections prohibit an 11-unit apartment building in the R-2F, Residential District; with reduced parking from 17 to 3 spaces (Parcel A), and from 4 to 2 spaces (Parcel B); reduced lot width from 50 to 42.5 feet (Parcel A), and 50 to 31.9 feet (Parcel B); reduced lot area from 6,000 to 5,777 square feet per principal building (Parcel A), and from 3,000 to 1,526 square feet per dwelling (Parcel B); reduced maximum side yard from 6.3 to 3.1 feet (Parcel B); reduced minimum side yard from 5 to 3.4 feet along the northern property line (Parcel A), and from 5 to 3 feet and 0.1 feet along the southern and northern property lines (Parcel B), respectively; and a reduced rear yard from 25 to 14.39 percent (Parcel A), said property being more particularly described as follows:

**61-67 N. 21ST ST. (43203)**, being 0.22± acres located at the northwest corner of North 21st Street and East Gay Street, and being more particularly described as follows:

PARCEL A - 61 N. 21<sup>st</sup> St.

Legal Description 0.133 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 25 and 26 of Joyce and Sheldon's East Long Street Woodland Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 10, Recorder's Office, Franklin County, Ohio and part of Vacated Williams Street, now E. Gay Street (25.5 feet wide), Vacated by City of Columbus Ordinance No. 10212, passed on May 27, 1895 and part of the premises conveyed to 61 N. 21st Street, LLC, an Ohio limited liability company as shown of record in Instrument No. 201303120040739, and being more particularly described as follows:

Commencing at the northeast corner of said Lot 26, also being on the west right of way line of N. Twenty-First Street (50 feet wide);

Thence, along the east line of said Lot 26 and part of the east line of said Lot 25, along said right of way line, SOUTH, 31.90 feet to the POINT OF BEGINNING;

Thence, along part of the east line of said Lot 25 and the east line of said vacated Williams Street, along said west right of way line, SOUTH, 42.50 feet to a point on the north right of way line of said E. Gay Street;

Thence, along said north right of way line, the south line of said 61 N. 21st Street, L.L.C. premises, South 89° 53' 28" West, 126.20 feet to a point at the intersection of said right of way line with the east right of way line of a twenty (20) feet wide alley;

Thence, along said east alley right of way line, along the west line of said vacated Williams Street, along part of the west line of said Lot 25, NORTH, 42.42 feet to a point;

Thence, across said Lot 25 and 26 the following six (6) courses:

- 1) EAST, 19.60 feet to a point;
- 2) NORTH, 8.33 feet to a point;
- 3) EAST, 47.90 feet to a point;
- 4) SOUTH 45° 00' 00" East, 4.68 feet to a point;
- 5) SOUTH, 4.70 feet to a point;
- 6) EAST, 55.39 feet to the point of beginning CONTAINING 0.133 Acres (5,777 square feet) The basis of bearings is the west line of N. 21st street assumed SOUTH. The foregoing description is for zoning purposes ONLY.

PARCEL B - 67 N. 21<sup>st</sup> St.

Legal Description 0.083 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 25 and 26 of Joyce and Sheldon's East Long Street Woodland Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 10, Recorder's Office, Franklin County, Ohio and part of the premises conveyed to 61 N. 21st Street, LLC, an Ohio limited liability company as shown of record in Instrument No. 201303120040739, and being more particularly described as follows:

Beginning at the northeast corner of said Lot 26, also being on the west right of way line of N. Twenty-First Street (50 feet wide);

Thence, along the east line of said Lot 26 and part of the east line of said Lot 25, along said right of way line, SOUTH, 31.90 feet to a point;

Thence, across said Lots 25 and 26 the following six (6) courses:

- 1) WEST, 55.39 feet to a point;

- 2) NORTH, 4.70 feet to a point;
- 3) NORTH 45° 00' 00" West, 4.68 feet to a point;
- 4) WEST, 47.90 feet to a point;
- 5) SOUTH, 8.33 feet to a point;
- 6) WEST, 19.60 feet to a point on the west line of said Lot 25, the east right of way line of a twenty (20) feet wide alley'

Thence, along part of the west line of said Lot 25 and the west line of said Lot 26, along said east alley right of way line, NORTH 31.90 feet to the northwest corner of said Lot 26;

Thence, along the north line of said Lot 26, North 89° 51' 17" West, 126.20 feet to the point of beginning, CONTAINING 0.083 ACRES (3.607 square feet). The basis of bearings is the west line of N. 21st street assumed SOUTH. The foregoing description is for zoning purposes ONLY.

Known as: 61-67 N. 21<sup>st</sup> St., Columbus, Ohio 43203.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an 11-unit apartment building and a two-unit dwelling, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**CV21-148 SITE PLAN**," signed by Michael Neiman, Attorney for the Applicant, and dated April 21, 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 following: The parking pad for the 11-unit apartment building shall be modified to provide bicycle parking, or the bicycle parking will be provided elsewhere on the property.

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