



Legislation Text

File #: 1715-2022, **Version:** 1

Council Variance Application: CV22-025

APPLICANT: Jordan Fillmore; P.O. Box 16173; Columbus, OH 43216.

PROPOSED USE: Shared Living Facility.

GREATER HILLTOP COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel that has been approved for an 8-space parking lot (CV21-014/ORD #1319-2021) in the R-4, Residential District. The applicant requests a Council variance to permit the construction of a shared living facility. A Council variance is necessary because the R-4 district does not permit a shared living facility. The applicant operates an existing shared living facility on the adjacent parcel to the north that received a Council variance (CV13-029/ORD #2025-2013) for the use and reduced parking and setbacks in 2013, and this proposal represents an expansion of the existing programming offered by the facility. Included in the request are variances to reduce parking (from 34 spaces to 8 spaces), maximum side yard, minimum side yard, and rear yard. The site is within the planning boundaries of the *Hilltop Land Use Plan* (2019), which recommends "Medium-High Density" residential uses, and includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018) which indicate institutional uses are appropriate in a variety of locations. Staff supports the proposed use and variances as the request supplements an existing institutional use, and notes that the proximity to transit along Sullivant Avenue and the proposed landscaping are consistent with C2P2 guidelines.

To grant a Variance from the provisions of Sections 3332.039 R-4 residential district; 3312.49(B) Minimum number of parking spaces required; 3332.25(B), Maximum side yards required; 3332.26 Minimum side yard permitted; and 3332.27 Rear yard, of the Columbus City Codes; for the property located at **400 RYAN AVE. (43223)**, to permit a shared living facility in the R-4, Residential District, and to repeal Ordinance #1319-2021, passed June 7, 2021 (Council Variance #CV22-025).

WHEREAS, by application #CV22-025, the owner of the property at **400 RYAN AVE. (43223)**, is requesting a Variance to permit a shared living facility with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4 residential district, does not permit a shared living facility, while the applicant proposes a shared living facility; and

WHEREAS, Section 3312.49(B), Minimum number of parking spaces required, requires one parking space per 400 square feet of rooming house, for a total of 34 parking spaces for 13,250 square feet, while the applicant proposes eight parking spaces; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 13.13 feet for a 65.99 foot wide lot, while the applicant proposes a maximum side yard of 9.7 feet; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard that is one-sixth of the height of a building that exceeds two and one half stories, or 5.83 feet for a 35-foot tall building, while the applicant proposes a 3.9 foot side yard on the northern side of the parcel; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 17 percent for the shared living facility; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because it represents an expansion of the adjacent shared living facility, and the proximity to transit along Sullivant Avenue and the proposed landscaping are consistent with C2P2 guidelines; 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 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 **400 RYAN AVE. (43223)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.039 R-4 residential district; 3312.49(B) Minimum number of parking spaces required; 3332.25(B), Maximum side yards required; 3332.26(F) Minimum side yard permitted; and 3332.27 Rear yard, of the Columbus City Codes; for the property located at **400 RYAN AVE. (43223)**, insofar as said sections prohibit a shared living facility in the R-4, Residential District; with a parking reduction from 34 required spaces to 8 spaces; a reduction in the maximum side yard from 13.13 feet to 9.7 feet; a reduction in the minimum side yard from 5.3 feet to 3.9 feet along the northern property line; and a reduction of the rear yard from 25 percent to 17 percent; said property being more particularly described as follows:

400 RYAN AVE. (43223), being 0.25± acres located on the east side of Ryan Avenue, 175± feet south of Sullivant Avenue, and being more particularly described as follows:

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

Being Lot Number Twenty-Seven (27) and Twenty-Eight (28), in SULLIVANT HILL PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat book 5, Page 241, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-064006

Property Address: 400 Ryan Avenue, Columbus, OH 43223.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a shared living facility, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plans titled "**SITE DEVELOPMENT TITLE SHEET**," "**LANDSCAPE PLAN**," and "**EXTERIOR ELEVATIONS**," all dated June 8, 2022, and signed by Matthew Fisher, Agent 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 shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. That Ordinance #1319-2021, passed June 7, 2021, be and is hereby repealed.