



## Legislation Details (With Text)

**File #:** 0037-2015      **Version:** 1

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

**File created:** 12/17/2014      **In control:** Zoning Committee

**On agenda:** 1/12/2015      **Final action:** 1/14/2015

**Title:** To grant a Variance from the provisions of Sections 3333.04, AR-O, Apartment Office district; 3312.13 (B), Driveway; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15, Basis of computing area; 3333.16, Fronting; 3333.18, Building lines; 3333.24, Rear yard; 3333.255, Perimeter yard; and 3333.26(a), Height district, of the Columbus City Codes; for the property located at 1015 DENNISON AVENUE (43201), to permit reduced development standards in the AR-O, Apartment Office District for a sixteen unit apartment and office building (Council Variance # CV14-042).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0037-2015.Attachments, 2. Notice Of Public Hearing - Council Mtg20150112

Date	Ver.	Action By	Action	Result
1/14/2015	1	CITY CLERK	Attest	
1/13/2015	1	MAYOR	Signed	
1/12/2015	1	COUNCIL PRESIDENT	Signed	
1/12/2015	1	Zoning Committee	Waive the 2nd Reading	Pass
1/12/2015	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV14-042**

**APPLICANT:** Connie J. Klema; 145 East Rich Street, 2<sup>nd</sup> Floor; Columbus, Ohio 43215.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff, the Victorian Village Commission and the Development Commission for a concurrent rezoning (Ord. No. 0036-2015; Z14-036) to the AR-O, Apartment Office District. The site is currently developed with an under-utilized private parking lot. The requested Council Variance will permit the development of the site with a multi-unit residential development on two lots, as depicted on the site plan. In order to develop the site consistent with the established development pattern, a number of variances are requested for permitted uses, driveway width, maneuvering, minimum number of parking spaces required, vision clearance, basis of computing area, fronting, building lines, rear yard, perimeter yard, and height district. Staff finds this request to be compatible and consistent with the zoning and development patterns in the area, and the building design will conform to the Victorian Village Commission requirements.

To grant a Variance from the provisions of Sections 3333.04, AR-O, Apartment Office district; 3312.13(B), Driveway; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance;

3333.15, Basis of computing area; 3333.16, Fronting; 3333.18, Building lines; 3333.24, Rear yard; 3333.255, Perimeter yard; and 3333.26(a), Height district, of the Columbus City Codes; for the property located at **1015 DENNISON AVENUE (43201)**, to permit reduced development standards in the AR-O, Apartment Office District for a sixteen unit apartment and office building (Council Variance # CV14-042).

**WHEREAS**, by application No. CV14-042, the owner of property at **1015 DENNISON AVENUE (43201)**, is requesting a Council Variance to permit two-unit dwellings and reduced development standards in the AR-O, Apartment Office District for a multi-unit residential development; and

**WHEREAS**, Section 3333.04, AR-O, Apartment Office District, allows a dwelling containing no fewer than three dwelling units and no more than four dwelling units, while the applicant proposes to permit two two-unit dwellings on Lot Two; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of twenty (20) feet at the street right of way on each lot, while the applicant proposes the driveway width to be ten (10) feet on each lot notwithstanding the lot line; and

**WHEREAS**, Section 3312.25, Maneuvering, requires the maneuvering area for ninety (90) degree garage and surface parking spaces to be twenty (20) feet, while the applicant proposes maneuvering over the property line between Lots One and Two; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per residential unit for a total of eighty (80) spaces for Lot One, while the applicant proposes a total of fifty-seven (57) parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a thirty (30) foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to reduce the clear vision clearance triangles at the intersections of Dennison and Starr Avenues to a seven (7) foot and six (6) foot right angle triangle for Lot One, and at Dennison and Second Avenues to a twelve and a half (12.5) foot right angle triangle on Lot Two; and

**WHEREAS**, Section 3333.15, Basis of computing area, requires a residential building to cover no more than fifty (50) percent of the total lot area, while the applicant proposes to cover 70.2 percent of the total lot on Lot One; and

**WHEREAS**, Section 3333.16, Fronting, requires all residential buildings to front upon a public street, while the applicant proposes two two-unit residential buildings to not front upon a public street on Lot Two; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of no less than twenty-five (25) feet, while the applicant proposes building lines of 4.5 feet on Dennison Avenue and 1.9 feet on Starr Avenue on Lot One, and of ten (10) inches on Second Avenue and 2.8 feet on Dennison Avenue on Lot Two; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a reduced rear yard of ten (10) percent of the total lot area for Lot One; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a perimeter yard of no less than twenty-five (25) feet, while the applicant proposes a perimeter yard of zero (0) feet along Ewing Alley and the north property line on Lot Two; and

**WHEREAS**, Section 3333.26, Height district, requires any portion of a building in the AR-O, Apartment Office District to not exceed a height of thirty-five (35) feet in the thirty-five (35) foot height district, while the applicant proposes to permit a building height of fifty-two (52) feet on Lot One and forty (40) feet on Lot Two; and

**WHEREAS**, the Victorian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variances will allow development that is consistent with the established development pattern, and the building design will conform to the Victorian Village Commission requirements; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 variances 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 **1015 DENNISON AVENUE (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, AR-O, Apartment Office district; 3312.13(B) Driveway; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15, Basis of computing area; 3333.16, Fronting; 3333.18, Building lines; 3333.24, Rear yard; 3333.255, Perimeter yard; and 3333.26(a), Height district, of the Columbus City Codes, is hereby granted for the property located at **1015 DENNISON AVENUE (43201)**, insofar as said sections prohibit two two-unit dwellings on Lot Two; a reduced driveway width of ten (10) feet on each side of Lots One and Two; maneuvering over the property line between between Lots One and Two; a parking space reduction from eighty (80) required spaces to fifty-seven (57) on Lot One; reduced vision clearance triangles of seven (7) feet and six (6) feet at Dennison and Starr Avenues on Lot One and 12.5 feet at Dennison and Second Avenues on Lot Two; a total lot coverage of 70.2 percent on Lot One; two two-unit dwellings not fronting a public street on Lot Two; reduced building lines of 4.5 feet on Dennison Avenue and 1.9 feet on Starr Avenue on Lot One, and ten (10) inches on Second Avenue and 2.8 feet on Dennison Avenue on Lot Two; a rear yard of ten (10) percent on Lot One; reduced perimeter yard of zero (0) feet along Ewing Alley and the north property line on Lot Two; and an increased building height from thirty-five (35) feet to fifty-two (52) feet on Lot One and forty (40) feet on Lot Two for a multi-unit residential development in the AR-O, Apartment Office District; said property being more particularly described as follows:

**1015 DENNISON AVENUE(43201)**, being 1.14± acres located at the southwest corner of Dennison and Starr Avenues, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 5, Township 5 North, Range 22 West, Mathews Survey of the Refugee Lands and being portions of Lots Number (2), Eighteen (18), Twenty (20), Twenty-Two (22), Twenty-Four (24), all of Lots Numbers Four (4), Six (6), Eight (8), Ten (10), Twelve (12), Fourteen (14), Sixteen (16), as shown upon the plat of Miller and Joyce Addition, of record in Plat Book 2, Page 182, and a portion of an Alley north of said Lot No. 16 and south of said Lot No. 18 vacated by Ordinance No. 1564-67, said Lots Nos. 4, 6, 8, 10, 12, 14, 16 and said portion of said Lot No. 20 having been conveyed as part of Parcel I, said portion of said Lot No. 2 having been conveyed as part of Parcel II, said portion of said Lot No. 18 having been conveyed as part of Parcel III, said portion of said Lots Nos. 22 and 24 having been conveyed as part of Parcel IV and said portion of said Alley vacated by Ordinance No. 1564-67 having been conveyed as part of Parcel VIII to Doctors OhioHealth Corporation by deed of record in Instrument Number 199812100319393, all records reference to the Recorder's Office, Franklin County, Ohio and bound and described as follows:

Beginning, at a 1" I.D. iron pipe found at the intersection of the west line of Dennison Avenue (60 feet in width) with the north line of W. Second Avenue and at the southeast corner of that portion of said Lot No. 2 conveyed as Parcel II;

thence N 86° 50' 02" W along the north line of W. Second Avenue and along the south line of said Parcel II a distance of 137.00 feet to a 1" I.D. iron pipe found at the intersection of the north line of W. Second Avenue with the east line of Ewing Alley (20 feet in width) and at the southwest corner of said Parcel II;

thence N 03° 42' 24" E along the east line of Ewing Alley, along a portion of the west line of said Lot No. 2, along the west lines of said Lots Nos. 4, 6, 8, 10, 12, 14 and 16 and along a portion of a west end of said Alley vacated by Ordinance 1564-67 a distance of 276.51 feet to a P.K. nail set in the centerline of said Alley;

thence S 86° 50' 02" E along a portion of the centerline of said Alley a distance of 12.00 feet to a P.K. nail set;

thence N 03° 42' 24" E crossing said Alley, along the east line of a tract of land conveyed to The Federal Gas & Fuel Co. by deed of record in Deed Book 390, Page 132 and said line extended southerly, and crossing a portion of said Lot 18 a distance of 22.00 feet to a P.K. nail set at the northeast corner of said tract conveyed to The Federal Gas & Fuel Co.;

thence N 86° 50' 02" W crossing a portion of said Lot No. 18 and along the north line of said tract conveyed to The Federal Gas & Fuel Co. a distance of 12.00 feet to a point in a building, in the east line of said Ewing Alley and at the northwest corner of said tract conveyed to The Federal Gas & Fuel Co.;

thence N 03° 42' 24" E along the east line of Ewing Alley, along a portion of the west line of said Lot No. 18, along the west line of said Lot No. 20 and along a portion of the west line of said Lot No. 22 a distance of 69.59 feet to a drill hole set at the southerly end of a line connecting the east line of Ewing Alley with the curved southwesterly line of W. Third Avenue (50 feet in width);

thence N 31° 53' 07" E crossing a portion of said Lot No. 22 and said Lot No. 24 a distance of 29.70 feet to a drill hole set at the northerly end of said connecting line;

thence southeasterly along the curved southwesterly line of W. Third Avenue, crossing a portion of said Lot No. 24 and said Lot No. 22 and with a curve to the left, data of which is: radius = 344.96 feet, and delta = 17° 20' 26", arc length = 104.40 feet, a chord distance of 104.00 feet bearing S 67° 17' 51" E to a 3/4" I.D. iron pipe set at the northwesterly end of a line connecting the curved southwesterly line of W. Third Avenue with the west line of Dennison Avenue;

thence S 55° 10' 00" E crossing said Lot No. 22 and said Lot No. 20 a distance of 22.43 feet to a drill hole set at the southeasterly end of said connecting line, in the west line of Dennison Avenue and in the east line of said Lot No. 20;

thence S 02° 48' 42" W along the west line of Dennison Avenue, along a portion of the east line of said Lot No. 20, along the west line of said Lot No. 18, along an east end of the alley vacated by Ordinance No. 1564-67, along the east line of Lots Nos. 16, 14, 12, 10, 8, 6, 4 and a portion of the east line of Lot No. 2 a distance of 347.58 feet to the place of beginning; containing 1.138 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird and R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey, performed under his supervision in May, 1999, and May 2005. Basis of bearing is the centerline of Hunter Avenue, being assumed at N 03° 31' 56" E, and all other bearing are based upon this meridian.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development on two lots, or those uses 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 Plan titled, "**VARIANCE SITE PLAN FOR 1015 DENNISON AVENUE**," dated December 11, 2014, and signed by Shawn L. Goodwin, Professional Engineer. 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 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 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.