



Legislation Details (With Text)

File #: 1572-2006 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/6/2006 **In control:** Zoning Committee

On agenda: 11/20/2006 **Final action:** 11/22/2006

Title: To grant a Variance from the provisions of Sections 3333.04, Permitted Uses, 3333.15(c), Basis of computing area; 3333.16, Fronting; 3333.18(F), Building lines; 3333.24, Rear yard; 3333.27(b), Vision Clearance; 3342.15, Maneuvering; 3342.18(c), Parking setback line; 3342.28(A)(5), Minimum number of parking spaces required; 3333.26(a), Height district; of the Columbus City Code, for the property located at 116 WEST STARR AVENUE (43201), to permit a multi-family development with reduced standards in the AR-O, Apartment Residential/Office District (Council Variance # CV05-056).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD 1572-2006attachmentsCV05-056.pdf, 2. ORD 1240-2006Labels.pdf, 3. City Council Data FormCv05-056.pdf

Date	Ver.	Action By	Action	Result
11/22/2006	1	CITY CLERK	Attest	
11/21/2006	1	MAYOR	Signed	
11/20/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
11/20/2006	1	Zoning Committee	Approved	Pass
11/20/2006	1	COUNCIL PRESIDENT	Signed	
11/6/2006	1	Dev Zoning Drafter	Sent for Approval	
11/6/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/6/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/3/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
11/3/2006	1	Dev Reviewer	Reviewed and Approved	
10/3/2006	1	Dev Drafter	Sent for Approval	

[..Explanation](#)

Council Variance Application: CV05-056

APPLICANT: Plaza Properties; c/o Jackson B. Reynolds III, Atty.; Smith and Hale; 37 West Broad Street; Columbus, Ohio 43215.

PROPOSED USE: Multi-family residential development.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This request is a companion variance to rezoning application Z05-091, Ordinance 1231-2006. The proposal includes nine separate buildings with 86 dwelling units and 123 on-site parking spaces. The proposal includes variances to permitted uses, lot coverage, fronting, building lines, rear yards, vision clearance, maneuvering, parking setback line, minimum number of parking spaces required, and height district limitations. The site is composed of two tracts separated by an alley. Apartment residential uses are appropriate in this area, 1.43 parking spaces per unit are provided on-site, and

the development is compatible with the established architecture of the area.

To grant a Variance from the provisions of Sections 3333.04, Permitted Uses, 3333.15(c), Basis of computing area; 3333.16, Fronting; 3333.18(F), Building lines; 3333.24, Rear yard; 3333.27(b), Vision Clearance; 3342.15, Maneuvering; 3342.18(c), Parking setback line; 3342.28(A)(5), Minimum number of parking spaces required; 3333.26(a), Height district; of the Columbus City Code, for the property located at **116 WEST STARR AVENUE (43201)**, to permit a multi-family development with reduced standards in the AR-O, Apartment Residential/Office District (Council Variance # CV05-056).

WHEREAS, by application No. CV05-056, the owner of property at **116 WEST STARR AVENUE (43201)**, is requesting a Council variance to permit a multi-family development with reduced standards in the AR-O, Apartment Residential/Office District; and

WHEREAS, Section 3333.04, Permitted Uses, in an AR-O, Apartment Office District, prohibits two- family dwellings, while the applicant proposes five (5) two-family dwellings and two (2) apartment houses on Parcel A and, two (2) apartment houses on parcel B; and

WHEREAS, Section 3333.15(c), Basis of computing area, limits lot coverage to fifty (50) percent of the lot area, while the applicant proposes 52 percent coverage on Parcel A and 79 percent on Parcel B; and

WHEREAS, Section 3333.16, Fronting, requires each dwelling to front on a public street while the applicant proposes two apartment houses on parcel A front on an alley; and

WHEREAS, Section 3333.18(F), Building lines, requires buildings to have building lines no less than those of adjacent buildings, while the applicant proposes a reduction to five feet for the porch and ten feet for the building on Parcel A; and a reduction to four feet for the buildings on Parcel B; and

WHEREAS, Section 3333.24, Rear yard, requires each apartment house to have a rear yard of no less than twenty-five percent (25%) of the lot area, while the applicant proposes rear yards of five percent (5%) on Parcel A and eight percent (8%) on Parcel B; and

WHEREAS, Section 3333.27(b), Vision clearance, requires a thirty (30) foot clear vision triangle at intersections, while the applicant proposes ten (10) feet at the northeast corner of the intersection of West Starr and Dennison Avenues; and

WHEREAS, Section 3342.15, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant proposes to stack ten (10) parking spaces two deep in a garage; and

WHEREAS, Section 3342.18(c), Parking setback line, requires the parking setback line to follow the building setback line, while the applicant proposes a five (5) foot parking setback along Dennison Avenue, and a ten (10) foot parking setback along West Third Avenue; and

WHEREAS, Section 3342.28(A)(5), Minimum number of parking spaces required, requires two parking spaces per dwelling unit, while the applicant proposes 36 spaces for 26 dwelling units on Parcel A, and 87 spaces for 60 dwelling units on Parcel B, for an overall total of 123 parking spaces for 86 dwelling units; and

WHEREAS, Section 3333.26(a), Height district, limits buildings and other structures to a height of thirty-five (35) feet, while the applicant proposes a forty (40) foot height on Parcel A, and a fifty-five (55) foot height on Parcel B; and

WHEREAS, The Victorian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because apartment residential uses are appropriate in this area, 1.43 parking spaces per unit are provided on-site, and the development is compatible with the established architecture of the area; 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 **116 WEST STARR AVENUE (43201)**, in using said property as desired; now, therefore:

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

SECTION 1. That variances from the provisions of Sections 3333.04, Permitted Uses; 3333.15(c), Basis of computing area; 3333.16, Fronting; 3333.18(F), Building lines; 3333.24, Rear yard; 3333.27(b), Vision Clearance; 3342.15, Maneuvering; 3342.18 (c), Parking setback line; 3342.28(A)(5), Minimum number of parking spaces required; 3333.26(a), Height district; of the Columbus City Code, are hereby granted for the property located at **116 WEST STARR AVENUE (43201)**, insofar that said sections prohibit two-family dwellings in the AR-O, Apartment Residential/Office District; while the applicant proposes five (5) two-family dwellings and two (2) apartment houses on Parcel A and two (2) apartment houses on parcel B; limit lot coverage to fifty (50) percent of the lot area, while the applicant proposes 52 percent coverage on Parcel A and 79 percent on Parcel B; require each dwelling to front on a public street while the applicant proposes that two apartment houses on parcel A front on an alley; require buildings to have building lines no less than those of adjacent buildings, while the applicant proposes a reduction to five feet for the porch and ten feet for the building on Parcel A; and a reduction to four feet for the buildings on Parcel B; require each apartment house to have a rear yard of no less than twenty-five percent (25%) of the lot area, while the applicant proposes rear yards of five percent (5%) on Parcel A and eight percent (8%) on Parcel B; require a thirty (30) foot clear vision triangle at intersections, while the applicant proposes ten (10) feet at the northeast corner of the intersection of West Starr and Dennison Avenues; require every parking space to have sufficient access and maneuvering area, while the applicant proposes to stack ten (10) parking spaces two deep in a garage; require the parking setback line to follow the building setback line, while the applicant proposes a five (5) foot parking setback along Dennison Avenue, and a ten (10) foot parking setback along West Third Avenue; require two parking spaces per dwelling unit, while the applicant proposes 36 spaces for 26 dwelling units on Parcel A, and 87 spaces for 60 dwelling units on Parcel B, for an overall total of 123 parking spaces for 86 dwelling units; limit buildings and other structures to a height of thirty-five (35) feet, while the applicant proposes a forty (40) foot height on Parcel A, and a fifty-five (55) foot height on Parcel B; said property being more particularly described as follows:

**TRACT 1/PARCEL A
0.771 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 5, Township 5, Range 22, Refugee Lands, being all of Lots 2 thru 7 of the Henry E. Bryden's Subdivision, Plat Book 2 Page 342, as described in a deed to **Third Apollo Co.**, of record in Deed Book 3554 Page 924, being more particularly described as follows:

Beginning at the southwest corner of said Lot 2 and the intersection of the north line of Starr Avenue (60') and the east line of Dennison Avenue (60');

Thence, northerly, with the west line of Lot 2 and the east line of Dennison Avenue, 140 feet +/-, being the northwest corner of Lot 2 and the intersection of the east line of Dennison Avenue and the south line of a public alley (width varies);

Thence, easterly, with the north line of Lots 2 thru 7 and the south line of said public alley, 240 feet +/-, to the northeast corner of Lot 7;

Thence, southerly, with the east line of Lot 7, 140 feet +/-, to the southeast corner of Lot 7 and being in the north line of Starr Avenue;

Thence, westerly, with south line of Lots 2 thru 7 and the north line of Starr Avenue, 240 feet +/- to the PLACE OF BEGINNING, containing 0.771 acres, more or less.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on October 31, 2005.

THIS DESCRIPTION IS NOT FOR RECORDING PURPOSE.

**TRACT 2/PARCEL B
0.905 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Section 5, Township 5, Range 22, Refugee Lands, being

all of Lots 17 thru 22 and part of Lot 16 of the Hersheiser and Aston Addition, Plat Book 2 Page 115, as described in a deed to **Third Apollo Co.**, of record in Deed Book 3554 Page 924, being more particularly described as follows:

Beginning at a point on the south line of Lot 16 and the north line of a public alley (width varies), 10 feet west from the southeast corner of Lot 16 and the southwest corner of Lot 17 and being on the east line of Dennison Avenue (60');

Thence, northerly, with the east line of Dennison Avenue, crossing said Lot 16, 50 feet +/- to a point of curvature;

Thence, continuing with the easterly line of Dennison Avenue, with a curve to the right, having a radius of 120 feet +/-, a chord which bears northeasterly 169 feet +/-, and a delta of 90° +/-, to a point of tangency, being on the south line of Third Avenue (60');

Thence, easterly with the south line of Third Avenue and with the north lines of Lots 19 thru 22, 130 feet +/-, to the northeast corner of Lot 22;

Thence, southerly, with the east line of Lot 22, 170 feet +/- to the southeast corner of Lot 22;

Thence, westerly, with south line of Lots 16 thru 22 and the north line of a public alley, 250 feet +/- to the PLACE OF BEGINNING, containing 0.905 acres, more or less.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on October 31, 2005.

THIS DESCRIPTION IS NOT FOR RECORDING PURPOSE.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said properties are used for two-family dwellings and/or those uses permitted in the AR-O, Apartment Residential/Office District.

SECTION 3. That this ordinance is conditioned on the site being developed in accordance with the site plan titled, "**The Valerian at Victorian Village**," signed by Jackson B. Reynolds III, Attorney for the applicant, and dated October 12, 2006. 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 Development, or his 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 Certificates 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.