



## Legislation Details (With Text)

**File #:** 3147-2021      **Version:** 1

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

**File created:** 11/19/2021      **In control:** Zoning Committee

**On agenda:** 12/6/2021      **Final action:** 12/8/2021

**Title:** To grant a Variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C) Minimum numbers of parking spaces required; 3321.05(A)(1);(B)(2), Vision clearance; and 3333.18, Building lines, of the Columbus City Codes; for the property located at 1179 E. MAIN ST. (43205), to permit commercial vehicular access and reduced development standards for a multi-unit residential development in the AR-2, Apartment Residential District (Council Variance #CV21-057).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3147-2021\_Attachments, 2. ORD3147-2021\_Labels

Date	Ver.	Action By	Action	Result
12/8/2021	1	CITY CLERK	Attest	
12/7/2021	1	MAYOR	Signed	
12/7/2021	1	MAYOR	Signed	
12/6/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
12/6/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/6/2021	1	Zoning Committee	Approved	Pass
12/6/2021	1	COUNCIL PRESIDENT	Signed	

**Council Variance Application: CV21-057**

**APPLICANT:** APPLICANT: 1179 E. Main Street Redevelopment, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**NEAR EAST 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 (Ordinance #3146-2021; Z21-042) to the AR-2, Apartment Residential District. The applicant proposes a four-story, 85-unit apartment building and requests a use variance to permit commercial vehicular access through the site, and standards variances to reduce parking lot landscaping area, vision clearance triangles, and parking and building setback lines, and a parking space reduction from 128 to 108 spaces. The Planning Division generally supports the proposed site plan included with the request which provides adequate landscaping and includes additional bicycle parking to offset the requested parking reduction. Conceptual building elevations have been reviewed, and are consistent with *Near East Area Plan (2005)* design

guidelines. The requested variances are reflective of recent residential infill development projects in urban neighborhoods, and allows reduced setbacks consistent with existing buildings along East Main Street.

To grant a Variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C) Minimum numbers of parking spaces required; 3321.05(A)(1);(B)(2), Vision clearance; and 3333.18, Building lines, of the Columbus City Codes; for the property located at **1179 E. MAIN ST. (43205)**, to permit commercial vehicular access and reduced development standards for a multi-unit residential development in the AR-2, Apartment Residential District (Council Variance #CV21-057).

**WHEREAS**, by application #CV21-057, the owner of property at **1179 E. MAIN ST. (43205)**, is requesting a Council variance to permit commercial vehicular access and reduced development standards for a multi-unit residential development in the AR-2, Apartment Residential District; and

**WHEREAS**, Section 3333.025, AR-2, apartment residential district use, prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes to maintain the existing East Main Street shared vehicular access point which also serves the adjacent commercial development to the east; and

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening within 80 feet of residentially zoned property to be in a landscaped area with a minimum width of 4 feet, while the applicant proposes the required screening within a 3 foot wide area along the south side of the parking lot; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires the parking setback line to follow the building line, or 20 feet along East Mound Street, while the applicant proposes a parking setback line of 10 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per apartment unit, or 128 spaces for 85 units, while the applicant proposes 108 parking spaces; and

**WHEREAS**, Section 3321.05(A)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a driveway and parking lot, while the applicant proposes to reduce the clear vision triangle on the south side of the Oakwood Avenue curb cut to 10 feet by 3 feet (south side of driveway), noting the full vision clearance is available with the adjacent front yard; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires clear vision triangles of 30 feet at street intersections, while the applicant proposes decorative fencing with or without piers within the clear vision triangle at East Main Street and Oakwood Avenue, while piers and decorative metal fencing presently exist and are permitted under the current C-4, Commercial District, but may need to be removed with site preparation, with replacement subject to piers being a maximum of 2 feet by 2 two feet, a maximum of 5 feet tall, and spaced no closer than 10 feet on center; and

**WHEREAS**, Section 3333.18(D), Building lines, requires a building setback line of no less than 10 feet along East Main Street and 21 feet along Oakwood Avenue, while the applicant proposes reduced building lines of 6 feet along East Main Street and 1 foot along Oakwood Avenue; and

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

**WHEREAS**, the City Departments recommend approval because the variances will permit a multi-unit residential development that is reflective of recent residential infill projects in this and other urban neighborhoods. The request will allow the proposed development to have setbacks consistent with existing buildings along East Main Street; and

**WHEREAS**, this 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 **1179 E. MAIN ST. (43205)**, 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 3333.025, AR-2, apartment residential district use; 3312.21 (D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C) Minimum numbers of parking spaces required; 3321.05(A)(1);(B)(2), Vision clearance; and 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **1179 E. MAIN ST. (43205)**, insofar as said sections prohibit commercial vehicular access in the AR-2, Apartment Residential District; reduced landscaped area from 4 feet to 3 feet for the south side of the parking lot; reduced parking setback line from 20 feet to 10 feet along East Mound Street; a reduction in the required number of parking spaces from 128 to 108; reduction of the 10 foot vision clearance triangle at the south intersection of the driveway and Oakwood Avenue to 10 feet by 3 feet; encroachment into the 30 foot vision clearance triangle at East Main Street and Oakwood Avenue by masonry piers and metal fencing, which if replaced, shall not exceed 2 feet by 2 feet for piers with a maximum height of 5 feet, and spaced no closer than 10 feet on center; and reduced building lines from 10 feet along East Main Street and 21 feet along Oakwood Avenue to 6 feet and 1 foot, respectively; said property being more particularly described as follows:

**1179 E. MAIN ST. (43205)**, being 1.61± acres located at the southeast corner of East Main Street and Oakwood Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 4 and all of Lots 5 and 12 of C. F. Humphrey's Park Place Addition as recorded in Plat Book 4, Page 174, part of Lot 19 of John N. Champion's Subdivision as recorded in Deed Book 31, Page 65, all records being of the Recorder's Office, Franklin County, Ohio and part of McAllister Avenue, 22.5 feet wide, vacated by City of Columbus Ordinance Number 778-66, also being part of the tracts conveyed to 1179 E. Main Street Redevelopment, LLC in Instrument Number 200602080025585, being more particularly described as follows:

Commencing at a set Mag nail at the intersection of the south line of East Main Street, 80 feet wide and the west line of Wilson Avenue, 60 feet wide, also being the northeast corner of Lot 1 of Claire L. Smith's Subdivision as recorded in Plat Book 7, Page 97;

Thence, along the south line of East Main Street and the north line of said Lot 1 and part of the north line of said Lot 4, South 87 degrees 36 minutes 00 seconds West, 136.01 feet to a set Mag nail and the True Point of Beginning of the parcel herein intended to be described;

Thence, across said Lot 4, South 00 degrees 20 minutes 00 seconds East, 187.50 feet to a set Mag nail in the south line of said Lot 4 and in the north line of McAllister Avenue, 22.5 feet wide;

Thence, along part of the south lines of said Lots 4 and 5 and along the north line of McAllister Avenue, South 87 degrees 36 minute 00 seconds West, 34.90 feet to a found railroad spike at the northeast corner of said vacated portion of McAllister Avenue;

Thence, along the east lines of the vacated portion of McAllister Avenue and said Lot 12 and along the west line of a 21 foot wide alley, South 00 degrees 20 minutes 00 seconds East, 231.50 feet to a set iron pipe at the southeast corner of said Lot 12 and in the north line of East Mound Street, 60 feet wide;

Thence, along the south line of said Lot 12 and the north line of East Mound Street, South 87 degrees 30 minutes 00 seconds West, 30.00 feet to a set iron pipe at the southwest corner of said Lot 12 and the southeast corner of said Lot 19, also being the southeast corner of a parcel conveyed to Summerfield Homes, LLC in Instrument Number 200505170093744, Tract 8, Parcel XVII;

Thence, along part of the west line of said Lot 12, part of the east line of said Lot 19 and all of the east line of said Summerfield Homes, LLC parcel, North 00 degrees 20 minutes 00 seconds West, 116.60 feet to a found 1" O.D. hollow iron pipe at the northeast corner of said Summerfield Homes, LLC parcel;

Thence, across said Lot 19, along the north line of said Summerfield Homes, LLC parcel and along the north line of a parcel conveyed to Urban Restorations, LLC in Instrument Number 200206260157385, South 87 degrees 30 minutes 00 seconds West, 163.35 feet to a found 1" O.D. hollow iron pipe at the northwest corner of said Urban Restorations parcel, in the west line of said Lot 19 and in the east line of Oakwood Avenue, 50 feet wide;

Thence, along the west line of said Lot 19 and the east line of Oakwood Avenue, North 00 degrees 20 minutes 00 seconds West 302.75 feet to a set Mag nail at the northwest corner of said Lot 19 and the intersection of the east line of Oakwood Avenue with the south line of East Main Street;

Thence, along the north lines of said Lots 19 and 5 and part of the north line of said Lot 4, also along the south line of East Main Street, North 87 degrees 36 minutes 00 seconds East, 233.24 feet to the True Point of Beginning, **containing 1.607 Acres**, subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices. Being part of Auditor's Parcel Number 010-014373.

Iron pipe set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 6579". Basis of bearings is the south line of East Main Street assumed to be North 87 degrees 36 minutes 00 seconds East. This description is based on a field survey by Myers Surveying Company, Inc. in November, 2007.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial vehicular access, or those uses permitted in the AR-2, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**ZONING SITE PLAN**," dated November 11, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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.