



## Legislation Details (With Text)

**File #:** 1630-2007      **Version:** 2

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

**File created:** 10/4/2007      **In control:** Zoning Committee

**On agenda:** 11/5/2007      **Final action:** 11/8/2007

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.15, R-4 Area District Requirements; 3332.21, Building Lines; 3332.285, Perimeter Yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes for the property located at 1394 BROADVIEW AVENUE (43212), to permit a total of 20 dwelling units consisting of one (1), twelve (12) unit building and two (2), four (4) unit buildings in the R-4, Residential District with reduced development standards in the R-4, Residential District and to declare an emergency. (Council Variance # CV07-006). (REPEALED BY ORD. 1929-2017; PASSED 7/31/2017)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1630-2007attachments.pdf, 2. ORD1630-2007 Mailing Labels.pdf, 3. ORD1630-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
11/8/2007	2	CITY CLERK	Attest	
11/7/2007	2	MAYOR	Signed	
11/5/2007	1	Zoning Committee	Amended to Emergency	Pass
11/5/2007	1	Zoning Committee	Approved as Amended	Pass
11/5/2007	2	COUNCIL PRESIDENT	Signed	
10/19/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/19/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
10/18/2007	1	Dev Reviewer	Reviewed and Approved	
10/18/2007	1	Dev Zoning Drafter	Sent for Approval	
10/17/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
10/12/2007	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV07-006**

**APPLICANT:** Mavko Group LLC; c/o Donald Plank; Plank & Brahm; 145 East Rich Street; 3<sup>rd</sup> Floor, Columbus, OH 43215.

**PROPOSED USE:** Twenty dwelling units.

**FIFTH BY NORTHWEST RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting a Council variance to develop a total of 20 dwelling units consisting of one (1), twelve (12) dwelling unit building and two (2), four (4) dwelling unit buildings in the R-4, Residential District with reduced development standards. Staff recommends approval because the proposal will be less dense than the multi-family dwelling located across Broadview Avenue in the AR-2, Apartment Residential District. Furthermore Staff finds the variances to standards to be minor in nature. No recommendation is being made regarding the hardship aspects of this application.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.15, R-4 Area District Requirements; 3332.21, Building Lines; 3332.285, Perimeter Yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes for the property located at **1394 BROADVIEW AVENUE (43212)**, to permit a total of 20 dwelling units consisting of one (1), twelve (12) unit building and two (2), four (4) unit buildings in the R-4, Residential District with reduced development standards in the R-4, Residential District **and to declare an emergency.** (Council Variance # CV07-006). **(REPEALED BY ORD. 1929-2017; PASSED 7/31/2017)**

**WHEREAS**, by application #CV07-006, the owner of the property at **1394 BROADVIEW AVENUE (43212)**, is requesting a Variance to permit a total of twenty dwelling units in three buildings with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential district uses, permits buildings containing a maximum of four dwelling units, while the applicant proposes twenty (20) dwelling units in three (3) buildings consisting of one(1), twelve (12) unit building and two four (4) unit buildings; and

**WHEREAS**, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to facilitate the submittal and processing of the Certificate of Zoning Clearance and bulding permit for the immediate preservation of the public peace, property, health and safety; and**

**WHEREAS**, Section 3332.15, R-4 Area District Requirements, requires three and four-unit buildings to provide 2500 square feet of area per dwelling units, while the applicant proposes to permit a total of 20 dwelling units on a 31,121 sq ft parcel, thereby providing 1,550 +/- sq ft of lot area per dwelling unit; and

**WHEREAS**, Section 3332.21, Building Lines, requires a building line to be the average of the building lines on the two contiguous parcels which would be twenty-five (25) feet, while the applicant proposes to permit a building setback of eighteen (18) feet from Broadview Avenue for the southern 4-unit building, matching the setback of the adjacent building to the south, as illustrated on the submitted site plan, with other buildings set back behind the diagonal line connecting the southwest corner of the building adjacent to the site to the north to the northwest corner of the building adjacent to the site on the south, except for single story open porches, as depicted; and

**WHEREAS**, Section 3332.285, Perimeter Yard, requires a to provide a perimeter yard totaling no less than, while the applicant proposes to permit perimeter yards as depicted on the submitted site plan; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires forty (40) parking spaces for the proposed twenty dwelling units, while the applicant proposes to provide thirty eight (38) parking spaces with the possibility of an additional two parking spaces should a dumpster waiver be granted; and

**WHEREAS**, the Fifth by Northwest Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposal will be less dense than the multi-family dwelling located across Broadview Avenue in the AR-2, Apartment Residential District. Furthermore Staff finds the variances to standards to be minor in nature; 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 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 **1394 BROADVIEW AVENUE (43212)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.15, R-4 Area District Requirements; 3332.21, Building Lines; 3332.285, Perimeter Yard and 3342.28, Minimum number of parking spaces required; of the Columbus City codes is hereby granted for the property located at **1394 BROADVIEW AVENUE (43212)**, to permit a total of 20 dwelling units consisting of one (1), twelve (12) dwelling unit building and two (2), four (4) dwelling unit buildings in the R-4, Residential District with only 1,550 square feet per unit, a reduced front setback per the site plan, a perimeter yard as low as 3 inches and 38 parking spaces; said property being more particularly described as follows:

**1394 BROADVIEW AVENUE (43212)**, being 0.71± acres located on the east side of Broadview Avenue, 170± feet north of Laurelwood Avenue, and being more particularly described as follows:

**LEGAL DESCRIPTION**

1394 Broadview Avenue, Columbus, Ohio 43212

Situated in the County of Franklin, State of Ohio and in the City of Columbus and being the following described premises:

The west ½ of lot number Eleven (11) of A. A. Yost's Subdivision of lots numbers 23 and 24 of Croughton and Denmead's Suburban Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 217, Recorder's office, Franklin County, Ohio and being further described as follows:

Beginning at an iron pin at the southwest corner; thence 40 feet north to the northwest corner of said lot; thence 85 feet in an easterly direction to a point in the north line of said lot; thence 40 feet south in a line parallel to the west line of said lot to a point in the south line of said lot; thence 85 feet to the southwest corner of said lot to the place of beginning;

and

Situated in the County of Franklin, State of Ohio and in the City of Columbus and being the following described premises:

Lot Number Eighteen (18) in Grandview, Croughton and Denmead's Suburban Subdivision, as per plat thereof, recorded in Plat Book 4, Page 318, Recorder's Office, Franklin County, Ohio, excepting therefrom the following:

Beginning at the northwest corner of said Lot Number 18, thence south along the western line of said Lot No. 18, 53.96 feet to a point; thence East to a point in the east line of said Lot No. 18, said point being 53.81 feet south of the northeast corner of said Lot No. 18; thence north along the east line of said lot 53.81 feet to the northeast corner of said lot; thence west along the north line of said lot to the place of beginning,

containing 0.714 +/- acres (31,121 +/- sq ft).

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a twelve-unit and two four-unit dwellings, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the following:

1. The site shall be developed in conformance with the plans titled, "**BROADVIEW MEWS SHEETS 1 THROUGH 4,**" signed by Donald Plank, Attorney for the Applicant, dated September 17, 2007. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.
2. All trees and landscaping shall be well maintained. Dead items shall be replaced within six (6) months or the next planting season, whichever occurs first.

3. All on site wiring shall be underground.

**SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.~~**