



## Legislation Details (With Text)

**File #:** 3070-2016      **Version:** 2  
**Type:** Ordinance      **Status:** Passed  
**File created:** 11/21/2016      **In control:** Zoning Committee  
**On agenda:** 12/12/2016      **Final action:** 12/15/2016

**Title:** To grant a Variance from the provisions of Sections 3304.04, Permitted uses in AR-O apartment office district; 3312.21(D)(1), Landscaping and Screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision Clearance; 3333.18(C), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 350 EAST BARTHMAN STREET (43207), to permit a 62-unit apartment development and a community garden/fruit park with reduced development standards in the L-AR-O, Limited Apartment Office District (Council Variance # CV16-034 CV16-053).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3070-2016.Attachments, 2. ORD3070-2016.Labels

Date	Ver.	Action By	Action	Result
12/15/2016	2	CITY CLERK	Attest	
12/14/2016	2	MAYOR	Signed	
12/12/2016	2	COUNCIL PRESIDENT	Signed	
12/12/2016	1	Zoning Committee	Approved as Amended	Pass
12/12/2016	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/5/2016	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV16-053

**APPLICANT:** City of Columbus and Community Housing Network, Inc.; c/o John Turner, Land Bank, Department of Development; 50 West Gay Street; Columbus, OH 43215; and Donald Plank, Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development and community garden/~~fruit park~~.

**COLUMBUS SOUTH SIDE 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 (Ordinance # 3069-2016; Z16-055) to the L-AR-O, Limited Apartment Office District to allow the development of a 62-unit apartment development (Subarea A) and a community garden/fruit park (Subarea B). The requested variances will permit a ~~community garden/fruit park use within the AR-O, Apartment Office District~~, a reduction to the width of required headlight screening, reduced parking setback lines, a reduction in the minimum number of parking spaces required from 93 to 20, a reduced vision clearance triangle at the corner of East Barthman and South Washington avenues, a reduction to building lines, and a reduction to the rear yard of the apartment building in Subarea A. These reduced development standards are supportable because they allow for better site design, traffic circulation, and building placement on this urban-infill site, and reflect parking

numbers that account for residents that will not have private vehicles. **The proposal also offers a 0.49± acre community garden which provides open space for the future residents of Subarea A and will benefit the neighborhood.**

To grant a Variance from the provisions of Sections ~~3304.04, Permitted uses in AR-O apartment office district;~~ 3312.21(D)(1), Landscaping and Screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision Clearance; 3333.18(C), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **350 EAST BARTHMAN STREET (43207)**, to permit a 62-unit apartment development and a community garden/fruit park with reduced development standards in the L-AR-O, Limited Apartment Office District (Council Variance # ~~CV16-034~~ **CV16-053**).

**WHEREAS**, by application No. CV16-053, the owner of property at **350 EAST BARTHMAN STREET (43207)**, is requesting a Council variance to permit a 62-unit apartment development and a community garden/fruit park with reduced development standards in the L-AR-O, Limited Apartment Office District; and

**WHEREAS**, ~~Section 3304.04, Permitted uses in AR-O apartment office district, prohibits a community garden/fruit park uses in the L-AR-O, Limited Apartment Office District while the applicant proposes a community garden/fruit park in addition to a 62-unit apartment development; and~~

**WHEREAS**, **non-commercial community gardens are permitted in all residential districts and any related structures are subject to the applicable development standards of the zoning district, while this ordinance provides for reduced setbacks for any garden structures such as sheds, gazebos, greenhouses; and**

**WHEREAS**, the term “fruit park” refers to the presence of fruit trees and bushes which may be included in a community garden, as a community garden typically suggests active gardening of seasonal vegetables; and

**WHEREAS**, 3312.21 (D)(1), Landscaping and screening, requires a headlight screening landscaping bed of four feet in width, while the applicant proposes three feet, along E Barthman Avenue; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires a parking setback line of 10 feet along East Barthman Avenue and 25 feet along South Washington Avenue, while the applicant proposes reduced parking setback lines of 3 and 13 feet, respectively; and

**WHEREAS**, Section 3312.49(B), Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 90 parking spaces, while the applicant proposes to provide 20 parking spaces, noting that the units are supportive housing, and most residents will not have private vehicles; 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 vision clearance triangle at the intersection of East Barthman and South Washington Avenue to a 15 foot right angle triangle **while also permitting a small area of headlight screening in the 15' x 15' triangle, as depicted on the site plan;** and

**WHEREAS**, Section 3333.18(C), Building lines, requires a building setback of 25 feet along South Washington Avenue and East Reeb Avenue, while the applicant proposes a setback of 15 feet along each of these frontages; and

**WHEREAS**, Section 3333.24, Rear Yard, requires a rear yard of 25% of lot area, while the applicant proposes a rear yard of 9% of the lot area for the apartment building in Subarea A; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the 62-unit apartment development and a community

garden/fruit park is appropriate for the site and area, and the requested variances are reflective of a higher-density infill development for residents without private vehicles; 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 **350 EAST BARTHMAN STREET (43207)**, 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 3304.04, ~~Permitted uses in AR-O apartment office district;~~ 3312.21(D)(1), Landscaping and Screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision Clearance; 3333.18(C), Building lines; and 3333.24, Rear yard, of the Columbus City Codes, are hereby granted for the property located at **350 EAST BARTHMAN STREET (43207)**, insofar as said sections prohibit ~~community garden/fruit park uses,~~ with a reduction to the width of required headlight screening from four feet to three feet; reduced parking setback lines along East Barthman Avenue and South Washington Avenue from 10 and 25 feet to 3 and 13 feet, respectively; a reduction in the minimum number of parking spaces required from 93 spaces to 20 spaces; a reduced vision clearance triangle at the corner of East Barthman and South Washington avenues from 30' x 30' to 15' x 15' **while also permitting a small area of headlight screening in the provided triangle, as depicted on the site plan**; a reduction to building lines along South Washington and East Reeb Avenues from 25 feet to 15 feet; and a reduction to the rear yard of the apartment building in Subarea A from 25% to 9% of lot area; said property being more particularly described as follows:

**350 EAST BARTHMAN STREET (43207)**, being 1.58± acres located at the northeast corner of Barthman Avenue and Washington Avenue, and being more particularly described as follows:

**Subarea A**

Situated in the State of Ohio, County of Franklin, City of Columbus, and containing 1.088 acres of land, more or less, and being part of Lots 53-59 and 74, and all of Lots 75-81 of Twentieth Century Addition, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 496 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being part of that 20 foot Alley lying south of said Lots 53-59, east of Washington Avenue (50 feet in width) and north of Lots 74-81, said Alley being Vacated by Ordinance Number 0851-2011, also being all out of those lands conveyed to the City of Columbus, Ohio, of record in Instrument Numbers 200605110091236, 200605050085964, 200605160095352 and 200709060157535, said 1.088 acre tract being more particularly described as follows:

Beginning at a ¾ inch iron pipe found at the southwesterly corner of said Lot 81, also being in the easterly Right of Way line of said Washington Avenue, also being in the northerly Right of Way line of Barthman Avenue (50 feet in width);

Thence with the easterly Right of Way line of said Washington Avenue, also with the westerly line of said Lot 81, and continuing with the westerly line of said Vacated Alley and said Lot 53, North 3°30'37" East, a distance of 220.42 feet to an iron pipe set;

Thence with a new line, across and through said Lot 53, and continuing across and through said Lots 54, 55, 56, 57, 58 and 59, South 86°21'57" East, a distance of 215.00 feet to an iron pipe set;

Thence with a new line, across and through said Lot 59, and continuing across and through said Vacated Alley and said Lot 74, South 3°30'37" West, a distance of 220.34 feet to an iron pipe set in the northerly Right of Way line of said Barthman Avenue;

Thence with the northerly Right of Way line of said Barthman Avenue, also with the southerly line of said Lot 74, and continuing with the southerly line of said Lots 75, 76, 77, 78, 79, 80 and 81, North 86°23'12" West, a distance of 215.00 feet to the point of beginning, and containing 1.088 acres of land, more or less (0.110 acre out of Parcel # 010-038969, 0.110 acre out of Parcel # 010-006808, 0.110 acre out of Parcel # 010-026703, 0.110 acre out of Parcel # 010-026702, 0.110 acre out of Parcel # 010-011538, 0.110 acre out of Parcel # 010-031850, 0.041 acre out of Parcel # 010-018541, 0.046 acre out of Parcel # 010-017613, 0.046 acre out of Parcel # 010-034861, 0.046 acre out of Parcel # 010-025654, 0.046 acre out of Parcel # 010-004231 and 0.091 acre out of Parcel # 010-066838).

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of Washington Avenue was assigned an assumed bearing of North 3°30'37" East, and all others calculated from this meridian.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2016.

#### **Subarea B**

Situated in the State of Ohio, County of Franklin, City of Columbus, and containing 0.494 acre of land, more or less, and being part of Lots 53-59, of Twentieth Century Addition, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 496 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being all out of those lands conveyed to the City of Columbus, Ohio, of record in Instrument Numbers 200605110091236, 200605160095348, 200605160095352 and 200709060157535, said 0.494 acre tract being more particularly described as follows:

Beginning at an iron pipe set at the northwesterly corner of said Lot 53, also being in the easterly Right of Way line of Washington Avenue (50 feet in width), also being in the southerly Right of Way line of Reeb Avenue (50 feet in width);

Thence with the southerly Right of Way line of said Reeb Avenue, also with the northerly line of said Lot 53, and continuing with the northerly line of said Lots 54, 55, 56, 57, 58 and 59, South 86°21'57" East, a distance of 215.00 feet to an iron pipe set;

Thence with a new division line, across and through said Lot 59, South 3°30'37" West, a distance of 100.00 feet to an iron pipe set;

Thence with a new line, across and through said Lot 59, and continuing across and through said Lots 58, 57, 56, 55, 54 and 53, North 86°21'57" West, a distance of 215.00 feet to an iron pipe set in the westerly line of said Lot 53, also being in the easterly Right of Way line of said Washington Avenue;

Thence with the easterly Right of Way line of said Washington Avenue, also with the westerly line of said Lot 53, North 3°30'37" East, a distance of 100.00 feet to the point of beginning, and containing 0.494 acre of land, more or less (0.005 acre out of Parcel # 010-017613, 0.071 acre out of Parcel # 010-017962, 0.152 acre out of Parcel # 010-066838, 0.076 acre out of Parcel # 010-034861, 0.076 acre out of Parcel # 010-025654, 0.076 acre out of Parcel # 010-004231 and 0.039 acre out of Parcel # 010-018541).

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of Washington Avenue was assigned an assumed bearing of North 3°30'37" East, and all others calculated from this meridian.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2016.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 62-unit apartment development and a community garden/fruit park, or those uses permitted in the L-AR-O, Limited Apartment Office District **specified by Ordinance # 3069-2016 (Z16-055)**.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and elevations titled, "**PROPOSED SITE PLAN**," drawn by Berardi+, dated ~~September 19, 2016~~ **November 11, 2016**, and signed by 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 plan 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.