



## Legislation Details (With Text)

**File #:** 2795-2020      **Version:** 1

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

**File created:** 11/24/2020      **In control:** Zoning Committee

**On agenda:** 12/14/2020      **Final action:** 12/17/2020

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3333.11, ARLD area district requirements; 3333.16, Fronting; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 824 OAK ST. (43205), to permit two three-unit dwellings with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV20-038).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2795-2020.Attachments, 2. ORD2795-2020.Labels

Date	Ver.	Action By	Action	Result
12/17/2020	1	CITY CLERK	Attest	
12/16/2020	1	MAYOR	Signed	
12/14/2020	1	COUNCIL PRESIDENT	Signed	
12/14/2020	1	Zoning Committee	Approved	Pass
12/7/2020	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-038**

**APPLICANT:** Lawrence Y. Shin; c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Two three-unit dwellings.

**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 to the ARLD, Apartment Residential District (Ordinance #2794-2020; Z20-033) to permit two, three-unit dwellings. A variance is necessary because although the ARLD district permits a multiple dwelling development which contains a minimum of three buildings containing three or four dwelling units each, two, three-unit dwellings are not permitted. Standard variances to parking lot screening, lot area, fronting, building setback, and rear yard are also included. Staff finds the requested variances to be supportable because the site is designed in a manner that is compatible with the surrounding development. The request is consistent with recent residential infill redevelopment projects in the Near East area, and reflects the housing types and density along Oak Street.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3333.11, ARLD area district requirements; 3333.16, Fronting; 3333.18(F),

Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **824 OAK ST. (43205)**, to permit two three-unit dwellings with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV20-038).

**WHEREAS**, by application # CV20-038, the owner of property at **824 OAK ST. (43205)**, is requesting a Council variance to permit two three-unit dwellings with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, apartment residential district use, permits a minimum of three, three-unit dwellings as a multiple dwelling development on one lot, while the applicant proposes to construct two three-unit dwellings; and

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening within 80 feet of residentially zoned property, while the applicant proposes no screening on the east and west sides of the northern parking lot; and

**WHEREAS**, Section 3333.11, ARLD area district requirements, requires 2,500 square feet per dwelling unit on interior lots, while the applicant proposes 1,936± square feet per dwelling unit; and

**WHEREAS**, 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes a three-unit dwelling that fronts on an alley; and

**WHEREAS**, Section 3333.18(F), Building lines, requires a building line of no less than the average of buildings on contiguous lots, in this case 18 feet, while the applicant proposes a reduced building line of 10 feet; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes 20 percent rear yard for the southern three-unit dwelling, and no rear yard for the northern three-unit dwelling; and

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

**WHEREAS**, the City Departments recommend approval because the site is designed in a manner that is compatible with the surrounding development. The request is consistent with recent residential infill redevelopment projects in the Near East area, and reflects the housing types and density along Oak Street; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **824 OAK 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3333.11, ARLD area district requirements; 3333.16, Fronting;

3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **824 OAK ST. (43205)**, insofar as said sections prohibit two three-unit dwellings on one lot in the ARLD, Apartment Residential District, with no screening on the east and west sides of the northern parking lot; reduced lot area from 2,500 square feet to 1,936± square feet per dwelling unit; no frontage on a public street for the rear three-unit dwelling; reduced building line from 18 feet to 10 feet; and reduced rear yard from 25 percent to 20 percent for the southern three-unit dwelling; and no rear yard for the northern three-unit dwelling; said property being more particularly described as follows:

**824 OAK ST. (43205)**, being 0.27± acres located on the north side of Oak Street, 100± feet east of South Monroe Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in the Refugee Lands, Half Section 24, Township 5, Range 22, being part of Lot 40 and all of Lot 41 of that subdivision entitled "Samuel Bartlett's Amended Subdivision" of record in Plat Book 2, Page 170, and all of those tracts conveyed as Property 1 and Property 2 to Lawrence Y. Shin by deed of record in Instrument Number 2019120401626311, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING in the northerly right-of-line of East Oak Street (50 feet wide), in the westerly right-of-way line of Fern Alley (20 feet wide), at the southeasterly corner of said Lot 41, at the southeasterly corner of said Property 2;

Thence North 86° 35' 18" West, with the northerly right-of-way line of said Oak Street, with the southerly line of said Lots 40 and 41, with the southerly line of said Property 1 and said Property 2, a distance of 77.48 feet to a point at the southwesterly corner of said Property 1, at the southeasterly corner of that tract conveyed to 180 Property Development, LLC by deed of record in Instrument Number 201911220157172;

Thence North 03° 06' 00" East, across said Lot 40, with the line common to said Property 1 and said 180 Property Development, LLC tract, a distance of 150.00 feet to point in the southerly right-of-way line of Agate Alley (20 feet wide), in the northerly line of said Lot 40, at the northwesterly corner of said Property 1, at the northeasterly corner of said 180 Property Development, LLC tract;

Thence South 86° 35' 18" East, with the southerly right-of-way line of said Agate Alley, with the northerly line of said Lots 40 and 41, with the northerly line of said Property 1 and said Property 2, a distance of 77.48 feet to a point in the westerly right-of-way line of said Fern Alley, at the northeasterly corner of said Lot 41, at the northeasterly corner of said Property 2;

Thence South 03° 06' 00" West, with the westerly right-of-way line of said Fern Alley, with the easterly line of said Lot 41, with the easterly line of said Property 2, a distance of 150.00 feet to the POINT OF BEGINNING, containing 0.267 acre, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two buildings containing up to three dwelling units in each building (up to 6 units), or those uses permitted in the ARLD, Limited Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**824-830 OAK STREET**," dated November 12, 2020, 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 Certificates of Occupancy for the proposed development.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.