City of Columbus

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Legislation Details (With Text)

File #:	1449-2013 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	6/10/2013	**In control:**	Zoning Committee
On agenda:	7/1/2013	**Final action:**	7/3/2013
Title:	To grant a Variance from the provisions of Sections 3312.21(A), Landscaping and screening; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1376 KING AVENUE (43212), to permit reduced development standards in the AR-2, Apartment Residential District for a twenty-four unit apartment building (Council Variance # CV13-005).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1449-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130701		

Date	Ver.	Action By	Action	Result
7/3/2013	1	CITY CLERK	Attest	
7/2/2013	1	MAYOR	Signed	
7/1/2013	1	Zoning Committee	Approved	Pass
7/1/2013	1	COUNCIL PRESIDENT	Signed	
6/24/2013	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV13-005

APPLICANT: 1374 King Avenue LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Twenty-four unit apartment building.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ord. No. 1448-2013; Z13-010) to the AR-2, Apartment Residential District. The applicant proposes a twenty-four unit apartment building. In order to develop the site consistent with the established development pattern, variances for interior parking lot trees, parking lot screening, building setback, and rear yard are requested. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this location (office and/or multi-unit residential). Staff finds that request is compatible with the zoning and development patterns in the area, and with the density and design considerations of the *Fifth by Northwest Neighborhood Plan*.

To grant a Variance from the provisions of Sections 3312.21(A), Landscaping and screening; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1376 KING AVENUE (43212),** to permit reduced development standards in the AR-2, Apartment Residential District for a twenty-four unit apartment building (Council Variance # CV13-005).

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WHEREAS, by application No. CV13-005, the owner of property at **1376 KING AVENUE (43212),** is requesting a Council Variance to permit reduced development standards in the AR-2, Apartment Residential District for a twenty-four unit apartment building; and

WHEREAS, Section 3312.21(A)(B), Landscaping and Screening, requires the interior of any parking lot containing ten (10) or more parking spaces to provide one (1) deciduous tree per ten (10) spaces, or four (4) trees total for thirty-seven (37) parking spaces, and requires screening for parking lots that are within eighty (80) feet of residentially-zoned property, while the applicant proposes no trees within the parking lot interior, but instead will provide five (5) trees on the south side of the parking lot as shown on the Site Plan, and proposes no screening along the west property line which is within eighty (80) feet of property zoned in the AR-1, Apartment Residential District, but that property is developed with a commercial/industrial use; and

WHEREAS, Section 3333.18, Building lines, requires a building setback of no less than fifty (50) feet from King Avenue, while the applicant proposes a minimum twenty-five (25) foot building setback; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a parking lot which occupies the entire rear yard; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will allow development that is consistent with the established development pattern, and meets the *Fifth by Northwest Neighborhood Plan* density and design considerations; 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 **1376 KING AVENUE (43212),** 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 3312.21(A)(B), Landscaping and screening; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1376 KING AVENUE (43212),** insofar as said sections prohibit no interior parking lot trees where four (4) are required, no parking lot landscaping along the west property line, a building line of twenty-five (25) feet where fifty (50) feet is required, and a rear yard that is completely occupied by a parking lot for a twenty-four unit apartment building in the AR-2, Apartment Residential District; said property being more particularly described as follows:

1376 KING AVENUE (43212), being 0.7± acres located at the northeast corner of King and Grandview Avenues, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and being bounded and described as follows:

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Being Lot Number Twenty-Four (24) , of R.E. Neil's sole surviving trustee of John G. Neil's and Family Subdivision, except 32-1/3 feet off the west side of Lot No. 24, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 130, Recorder's Office, Franklin County, Ohio.

Said property is shown on the Franklin County Auditor's Records as Parcel Numbers 010-061968 and 010-062082.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a twenty-four unit apartment building, or those uses permitted in the AR-2, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN - 1376 KING AVENUE**", drawn by Architectural Alliance, dated May 17, 2013, 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.

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