



## Legislation Details (With Text)

**File #:** 1546-2014      **Version:** 1

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

**File created:** 6/19/2014      **In control:** Zoning Committee

**On agenda:** 7/21/2014      **Final action:** 7/23/2014

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard of the Columbus City Codes; for the property located at 1506 CHESAPEAKE AVENUE (43212), to permit two four-unit dwellings, three three-unit dwellings, six two-unit dwellings and two one-unit dwellings on one lot (Subarea 1), and one four-unit dwelling on one lot (Subarea 2), with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance Nos. 2069-2013 and 2064-2013, passed on September 23, 2013 (Council Variance # CV13-006 and CV13-017). (REPEALED BY ORD. 2625-2014 PASSED 11/24/2014)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1546-2014.Attachments, 2. Notice Of Public Hearing - Council Mtg20140721

Date	Ver.	Action By	Action	Result
7/23/2014	1	CITY CLERK	Attest	
7/22/2014	1	MAYOR	Signed	
7/21/2014	1	COUNCIL PRESIDENT	Signed	
7/21/2014	1	Zoning Committee	Approved	Pass
7/14/2014	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV14-015**

**APPLICANT:** Metropolitan Holdings LLC; c/o David L. Hodge, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 460, Columbus, OH 43215.

**PROPOSED USE:** One, two, three, and four-unit dwelling development with reduced standards.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with single and multi-unit dwellings and zoned AR-1, Apartment Residential District, and is subject to Ordinance Numbers 2069-2013 and 2064-2013 (CV13-006 and CV13-017) which permit two 2- or 3-unit dwellings per lot on seven separate lots and a four-unit dwelling for a total of 33 units. The applicant would like to reconfigure the approved site plan for engineering (storm water) reasons. The proposal includes two four-unit dwellings, three three-unit dwellings, six two-unit dwellings and two one-unit dwellings, for a total of 31 units on Subarea 1. Additionally, an existing four-unit dwelling is included in this request, and is a part of Subarea 2. A variance is necessary because the AR-1 District does not permit two-unit, three-unit and four-unit dwellings, nor does it permit more than one dwelling unit on one lot. Additional variances for Subarea 1 include fronting, reduced building lines and perimeter yard, and landscaping and screening requirements. Variances for

Subarea 2 include area requirements, side or rear yard obstruction and minimum number of parking spaces required. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this area. It also includes recommended design guidelines for future commercial and residential development. Staff finds that the proposal meets the Plan's considerations, and feels that it will not add incompatible uses to the area since there have been variances already granted to the applicant along Chesapeake Avenue for similar developments. With the addition of green space and loss of two dwelling units, Staff finds this proposal is consistent with the development patterns of the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard of the Columbus City Codes; for the property located at **1506 CHESAPEAKE AVENUE (43212)**, to permit two four-unit dwellings, three three-unit dwellings, six two-unit dwellings and two one-unit dwellings on one lot (Subarea 1), and one four-unit dwelling on one lot (Subarea 2), with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance Nos. 2069-2013 and 2064-2013, passed on September 23, 2013 (Council Variance # CV13-006 and CV13-017). **(REPEALED BY ORD. 2625-2014 PASSED 11/24/2014)**

**WHEREAS**, by application No. CV14-015, the owner of property at **1506 CHESAPEAKE AVENUE (43212)**, is requesting a Council Variance to permit two four-unit dwellings, three three-unit dwellings, six two-unit dwellings and two one-unit dwellings on one lot (Subarea 1), and one four-unit dwelling on one lot (Subarea 2), with reduced development standards in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development on one lot, but allows only one (1) two-unit dwelling per lot, while the applicant proposes to construct two four-unit dwellings, three three-unit dwellings, six two-unit dwellings and two one-unit dwellings on one lot in Subarea 1, one four-unit dwelling on one lot in Subarea B; and

**WHEREAS**, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots in Subarea 1; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces per unit for four (4) or more dwelling units for a total of six (6) required spaces, while the applicant proposes to provide a total of three (3) parking spaces in Subarea 2; and

**WHEREAS**, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes to develop the lot with a lot width of forty-nine (49) feet in Subarea 2; and

**WHEREAS**, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for four dwellings in Subarea 1; and

**WHEREAS**, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of twelve (12) feet for Subarea 1; and

**WHEREAS**, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky while the applicant proposes to allow parking in the proposed side and rear yards in Subarea 2; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for a multiple dwelling development, while the applicant proposes a zero (0) foot perimeter yard in Subarea 1 as shown on the Site Plan; and

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

**WHEREAS**, City Departments recommend approval because the request would reconfigure the approved site plan due to engineering (storm water) reasons and remains compatible with the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this area and includes recommended design guidelines for future commercial and residential development. Staff finds that the proposal meets the Plan’s considerations, and believes that it will not add incompatible uses to the area since there have been variances already granted to the applicant along Chesapeake Avenue for similar developments. With the addition of green space and loss of two dwelling units, Staff finds this proposal to be consistent with the development patterns of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1506 CHESAPEAKE 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 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1506 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit one-unit, two-unit, three-unit and four-unit dwellings and two dwellings on one lot, with no parking lot screening in Subarea 1, a reduced number of parking spaces in Subarea B, a reduced lot width of forty-nine feet (49’) in Subarea 2, dwellings having no frontage on a public street in Subarea 1, reduced building lines from twenty-five (25) feet to twelve (12) feet in Subarea 1, parking in the proposed side and rear yards in Subarea 2, and a reduced perimeter yard from twenty-five (25) feet to zero (0) feet in Subarea 1; said property being more particularly described as follows:

**1506 CHESAPEAKE AVENUE (43212)**, being 1.28± acres located on the north side of Chesapeake Avenue, 300± feet east of North Star Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 38, 39, 40, 41, 42, 43, 44 and 45 of “Lincoln Heights Addition” subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Kitchner Park, Inc., Guy Williams, Jr., and Laura Williams, and described as follows:

*Beginning* in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 38 of said “Lincoln Heights Subdivision”;

Thence Easterly, along said north right-of-way line, about 320 feet to the southeast corner of said Lot 45;

Thence Northerly, along the east line of said Lot 45, about 175 feet to the northeast corner of said Lot 45, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 320 feet to the northwest corner of said Lot 38;

Thence Southerly, along the west line of said Lot 38, about 175 feet to the *Point of Beginning*. Containing approximately 1.28+/- acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 420-292066, 420-292058, 420-292057, 420-292062, 420-292072, 420-292055, 420-292059.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a one, two, three, and four-unit dwelling development.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**ZONING COMPLIANCE PLAN - ZCL-1, ZONING COMPLIANCE PLAN BUILDING ELEVATIONS - ZCL-2**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS - ZCL-3**," drawn by V Design, dated June 13, 2014, and signed by David L. Hodge, Attorney for the Applicant. The Plans 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 Certificates of Occupancy for the proposed uses.

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

**SECTION 6.** That Ordinance Nos. 2069-2013 and 2064-2013, passed on September 23, 2013, be and are hereby repealed.