



## Legislation Details (With Text)

**File #:** 1993-2021      **Version:** 1

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

**File created:** 7/8/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3321.07 (B), Landscaping; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 793 W. STATE ST. (43222), to permit outside activity on a residential access drive and reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV20-069).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1993-2021\_Attachments, 2. ORD1993-2021\_Labels

Date	Ver.	Action By	Action	Result
7/28/2021	1	CITY CLERK	Attest	
7/27/2021	1	MAYOR	Signed	
7/26/2021	1	Zoning Committee	Approved	Pass
7/26/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV20-069**

**APPLICANT:** Thrive Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Joseph J. Reidy, Atty.; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**FRANKLINTON 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 1992-2021; Z20-063) to the AR-3, Apartment Residential District. The applicant proposes a 200-unit apartment building on Subarea A, with a private alley in Subarea B which may host non-residential uses to serve the residents and community. Staff finds the requested variances to be supportable as they will permit a multi-unit residential development that is consistent with residential infill in urban neighborhoods. Additionally, the development will adhere to the submitted site plan and includes a commitment to provide 240 parking spaces on Parcel 010-006299 for the sole use of the residents of this development.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3321.07(B), Landscaping; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **793 W. STATE ST. (43222)**, to permit outside activity on a residential access drive and reduced development standards in the AR-3,

Apartment Residential District (Council Variance #CV20-069).

**WHEREAS**, by application #CV20-069, the owner of property at **793 W. STATE ST. (43222)**, is requesting a Council variance to permit outside activity on a residential access drive and reduced development standards in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3333.03, AR-3 apartment residential district use, prohibits non-residential uses on a private alley, while the applicant proposes outside activity including food trucks, social activities, and open space in Subarea B; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 300 required parking spaces for 200 units, while the applicant proposes 0 total parking spaces, subject to 240 parking spaces being provided in perpetuity on Parcel 010-006299; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes a 20 foot right angle clear vision triangle at southeast corner of South Souder Avenue and Mount Carmel Mall; and

**WHEREAS**, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 20 trees for 200 dwelling units, while the applicant proposes 10 trees; and

**WHEREAS**, Section 3333.18(D), Building lines, requires a building line of no less than 25 feet along the public streets that abut the subject site, while the applicant proposes reduced building line of 6 feet along South Souder Avenue, as demonstrated on the submitted site plan; 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 a rear yard of 0.62± percent; and

**WHEREAS**, the Franklinton Area Commission recommends approval, and

**WHEREAS**, the City Departments recommend approval because the variances will allow a multi-unit residential development that is consistent with infill development in urban neighborhoods, includes a site plan demonstrating the development, and includes a commitment to provide 240 parking spaces for the sole use of the residents of this development on Parcel 010-006299. The proposed non-residential activities are limited to a defined area and is consistent with the land use recommendation of the *West Franklinton Plan* for “Regional Mixed-Use” land uses at this location; and

**WHEREAS**, this 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 **793 W. STATE ST. (43222)**, 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 3333.03, AR-3 apartment residential district use; 3312.49

(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3321.07(B), Landscaping; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **793 W. STATE ST. (43222)**, insofar as said sections prohibit non-residential uses such as food trucks, farmers markets, and other commercial activities in the AR-1, Apartment Residential District; with a reduction in required parking spaces from 300 spaces to 0 spaces, subject to 240 parking spaces being provided in perpetuity on Parcel 010-006299; a reduction in the clear vision triangle at the southeast corner of South Souder Avenue and Mount Carmel Mall from 30 feet to 20 feet; a reduction in residential landscaping trees from 20 to 10 trees; reduced building lines from 25 feet to 6 feet along South Souder Avenue; and reduced rear yard from 25 percent to 0.62± percent; said property being more particularly described as follows:

**793 W. STATE ST. (43222)**, being 2.0± acres located at the terminus of West State Street at South Souder Avenue, and being more particularly described as follows:

**SUBAREA A 1.532 ACRES:**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, being part of Virginia Military Survey No. 1393, and being part of Lot No. 1 of M.L. Sullivant's Subdivision of Land in Franklin Township, being part of Lot 25 and Lot 40, being all of Lots 53 through 60, inclusive, being part of the 20-foot, north-south alley vacated by Ordinance Number 26385, being part of the portion of West State Street vacated by Ordinance Number 1363-72, and being part of the 20-foot, east-west alley and 20-foot north-south alley vacated by Ordinance Number 587-63, all being of A.E. Davis Subdivision of Old State Fair Grounds, of record in Plat Book 2, Page 257, all as conveyed to Mount Carmel Health in Official Record Volume 16070 Page D16, now known as Mount Carmel Health System by affidavit of name change of record in Instrument Number 201901250009699, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

**COMMENCING** at an iron pin set, being on the intersection of the easterly right-of-way line of Souder Avenue (50') and the southerly right-of-way line of Mount Carmel Mall (Varies), as dedicated by Ordinance Number 1844-72, Deed Book 3289, Page 616, and also being the northwesterly corner of the remainder of said Lot 40, said iron pin set being the **TRUE POINT OF BEGINNING** of the tract herein described:

Thence along the northerly lines of the remainder of said Lots 25 and 40, along the northerly terminus of said vacated 20-foot, north-south alley, and along the southerly right-of-way line of said Mount Carmel Mall, North 81°29'50" East, 320.80 feet to an iron pin set, being on the northeasterly corner of the remainder of said Lot 25, also being the northwesterly corner of a portion of South Davis Avenue vacated per Ordinance Number 2030-93, conveyed as a 0.9156 acre tract to Mount Carmel Health in Official record Volume 25868, Page A01;

Thence along the easterly lines of said Lot 25 and said Lot 60, and said vacated portion of West State Street, across said vacated 20-foot, east-west alley, along the westerly line of said 0.9156 acre tract and said vacated South Davis Avenue, South 08°14'51" East, 208.10 feet to a mag nail set;  
Thence across said vacated portion of West State Street, South 81°29'51" West, 320.72 feet to a mag nail set, being on the westerly terminus of said vacated portion of West State Street, also being the easterly right-of-way line of said Souder Avenue;

Thence along the easterly right-of-way line of said Souder Avenue, along the westerly lines of said Lot 53 and Lot 40, along the westerly terminus of said vacated 20-foot, east-west alley and part of said vacated State Street, North 08°16'07" West, 208.10 feet to an iron pin set, said iron pin being the **POINT OF BEGINNING**, containing 1.532 acres (66,750 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

**SUBAREA B 0.347 ACRES:**

Situated in the State of Ohio, County of Franklin, in the City of Columbus, being part of Virginia Military Survey No. 1393, and being part of Lot No. 1 of M.L. Sullivant's Subdivision of Land in Franklin Township, being part of the portion of West State Street vacated by Ordinance Number 1363-72, being of A.E. Davis Subdivision of Old State Fair Grounds, of record in Plat Book 2, Page 257, as conveyed to Mount Carmel Health in Official Record Volume 16070 Page D16, now known as Mount Carmel Health System by affidavit of name change of record in Instrument Number 201901250009699, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

**COMMENCING** at an iron pin set, being on the intersection of the easterly right-of-way line of Souder Avenue (50') and the southerly right-of-way line of Mount Carmel Mall (Varies), as dedicated by Ordinance Number 1844-72 and also being the northwesterly corner of the remainder of Lot 40, of said A.E. Davis Subdivision of Old State Fair Grounds;

Thence along the easterly right-of-way line of said Souder Avenue, along the westerly lines of Lot 40 and Lot 53, along the westerly terminus of a 20-foot, east-west alley vacated per Ordinance Number 587-63, and along the westerly terminus of said vacated portion of West State Street, South 08°16'07" East, 208.10 feet to a mag nail set, said mag nail set being the **TRUE POINT OF BEGINNING** of the tract herein described:

Thence across said vacated portion of West State Street, North 81°29'51" East, 320.72 feet to a mag nail set, being on the easterly line of said vacated portion of West State Street and being on the westerly line of a portion of South Davis Avenue vacated per Ordinance Number 2030-93, conveyed as a 0.9156 acre tract to Mount Carmel Health in Official record Volume 25868, Page A01;

Thence along the easterly line of said vacated portion of West State Street and along the westerly line of said vacated portion of South Davis Avenue and said 0.9156 acre tract, South 08°14'51" East, 41.20 feet to a mag nail set;

Thence across said vacated portion of West State Street, the following three (3) courses:

South 81°29'51" West, 116.14 feet to a mag nail set on a point of curvature; Along a curve to the left having a radius of 15.00 feet, a delta angle of 69°43'20", an arc length of 18.25 feet, and a chord bearing and distance of South 46°38'08" West, 17.15 feet to a mag nail set;

South 81°29'51" West, 190.54 feet to a mag nail set, being on the westerly terminus of said vacated portion of West State Street, along the easterly line of a vacated portion of Souder Avenue, vacated by Ordinance Number 2030-93, being a 0.639 acre tract as conveyed to Mount Carmel Health in Official Record Volume 25868, Page A01;

Thence along the easterly line of said 0.639 acre tract, along the easterly right-of-way line of said Souder Avenue, and along the westerly terminus of said vacated portion of West State Street, North 08°16'07" West, 51.00 feet to a mag nail set, said mag nail being the **POINT OF BEGINNING**, containing 0.347 acres (15,118 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

Known as: 793 W. State St., Columbus, Ohio 43222.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 200 unit apartment building including non-residential activities on Subarea B or those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**ZONING SITE PLAN**," dated June 21, 2021, and signed by David B. Perry, Agent for the Applicant and Joseph M. Reidy, 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 adjustment to the plans shall be reviewed and may be approved 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 Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the applicant providing 240 parking spaces on Parcel 010-006299 for the exclusive use of the residents of this development.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.