



## Legislation Details (With Text)

**File #:** 3435-2023      **Version:** 1

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

**File created:** 11/27/2023      **In control:** Zoning Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum number of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(c)(d), Basis of computing area; 3333.18, Building Lines; and 3333.255, Perimeter Yard, for the property located at 359 E. MARKISON AVE. (43207), to permit non-accessory parking and reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District, and to repeal Ordinance #0865-2021 (CV20-103), passed April 22, 2021 (Council Variance #CV23-125).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3435-2023\_Attachments, 2. ORD3435-2023\_Labels

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
12/11/2023	1	Zoning Committee	Approved	Pass
12/11/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV23-125**

**APPLICANT:** JBAD; c/o David Hodge, Atty.; Underhill and Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of four parcels in the AR-1, Apartment Residential District, divided by a public alley and previously developed with a former religious facility and parking lot. The requested Council variance will allow redevelopment of the site with 18 townhouse-style apartment units. The site is subject to Ordinance #0865-2021 (CV20-103), passed April 22, 2021, which allowed a 17-unit development that retained the former church tower and a site plan depicting seven unit on the northern portion and ten units on the southern portion of the site. This proposal replaces that site plan to remove the tower feature and add one additional unit with eight units on the northern portion, the "North Site," and ten units on the southern portion, the "South Site." A Council variance is necessary to allow parking spaces on the South Site to serve units on the North Site as the two portions are separated by a

public alley. Additional variances for a reduction in the required number of parking spaces from 27 to 18, reduced vision clearance, reduced perimeter yards, increased lot coverage, reduced lot area, and reduced building lines are included in the request. The site is within the planning area of the *South Side Plan* (2014), which recommends “Medium-High Density Residential” and “Institutional” land uses. Staff finds the revised proposal to be supportable as it will allow a multi-unit residential development that is consistent with residential infill in urban neighborhoods, and is similar to the previously-approved proposal.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49, Minimum number of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(c)(d), Basis of computing area; 3333.18, Building Lines; and 3333.255, Perimeter Yard, for the property located at **359 E. MARKISON AVE. (43207)**, to permit non-accessory parking and reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District, and to repeal Ordinance #0865-2021 (CV20-103), passed April 22, 2021 (Council Variance #CV23-125).

**WHEREAS**, by application #CV23-125, the owner of property at **359 E. MARKISON AVE. (43207)**, is requesting a Council variance to allow non-accessory parking and reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, does not allow parking for off-site uses, while the applicant proposes three non-accessory parking spaces on the South Site for units on the North Site; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 27 required parking spaces for 18 units, while the applicant proposes 18 total parking spaces (five on the North Site and 13 on the South Site), with three parking spaces for the North Site located on the South Site; 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 15-foot right angle clear vision triangles at northwest corner of South Washington Avenue and East Markison Avenue (North Site), and at the southwest intersection of South Washington Avenue and East Welch Avenue (South Site); and

**WHEREAS**, Section 3333.15(c)(d), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, and requires 20,000 square feet of lot area for a multiple dwelling development, while the applicant proposes a lot coverage of 63 percent on the South Site, and a lot area of 11,349 square feet for the multiple dwelling development on the North Site; 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 lines of five feet along East Markison Avenue and two feet along South Washington Avenue for the North Site, and zero feet along South Washington Avenue, and four feet along East Welch Avenue for the South Site, as demonstrated on the submitted site plan; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of zero feet along the west and south property lines of the North Site, and two feet along the west property line and zero feet along the north property line of the South Site, as demonstrated on the submitted site plan; and

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

**WHEREAS**, the City Departments recommend approval because the request is consistent with surrounding housing

types and densities and residential infill in urban neighborhoods, and does not introduce an incompatible use to the area; and

**WHEREAS**, said 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 **359 E. MARKISON AVE. (43207)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential use; 3312.49, Minimum number of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(c)(d), Basis of computing area; 3333.18, Building Lines; and 3333.255, Perimeter Yard; for the property located at **359 E. MARKISON AVE. (43207)**, insofar as said sections prohibit non-accessory parking in the AR-1, Apartment Residential District with three parking spaces located on the South Site to serve units on the North Site; a reduction in required parking spaces from 27 required to 18 provided spaces; a reduction in the clear vision triangles from 30 feet to 15 feet at the northwest corner of South Washington Avenue and East Markison Avenue (North Site) and at the southwest intersection of South Washington Avenue and East Welch Avenue (South Site); an increase in maximum lot coverage from 50 percent to 63 percent on the South Site, and a reduced lot area from 20,000 to 11,349 square feet on the North Site; reduced building lines from 25 feet to five feet along East Markison Avenue and two feet along South Washington Avenue for the North Site, and zero feet along South Washington Avenue and four feet along East Welch Avenue for the South Site; and reduced perimeter yards from 25 feet to zero feet along the west and the south property lines of the North Site, and two feet along the west property line and zero feet along the south property line of the South Site, said property being more particularly described as follows; said property being more particularly described as follows:

**359 E. MARKISON AVE. (43207)**, being 0.61 ± acres located at the southwest corner of East Markison Avenue and South Washington Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number Thirty-Six (36) of CHARLES KAUTZ'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof,, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-029091

Property Address: 0 Welch Avenue, Columbus, OH 43207

Also:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number Thirty-Seven (37) of CHARLES KAUT'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof,, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-061553

Property Address: 0 Welch Avenue, Columbus, OH 43207

Also:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number Thirty-Eight (38) of CHARLES KAUTZ'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof,, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-051321

Property Address: 0 Welch Avenue, Columbus, OH 43207

Also:

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of lots 18 and 19 and part of Lot 17 of Charles Kautz's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 234, Recorder's Office Franklin County, Ohio and being part of the land conveyed to KAC Management, LLC, as shown of record in Instrument No. 201606290082430 and being more particularly described as follows:

Beginning at an iron pipe set at the northeast corner of said Lot 19, being the intersection of the south line of Markison Avenue (60 feet wide) with the west line of Washington Avenue (50 feet wide);

Thence along the east line of said Lot 19, the west line of said Washington Avenue, South 02° 31' 20" East, 135.00 feet to a found 1" dia iron pipe at the southeast corner of said Lot 19, the intersection of the west line of said Washington Avenue with the north line of an alley (20 feet wide);

Thence, along the south line of said Lots 19, 18 and part of said Lot 17, along the north line of said alley, South 87° 56' 00" West, 84.00 feet to a mag nail set;

Thence, across said Lot 17, North 02° 31' 20" West, 135.00 feet to an iron pipe set on the north line of said Lot 17, the south line of said Markison Avenue;

Thence, along part of the north line of said Lot 17, along the north line of said Lots 18 and 19, along the south line of said Markison Avenue, North 87° 56' 00" East, 84.00 feet to the place of beginning

CONTAINING 0.260 ACRES, subject however to all legal highways, leases, easements and restrictions of record and of records in the respective utility offices. Iron pipes set are 30"x1" dia with an orange plastic cap inscribed "Myers PS 6579". The basis of bearings is the south line of Markison Avenue assumed as North 87° 56' 00" East. The foregoing description was prepared from an actual boundary survey by Myers Surveying Company Inc. In August, 2015.

Property Address: 359 E. Markison Ave., Columbus, Ohio 43207

Parcel Nos.: 010-297819, 010-051321, 010-108668, 010-061553 and 010-029091

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development with up to 18 units, 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 plans titled, "**PROPOSED SITE PLAN**," signed by Eric Zartman, Attorney for the Applicant, and dated November 17, 2023. 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 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 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.

**SECTION 6.** That Ordinance #0865-2021 (CV20-103), passed April 22, 2021, be and is hereby repealed.