



## Legislation Details (With Text)

**File #:** 0345-2013      **Version:** 2

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

**File created:** 1/31/2013      **In control:** Zoning Committee

**On agenda:** 7/22/2013      **Final action:** 7/25/2013

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21(B) (D), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes; for the property located at 362 EAST 11th AVENUE (43201), to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District and to declare an emergency (Council Variance # CV12-050).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0345-2013Attachments.pdf, 2. Notice Of Public Hearing - Council Mtg20130722

Date	Ver.	Action By	Action	Result
7/25/2013	2	ACTING CITY CLERK	Attest	
7/24/2013	2	ACTING MAYOR	Signed	
7/22/2013	2	COUNCIL PRESIDENT	Signed	
7/22/2013	1	Zoning Committee	Approved as Amended	Pass
7/22/2013	1	Zoning Committee	Amended to Emergency	Pass
7/15/2013	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV12-050**

**APPLICANT:** Weinland Park Properties, LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor, Columbus, OH 43215.

**PROPOSED USE:** To conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**HISTORIC RESOURCES COMMISISON RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. Applicant proposes to rehabilitate 23 vacant, boarded residential buildings on the north and south side of East 11<sup>th</sup> Avenue between North Fourth Street and Grant Avenue for market rate housing. There is no change in the existing number of dwelling units. In conjunction with the building rehabilitation, applicant proposes to build new parking lots behind the buildings, accessed from public alleys to replace existing inadequate parking areas. The development project is a major investment in the E. 11<sup>th</sup> Avenue corridor which is

identified as a redevelopment site in the *Weinland Park Neighborhood Plan* (2006) to create a new "Front Door" to the neighborhood. Because the site is in the New Indianola Historic District, buildings will be preserved with the building interiors brought up to current code requirements with the rehabilitation of all the buildings. Variances are included to conform existing conditions to current code requirements and also technical variances related to the design of parking across internal property lines for more efficient layout, while the intent of the code is maintained.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21(B)(D), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes; for the property located at **362 EAST 11<sup>th</sup> AVENUE (43201)**, to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District **and to declare an emergency** (Council Variance # CV12-050).

**WHEREAS**, by application No. CV12-050, the owner of property at **362 EAST 11<sup>th</sup> AVENUE (43201)**, is requesting a Council Variance to conform three (3) existing dwellings in the C-4, Commercial District, to permit reduced development standards for proposed parking lots and to conform development standards for existing dwellings and apartment buildings in the AR-4, Apartment Residential District; and

**WHEREAS**, 3356.03, C-4 Permitted Uses, does not permit buildings used exclusively for residential purposes or any ground level residential use, while the applicant proposes to conform the existing dwellings at 393-395 East 11<sup>th</sup> Avenue, 397-403 East 11<sup>th</sup> Avenue and 394-396 East 11<sup>th</sup> Avenue which were built prior to the C-4 zoning district but are exclusively used for residential purposes and contain four (4), four (4), and two (2) dwelling units, respectively, in the C-4, Commercial District; and

**WHEREAS**, the site is within the University Planning Overlay (UPO), but applicability of the UPO is limited to changes of use and/or increases in habitable area of 200 sq. ft. or more, while neither is occurring with rehabilitation of the existing buildings with the number of dwelling units in each building remaining the same as the use of record and no increase in habitable area, so certain citations, like required lot area/dwelling unit, reducing the width of parking spaces to 8.5' and 8' and parking lot screening, are necessary, even though the UPO only requires lot area of 700 sq. ft./dwelling unit, permits 8' wide parking spaces and doesn't require parking lot screening in the AR, Apartment Residential District when the UPO applies; and

**WHEREAS**, 3333.12, AR-1 and AR-4 Area District Requirements, requires 1,200 square feet of lot area per dwelling unit, other than corner lots, while 1500-1502 North Fifth Street is an existing four (4) unit dwelling on a 4,226 +/- sq. ft. lot, thereby providing 1,050 +/- sq. ft. of lot area per dwelling unit; and

**WHEREAS**, 3332.14, R-2F Area District Requirements, establishes area requirements for a two (2) unit dwelling in the AR-4, Apartment Residential District on a lot that was separately owned and of record on January 14, 1959 as 6,000 square feet, while the applicant proposes to maintain existing lot sizes at 312-314 E. 11<sup>th</sup> Avenue, 360-362 E. 11<sup>th</sup> Avenue, 366-366 ½ E. 11<sup>th</sup> Avenue and 379 E. 11<sup>th</sup> Avenue which are all developed with two (2) family dwellings and have lot areas of 5,416 sq. ft., 5,317 sq. ft., 5,306 sq. ft. and 3,740 sq. ft., respectively; and

**WHEREAS**, 3333.09, Area Requirements, requires a lot of no less than 50 feet in width, while the applicant proposes to maintain lot widths at 305 E. 11<sup>th</sup> Avenue, 309-311 E. 11<sup>th</sup> Avenue, 337-339 E. 11<sup>th</sup> Avenue, 379 E. 11<sup>th</sup> Avenue, 383-385 E. 11<sup>th</sup> Avenue, 387-389 E. 11<sup>th</sup> Avenue, 366-366 ½ E. 11<sup>th</sup> Avenue, 360-362 E. 11<sup>th</sup> Avenue, 338-340 E. 11<sup>th</sup> Avenue, 318 E. 11<sup>th</sup> Avenue and 312-314 to be E. 11<sup>th</sup> Avenue which are 40 foot wide lots except 379 E. 11<sup>th</sup> Avenue, which is a 27 foot wide lot; and;

**WHEREAS**, 3333.22, Maximum Side Yard Required, requires 20% of the lot width to be provided in total side yard, while the applicant proposes to maintain existing total side yards of less than 20% on the parcels; and

**WHEREAS**, 3333.23, Minimum Side Yard Permitted, requires a five (5) foot minimum side yard, the applicant proposes to maintain existing lots which have less than five (5) feet side yard; and

**WHEREAS**, 3333.24, Rear Yard, requires at least 25% of lot area behind the rear facing plane of a principal building to be open from grade to sky, while the applicant proposes parking lots that will occupy required rear yard area; and

**WHEREAS**, 3312.09, Aisle, requires a minimum twenty (20) foot wide aisle for 90 degree parking spaces, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain aisles will be divided by existing property lines, thereby creating aisles on each side of a property line that are less than twenty (20) feet, as well as certain parking spaces will be configured in a stacked arrangement, while the overall aisle width will meet or exceed twenty (20) feet and easements as applicable will be provided for the aisle to function as a single aisle divided by a property line and stacked spaces will be assigned in pairs to the same dwelling unit; and

**WHEREAS**, 3312.13, Driveway, requires a minimum twenty (20) foot wide driveway, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain driveways will be divided by existing property lines, thereby creating driveways divided by property lines with each part of the driveway less than twenty (20) feet wide, while the overall driveway width will meet or exceed twenty (20) feet and easements as applicable will be provided for each driveway to function as a single driveway even though divided by a property line; and

**WHEREAS**, 3312.17, Parking Setback Line, requires a minimum parking setback line of ten (10) feet regardless of permitted calculated building setback, while applicant proposes a parking lot at 361-369 East 11<sup>th</sup> Avenue that is behind the established building setback (2') on North Sixth Street, but five (5) feet from the North Sixth Avenue right of way and a parking lot at 397-403 E. 11<sup>th</sup> Avenue where the building setback along Grant Avenue is zero (0) and applicant proposes a parking setback of zero (0); and

**WHEREAS**, Section 3312.21 (B)(D), Landscaping and screening, requires screening for parking lots that are within eighty (80) feet of residentially-zoned property headlight screening along a public street, while the applicant proposes parking lots are within 80 feet of residentially zoned property that will not be screened to code but will be screened as depicted on the Site Plan, and applicant proposes to develop expanded parking from what presently exists at 397-403 E. 11<sup>th</sup> Avenue on the Grant Avenue frontage of the corner lot, no screening presently exists, pavement is required to the property line for the design of the parking lot and, with permission of the Public Service Department during the Site Compliance Plan process, applicant will provide headlight screening (landscaping) in the Grant Avenue right of way; and

**WHEREAS**, 3312.25, Maneuvering, requires minimum twenty (20) feet of maneuvering area for 90 degree parking spaces, while applicant proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain maneuvering areas will be divided by existing property lines, thereby creating maneuvering area on each side of a property line that is less than twenty (20) feet and applicant while the overall maneuvering area will meet or exceed twenty (20) feet and easements as applicable will be provided for the maneuvering area to function as a single maneuvering area divided by a property line; and

**WHEREAS**, 3312.29, Parking Space, requires 90 degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes certain 8 foot wide parking spaces, as otherwise permitted by the University Planning Overlay, and also proposes to develop new parking areas at the rear of existing buildings on existing parcels and certain new parking spaces will be divided by existing property lines, thereby creating part of a parking space on each side of an existing property line, while the overall parking space will meet or exceed the required dimensions and easements as applicable will be provided for the divided parking spaces to function as single parking spaces divided by a property line; and

**WHEREAS**, 3321.01, Dumpster Area, treats a dumpster box as a structure, while the location of certain dumpster boxes may be across existing property lines and, for purposes of locating dumpster boxes, property lines will be disregarded and no parcel combination shall be required; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because applicant proposes a major investment in the E. 11<sup>th</sup> Avenue corridor by rehabilitating 23 vacant, boarded buildings and the site is identified as a redevelopment site in the *Weinland Park Neighborhood Plan* (2006) to create a new "Front Door" to the neighborhood; 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 **362 EAST 11<sup>th</sup> AVENUE (43201)**, in using said property as desired; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3356.03, C-4 Permitted Uses; 3333.12, AR-1 and AR-4 Area District Requirements; 3332.14, R-2F Area District Requirements; 3333.09, Area Requirements; 3333.22, Maximum Side Yard Required; 3333.23, Minimum Side Yard Permitted; 3333.24, Rear Yard; 3312.09, Aisle; 3312.13, Driveway; 3312.17, Parking Setback Line; 3312.21 (B)(D), Landscaping and Screening; 3312.25, Maneuvering; 3312.29, Parking Space; and 3321.01, Dumpster Area, of the Columbus City Codes, is hereby granted for the property located at **362 EAST 11<sup>th</sup> AVENUE (43201)**, insofar as said sections prohibit three (3) dwellings in the C-4, Commercial District; reduction of required lot area from 1,200 sq. ft./dwelling unit to 1,050 +/- sq. ft./dwelling unit for 1500-1502 North Fifth Street; reduction of required lot area of 6,000 sq. ft. (3,000 sq. ft./dwelling unit) to 5,416 sq. ft. +/-, 5,317 sq. ft. +/-, 5,306 sq. ft. +/- and 3,740 +/- sq. ft. for 312-314 E. 11<sup>th</sup> Avenue, 360-362 E. 11<sup>th</sup> Avenue, 366-366 ½ E. 11<sup>th</sup> Avenue and 379 E. 11<sup>th</sup> Avenue, respectively; reduction of required minimum lot width from 50 feet to existing lot (parcel) widths, including existing 42', 41', 40' and 27', as shown on the Site Plan; reduce maximum side yards; permit existing minimum side yards of less than five (5) feet; permit parking lots to occupy required rear yard; permit aisles to be divided by property lines subject to total aisle width being a minimum of 20 feet; permit a driveways to be divided by property lines subject to total driveway width being a minimum of 20 feet; to reduce the minimum required parking setback from ten (10) feet to five (5) feet for the North Sixth Street frontage of 361-369 E. 11<sup>th</sup> Avenue and to zero (0) feet for the Grant Avenue frontage of 397-403 E. 11<sup>th</sup> Avenue; no parking lot screening within 80 feet of residential districts except as noted on the Site Plan referenced in Section 4 and no headlight screening along the Grant Avenue frontage of 397-403 E. 11<sup>th</sup> Avenue; to permit parking space maneuvering area to be divided by a property lines subject to total maneuvering area being a minimum of 20 feet; to permit certain parking spaces to be 8' and 8.5 feet wide as designated on the Site Plan, and to permit property lines to divide parking spaces subject to the total parking space being the full required dimensions; to permit dumpster boxes to be placed across property lines, in the C-4, Commercial and AR-4, Apartment Residential Districts; said property being more particularly described as follows:

**362 EAST 11<sup>th</sup> (43201)**, being 3.9 ± acres located on the north and south side of East 11<sup>th</sup> Avenue between North Fourth Street and Grant Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio: Being Lot or Parcel Number Thirty (30) in New Indianola Parcels as the same is numbered and delineated upon the Auditor's Plat (not recorded) on file in Auditor's Office, Franklin County, Ohio: And being more particularly bounded and described as follows:

Being at a point in the North line of East Eleventh Avenue, which is 560 feet East of the East line of North Fourth Street; thence Northerly parallel with the East line of North Fourth Street, 132.65 feet to the South line of a 15 foot Alley; thence Easterly along the South line of said Alley Forty (40) feet to a point; thence Southerly parallel with the East line North Fourth Street, 132.39 feet to the North line of East Eleventh Avenue; thence Westerly along said North line of East Eleventh Avenue Forty (40) feet to the point of beginning. Being known as 370 E. 11<sup>th</sup> Avenue, Columbus, Ohio 43201, PID: 010-003051

Situated in the County of Franklin, the State of Ohio and the City of Columbus and bounded and described as follows: Being Lot No. 11 and 30.75 feet off the west end of Lot No. 12 of New Indianola Addition as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, and also being known as 351-357 East 11<sup>th</sup> Avenue. Parcel No.: 010-018193.

Situated in the County of Franklin, the State of Ohio and the City of Columbus and bounded and described as follows: Being Lot No. 25 as the same is numbered and delineated in New Indianola Parcels, in the City of Columbus, Ohio, the same as is shown upon the recorded plat of said subdivision on file in the Auditors' Office of Franklin County, Ohio, and also known as 394-396 East 11<sup>th</sup> Avenue. Parcel No.: 010-030539.

Situated in the State of Ohio, County of Franklin, and the City of Columbus, and being Lot Number 3 in New Indianola Addition to the said City of Columbus, Ohio as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 305 E 11<sup>th</sup> Avenue, Parcel No.: 010-014444.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and bounded and described as follows: Being Lot or Parcel Numbers 28, 29, and 9.50 feet of the west side of Lot or Parcel no. 27 of New Indianola Parcels as the same are numbered and delineated upon the Auditor's Plat thereof, not recorded, on file in the Auditor's Office, Franklin County, Ohio, and also being known as 374-382 East 11<sup>th</sup> Avenue. Parcel No.: 010-053429.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and bounded and described as follows: Being Lot Numbers 6 and 7 except 63 feet off of the north ends thereof, of the New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, and also being known as 1499-1505 North 5<sup>th</sup> Street. Parcel No.: 010-024505.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus and being parts of Lot Numbers 8 and 9 of New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio and being more particularly described as follows: Beginning at an iron pin in the southwest corner of Lot No. 8 of the above mentioned subdivision, said iron pin also being in the intersection of the east right-of-way of North 5<sup>th</sup> Street with the north right-of-way of a 15.00 foot alley; Thence North with the east right-of-way line of North 5<sup>th</sup> Street, a distance of 54.90 feet to an iron pin, said iron pin being 82.00 feet south of the south right-of-way line of East 11<sup>th</sup> Avenue; Thence East, a distance of 77.00 feet to an iron pin, said iron pin being in the east line of Lot No. 9 of the above-mentioned subdivision, a distance of 82.00 feet south of the south right-of-way line of East 11<sup>th</sup> Avenue; Thence South with the east line of Lot No. 9, a distance of 54.90 feet to an iron pin in the southeast corner of Lot No. 9 and the north line of a 15.00 foot alley; Thence with the north right-of-way line of said 15.00 foot alley, West, a distance of 77.00 feet to the place of beginning, containing 4227.30 square feet or 0.09704 acres, more or less. Also known as 1500-1502 North 5<sup>th</sup> Street. Parcel No.: 010-047770.

Situated in the County of Franklin, the State of Ohio, and the City of Columbus, and being Parcel No. 31 as the same is numbered and designated in New Indianola Parcels in said City of Columbus, as the same is shown upon the recorded plat of said subdivision on file in the Auditor's Office, Franklin County, Ohio, and also known as 366 East 11<sup>th</sup> Avenue. Parcel No.: 010-003052.

Situated in City of Columbus, County of Franklin, State of Ohio, and being Parcel Number Thirty-two (32) of New Indianola Parcels, as the said Lot is numbered and delineated upon the Auditor's Plat (not recorded) Franklin County, Ohio. Also known as 360-362 East 11<sup>th</sup> Avenue. Parcel No.: 010-003053.

Situated in the County of Franklin, City of Columbus, State of Ohio, and being Parcel No. 26 and 30.5 feet off the east side of Lot No. 27, as the same are numbered and designed in the New Indianola Parcels in the City of Columbus, as the same is shown upon the recorded plat of said Subdivision on file in the Auditor's Office, Franklin County, Ohio. Also known as 386-392 East 11<sup>th</sup> Avenue. Parcel No.: 010-053428.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Parcel Numbers 40 and 41 as the same are numbered in Indianola Parcels in the City of Columbus, the same as is shown upon the unrecorded plat of said Subdivision on file in the Auditor's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the Southwest corner of Lot 41 of the above-mentioned Subdivision, said point being in the North right-of-way line of East 11<sup>th</sup> Avenue and also being 120.00 feet East of the East right-of-way line of North 4<sup>th</sup> Street;

Thence North, a distance of 135.69 feet to an iron pin in the South line of a 15 foot alley;

Thence with said alley right-of-way South 89 deg. 36' 56" East, a distance of 80.002 feet to a railroad spike;

Thence South, a distance of 135.13 feet to an iron pin in the North right-of-way of East 11<sup>th</sup> Avenue;

Thence West with said right-of-way, a distance of 80.00 feet to the place of beginning, containing 10832.80 sq. ft. or 2487 acres, more or less.

Also known as 312-314 East 11<sup>th</sup> Avenue and 318 East 11<sup>th</sup> Avenue. Parcel Nos.: 010-018591 and 010-024454.

Situated in the City of Columbus, County of Franklin, State of Ohio and being eight and one-fourth (8 ¼) feet off the East side of Lot Number Twelve (12), all of Lot Numbers Thirteen (13) and Fourteen (14) of New Indianola Addition, to the City of Columbus, as said Lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 12, Page 35, Recorder's Office, Franklin County, Ohio. Also being known as 361-369 East 11<sup>th</sup> Avenue. Parcel No: 010-043486.

Situated in the State of Ohio, County of Franklin, City of Columbus and being Lot Numbers 33, 34 and 35 of the NEW INDIANOLA parcels as said lots are numbered and delineated upon the Auditor's Plat on file in the Auditor's Office, Franklin County, Ohio. Also being known as 343-354 East 11<sup>th</sup> Avenue. Parcel No: 010-002602.

Situated in the City of Columbus, State of Ohio, being part of Lots 8, and 9 of New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 337-339 East 11<sup>th</sup> Avenue and being more particularly described as follows:

Beginning at the northwest corner of said Lot Number 8; thence southerly along the west line of said Lot Number 8, 82 feet to a point; then easterly and parallel with the north line of Lot Numbers 8 and 9, 47 feet to a point; thence northerly and parallel with the west line of said Lot Number 9, 82 feet to the north line of said Lot Number 9; thence westerly along the north line of Lot Numbers 8 and 9, 47 feet to the place of beginning. Also known as 337 - 339 E Eleventh Avenue, being Parcel Number 010-063819.

Situated in the State of Ohio, County of Franklin, City of Columbus and being Lot Number Ten (10) and part of Lot Number Nine (9) of the NEW INDIANOLA ADDITION to the City of Columbus, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at the northeast corner of Lot No. 10, thence west along the north line of Lots Nos. 9 and 10, to a point 30 feet west of the northeast corner of Lot No. 9, 82 feet; thence east on a line parallel with the north line of Lot No. 9, 30 feet to the east line of Lot No. 9; thence south on the east line of Lot No. 9; thence south on the east line of Lot No. 9, 55.34 feet to the southeast corner of said lot; thence east on the south line of Lot No. 10 to the southeast corner thereof; thence north on the east line of said Lot No. 10, 137.56 feet to the place of beginning. Also know as 341-345 E 11<sup>th</sup> Avenue, Parcel Number 010-047771.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number 36 of the New Indianola Parcels as the same is numbered and delineated upon the record plat of said addition on file in the Auditor's Office, of Franklin County, Ohio. Also known as 338-340 East 11<sup>th</sup> Avenue. Parcel No.: 010-24606.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number 15 and part of Lot Number 16 of the New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, or record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, being also known as 379-385 ½ East 11<sup>th</sup> Avenue, being more particularly described as follows:

Beginning at an iron pin in the southerly right-of-way of East 11<sup>th</sup> Avenue and the easterly right-of-way of 6<sup>th</sup> Street at the northwest corner of Lot Number 15;

Thence North 89 deg. 56' 16" East with the southerly right-of-way of East 11<sup>th</sup> Avenue and the north line of Lot Number 15 and Lot Number 16, a distance of 69 feet to a cross mark in the sidewalk 6 feet west of the northeast corner of Lot Number 16;

Thence South on a line parallel to the east line of Lot Number 16 and 6 feet west of the east line of Lot Number 16, a distance of 138.90 feet to an iron pin in the southerly line of Lot Number 16 and the northerly right-of-way of a 15 foot alley;

Thence North 89 deg. 56' 16" West with the northerly right-of-way of said alley, a distance of 69 feet to an iron pin at the southwest corner of Lot Number 15 at the intersection of the easterly right-of-way of 6<sup>th</sup> Street and the northerly right-of-way of said alley;

Thence North with the easterly right-of-way of 6<sup>th</sup> Street and the westerly line of Lot Number 15, a distance of 138.75 feet to the place of beginning, containing 0.220 acres (9578.9 sq. ft.), more or less. Parcel Nos.: 010-063695 and 010-063712.

Situated in the City of Columbus, County of Franklin, State of Ohio and being six (6) feet off the East Side of Lot Number Sixteen (16) and all of Lot Number Seventeen (17) of New Indianola Addition to said City, as the same are numbered and delineated upon the recorded plat thereof or record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, EXCEPTING from the above described Lot Number Seventeen (17) and a piece of land six (6) feet east and west and ten (10) feet north and south out of the southeast corner thereof, ALSO EXCEPTING three (3) feet off of the east side of said Lot Number 17. Also known as 387-389 ½ East 11<sup>th</sup>. Parcel No: 010-24508.

Situated in the City of Columbus, County of Franklin, State of Ohio and being Lot Number Eighteen (18) of New Indianola Addition to said City, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio, together with a strip six (6) feet east and west and ten (10) feet north and south out of the southwest corner thereof, together with a strip three (3) feet wide taken off the entire east side excepting the south ten (10) feet of Lot Number Seventeen (17) of said New Indianola Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 393-395 ½ East 11<sup>th</sup> Avenue. Parcel No: 010-024509.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Numbers 19 and 20 of New Indianola Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 397-403 East 11<sup>th</sup> Avenue. Parcel Number: 010-024510.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lot Number Four (4) in New Indianola Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 309-311 East 11<sup>th</sup> Avenue, Parcel No.: 010-018590.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being Lots Numbered Five (5) and the North 63 feet of Lots Six (6) and Seven (7) in New Indianola Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio. Also known as 315 - 327 East 11<sup>th</sup> Avenue, Parcel No.: 010-024504.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a total of 90 dwelling units and accessory parking or those uses permitted in the C-4 and AR-4, Apartment Residential Districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**WEINLAND PARK, E. 11<sup>TH</sup> AVENUE,**" drawn by Architectural Alliance, dated June 13, 2013 and signed June 13, 2013 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 upon applicant installing a 3' tall wood fence or other 75% opaque screen along the Grant Avenue property line of 397-403 E. 11<sup>th</sup> Avenue if the Public Service Department does not grant permission to place landscaping for headlight screening in the Grant Avenue right of way.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 6.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**