



## Legislation Details (With Text)

**File #:** 1354-2014      **Version:** 1

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

**File created:** 6/3/2014      **In control:** Zoning Committee

**On agenda:** 6/23/2014      **Final action:** 6/26/2014

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3309.14, Height District, 3312.49(C), Minimum number of parking spaces; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 31 EAST HUBBARD AVENUE (43215), to permit a forty-two (42)-unit apartment building with reduced development standards in the C-4, Commercial District (CV14-005). (REPEALED BY ORD. 2072-2018; PASSED 7/30/2018)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1354-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20140623

Date	Ver.	Action By	Action	Result
6/26/2014	1	CITY CLERK	Attest	
6/24/2014	1	MAYOR	Signed	
6/23/2014	1	COUNCIL PRESIDENT	Signed	
6/23/2014	1	Zoning Committee	Approved	Pass
6/16/2014	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV14-005**

**APPLICANT:** The Wood Companies; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Forty-two-unit apartment building.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow the construction of a seventy-two (72)-foot tall, forty-two (42)-unit apartment building in the C-4, Commercial District. The request includes variances for increased building height, a reduction of ten (10) required parking spaces, and reduced vision clearance and building setback. This site is located in the vicinity of several sites that received Council variances to allow similar multi-story residential projects in the C-4, Commercial District. The requested variance will permit an apartment building with reduced development standards which is consistent with the development pattern and historic character of the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3309.14, Height District, 3312.49(C), Minimum number of parking spaces; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **31 EAST HUBBARD AVENUE (43215)**, to permit a forty-two (42)-unit apartment building with reduced development standards in the C-4, Commercial District (CV14-005). **(REPEALED**

BY ORD. 2072-2018; PASSED 7/30/2018)

**WHEREAS**, by application # CV14-005, the owner of property at **31 EAST HUBBARD AVENUE (43215)**, is requesting a Variance to permit a forty-two (42)-unit apartment building with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Sections 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes a forty-two (42)-unit apartment building with residential parking and two units on the first floor, and second floor residential uses not located over ground floor commercial uses; and

**WHEREAS**, Sections 3309.14, Height districts, requires a maximum building height of thirty-five (35) feet at the setback for this property, while the applicant proposes a multi-story building with a maximum height seventy-two (72) feet; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires sixty-three (63) parking spaces for forty-two (42) apartment units at 1.5 spaces per unit, while the applicant proposes fifty-three (53) parking spaces; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles to be ten (10) feet on each of the perpendicular sides of a triangle at the southeast corner of East Hubbard Avenue and North Pearl Street, while the applicant proposes zero (0) foot building setbacks on East Hubbard Avenue and North Pearl Street and therefore no clear vision triangle will be provided; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of twenty-five (25) feet from the street right-of-way, while the applicant proposes a zero (0) foot setback along Hubbard Avenue; and

**WHEREAS**, The Italian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because this site is located in the vicinity of several sites that received Council variances to allow similar multi-story residential projects in the C-4, Commercial District. The requested variance will permit an apartment building with reduced development standards which is consistent with the development pattern and historic character of the surrounding 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 roads, 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 **31 EAST HUBBARD AVENUE**, in using said property as desired and; 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; 3309.14, Height District; 3312.49(C), Minimum number of parking spaces required; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **31 EAST HUBBARD AVENUE (43215)**, insofar as said sections prohibit a forty-two (42)-unit apartment building, with an increased building height of seventy-two (72) feet, a parking space reduction from (63) spaces to fifty-three (53) spaces, encroachment of the building

into the clear vision triangle at the southeast corner of East Hubbard Avenue and North Pearl Street, and a zero (0) foot building setback on East Hubbard Avenue; said property being more particularly described as follows:

**31 EAST HUBBARD AVENUE (43215)**, being 0.27± acres located at the southeast corner of East Hubbard Avenue and North Pearl Street, and being more particularly described as follows:

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

Being the all of Lot Number Fifty-five (55) and the West one-half (1/2) of Lot Number Fifty-six (56) in WILLIAM A. GILL'S THIRD NORTH ADDITION, to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 389, Recorder's Office, Franklin County, Ohio, and containing Franklin County Parcel Numbers 010-029476, 010-023191 and 010-01094.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a forty-two (42)-unit apartment building, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plans titled, "**PRELIMINARY SITE COMPLIANCE PLAN**," and "**LEVEL 1 DETAIL FLOOR PLAN**," both dated June 2, 2014, and signed by Michael T. Shannon, 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 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 Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned on the applicant combining tax parcels 010-029476, 010-023191 and 010-01094 into one parcel prior to site compliance review.

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