



## Legislation Details (With Text)

**File #:** 0723-2008      **Version:** 1

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

**File created:** 4/18/2008      **In control:** Zoning Committee

**On agenda:** 5/12/2008      **Final action:** 5/15/2008

**Title:** To grant a Variance from the provisions of Sections 3333.11, ARLD area district requirements, 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, 3333.25, Side or rear yard obstruction, and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at 3237 MORSE ROAD (43231), to permit increased density and reduced side yards with eight foot tall fencing, and to reduce the number of required parking spaces in the L-ARLD, Limited Apartment Residential District (Council Variance #CV07-059).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD # 0723-2008 Attachments.pdf, 2. ORD # 0723-2008 Mailing Labels.pdf, 3. ORD # 0723-2008 Data Form.pdf

Date	Ver.	Action By	Action	Result
5/15/2008	1	CITY CLERK	Attest	
5/14/2008	1	MAYOR	Signed	
5/12/2008	1	Zoning Committee	Approved	Pass
5/12/2008	1	COUNCIL PRESIDENT	Signed	
5/5/2008	1	Columbus City Council	Read for the First Time	
4/25/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
4/25/2008	1	Dev Reviewer	Reviewed and Approved	
4/25/2008	1	Dev Drafter	Sent for Approval	
4/25/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/25/2008	1	Dev Drafter	Sent to Clerk's Office for Council	
4/18/2008	1	Dev Drafter	Sent for Approval	

### Council Variance Application: CV07-059

**APPLICANT:** Community Housing Network, Inc.; c/o Samantha Shuler; 957 East Broad Street; Columbus, Ohio 43215.

**PROPOSED USE:** Multi-family development.

**NORTH EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This application is a companion council variance to rezoning application Z07-062 to rezone 2.3 acres from C-4, Commercial and AR-12, Apartment Residential Districts to L-ARLD, Limited Apartment Residential District. The applicant is proposing a three-story apartment building with 42 one-bedroom dwelling units. The requested variances include a side yard of zero (0) feet for the existing driveway, an eight (8) foot tall fence along the south and west property lines and a reduction in parking spaces from 84 to 33. The applicant, Community Housing Network, has indicated that they operate over 1,000 other low-income housing units for disabled individuals and that only a very small number of their tenants

own cars, reducing the need for parking spaces. The proposed development, as conditioned, is compatible with development in the area.

To grant a Variance from the provisions of Sections 3333.11, ARLD area district requirements, 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, 3333.25, Side or rear yard obstruction, and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **3237 MORSE ROAD (43231)**, to permit increased density and reduced side yards with eight foot tall fencing, and to reduce the number of required parking spaces in the L-ARLD, Limited Apartment Residential District (Council Variance #CV07-059).

**WHEREAS**, by application No. CV07-059, the owner of property at **3237 MORSE ROAD (43231)**, is requesting a Council variance to permit an apartment house with reduced development standards in the L-ARLD, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.11, ARLD area district requirements, allows one dwelling unit per 2,500 square feet of lot area, which would permit 39 dwelling units on the site, while the applicant proposes to build 42 dwelling units, for a rate of one dwelling unit per 2,376 square feet; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires the sum of the widths of each side yard to equal 20% of the width of the lot, with a maximum required side yard of six (6) feet for the existing entrance drive, while the applicant proposes the sum of the widths of the side yards equal zero (0) feet for the existing entrance drive; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a minimum side yard of five (5) feet for each side yard, while the applicant proposes minimum side yards of zero (0) feet for the existing entrance drive; and

**WHEREAS**, Section 3333.25, Side or rear yard obstruction, does not allow structures requiring a building permit in required side yard, while the applicant proposes eight (8) foot tall fencing, which requires a building permit, along the south and west property lines; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit for a total of 84 parking spaces, while the applicant proposes to provide 33 parking spaces; and

**WHEREAS**, the North East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed development, as conditioned, is compatible with development in the area; 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 **3237 MORSE ROAD (43231)**, 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 3333.11, ARLD area district requirements, 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, 3333.25, Side or rear yard obstruction, and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **3237 MORSE ROAD (43231)**, insofar as said sections prohibit one dwelling unit per 2,376 square feet with zero (0) foot side yards for the existing entrance drive, eight (8) foot tall fencing on the south and west property lines, and a reduction in required parking spaces from 84 to 33 parking spaces, said property being more particularly described as follows:

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses

permitted in the L-ARLD, Limited Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on a maximum of 42 one-bedroom dwellings units.

**SECTION 4.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**3237 MORSE ROAD SITE PLAN**," signed by Samantha Shuler, attorney for the applicant, and dated April 21, 2008. Any slight adjustment to the plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

**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.