



## Legislation Details (With Text)

**File #:** 1704-2013      **Version:** 3

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

**File created:** 6/26/2013      **In control:** Zoning Committee

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

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; 3333.055, Exception for single- or two-family dwelling, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at 1437 CHESAPEAKE AVENUE (43212), to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards and to declare an emergency (Council Variance #CV13-007). (REPEALED BY ORD. 0422-2014 PASSED 3/3/2014)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1704-2013attachments, 2. Notice Of Public Hearing - Council Mtg20130722

| Date      | Ver. | Action By             | Action                            | Result |
|-----------|------|-----------------------|-----------------------------------|--------|
| 7/25/2013 | 3    | ACTING CITY CLERK     | Attest                            |        |
| 7/24/2013 | 3    | ACTING MAYOR          | Signed                            |        |
| 7/22/2013 | 3    | COUNCIL PRESIDENT     | Signed                            |        |
| 7/22/2013 | 1    | Zoning Committee      | Amended to Emergency              | Pass   |
| 7/22/2013 | 1    | Zoning Committee      | Approved as Amended               | Pass   |
| 7/22/2013 | 3    | Zoning Committee      | Reconsidered                      | Pass   |
| 7/22/2013 | 3    | Zoning Committee      | Amended as submitted to the Clerk | Pass   |
| 7/22/2013 | 3    | Zoning Committee      | Approved as Amended               | Pass   |
| 7/15/2013 | 1    | Columbus City Council | Read for the First Time           |        |

**Council Variance Application: CV13-007**

**APPLICANT:** Metropolitan Holdings LLC; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Concurrent Council variance with Rezoning Z13-013 to reduce development standards for proposed multiple-unit dwellings.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The subject site is being rezoned to the AR-1, Apartment Residential District. The applicant is requesting this concurrent Council variance along with the rezoning Z13-013 to allow two separate 2-unit buildings on four separate lots, each with reduced development standards. Given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the

proposed use and zoning compatible with the zoning pattern and development pattern of the area. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow two buildings containing just two dwelling units and the variance to permit dwellings without frontage on a public street as technicalities which will have no negative effect on the development or the surrounding area. The proposed building line reduction is in keeping with similar variances already granted elsewhere to the applicant along Chesapeake Avenue. Staff can support a side yard setback reduction along with allowing parking in the side yards without screening in this instance since this site abuts the applicant's properties on either side so the applicant would only be impacting himself and his tenants.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; **3333.055, Exception for single- or two-family dwelling**, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, for the property located at **1437 CHESAPEAKE AVENUE (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance #CV13-007). **(REPEALED BY ORD. 0422-2014 PASSED 3/3/2014)**

**WHEREAS**, by application #CV13-007, the owner of property at **1437 CHESAPEAKE AVENUE (43212)**, is requesting a Variance concurrent with rezoning Z13-013 to permit multiple-unit dwellings with reduced development standards; and

**WHEREAS**, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have to allow two separate 2-unit buildings on four separate lots;

**WHEREAS**, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots; and

**WHEREAS**, Section 3312.12, Driveway, requires driveways to be at least 10 feet wide on a lot or a total of 20 feet wide, while the applicant proposes to have 9 foot wide driveways for a total of 18 feet; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines; and

**WHEREAS**, Section 3321.05, Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes a porch post and second floor balcony support within the clear vision triangle as shown on the site plan; and

**WHEREAS**, Section **3333.055, Exception for single- or two-family dwelling**, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct two (2) two-unit dwellings on the same lot on all of the lots; and

**WHEREAS**, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes lot widths of forty (40) feet; and

**WHEREAS**, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for one of the buildings on each lot; and

**WHEREAS**, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of eight (8) feet Chesapeake Avenue; and

**WHEREAS**, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three and one tenth of a foot (3.1); 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 twenty-five (25%) percent of the total lot area, while the applicant proposes rear yards of six percent (6%); and

**WHEREAS**, Section 3333.25, Side or rear yard obstruction, requires side yards to be open to the sky while the applicant proposes to allow parking in the proposed side yards; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

**WHEREAS**, City Departments recommend approval for this concurrent Council variance because given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1437 CHESAPEAKE AVENUE (43212)**, 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.** Variances from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05, Vision clearance; **Exception for single- or two-family dwelling**, 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.25, Side or rear yard obstruction, of the Columbus City Codes, are hereby granted for the property located at **1437 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District on lots forty (40) feet in width, with building setback of twelve (12) feet, with two buildings without frontage on a public street, with side yards of 3 and one tenth (3 1/10) feet, with a rear yard comprising six percent (6%) of the entire lot, with vehicular maneuvering across property lines and parking in the side yard and without parking lot screening, said property being more particularly described as follows:

**1437 CHESAPEAKE AVENUE (43212)**, being 0.64± acres located on the south side of Chesapeake Avenue, 750± feet east of North Star Avenue, and being more particularly described as follows:

**Legal Description**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 76, 77, 78, and 79 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Matt Vekasy and described as follows:

*Beginning* in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 76 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160 feet to the northeast corner of said Lot 79;

Thence Southerly, along the east line of said Lot 79, about 163 feet to the southeast corner of said Lot 79, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 160 feet to the southwest corner of said Lot 76;

Thence Northerly, along the west line of said Lot 76, about 163 feet to the *Point of Beginning*. Containing approximately .64 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-007169, 130-001397, 130-005040, 130-003898.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-unit buildings on a lot or those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1437 CHESAPEAKE AVENUE,**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS FOR 1437 CHESAPEAKE AVENUE,**" both signed by David L. Hodge, attorney for the applicant, and both dated June 10, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services or his or her designee upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** ~~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.**