



Legislation Details (With Text)

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On agenda: 2/11/2019 **Final action:** 2/13/2019

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.21, Landscaping and screening; 3321.05(B)(2), Vision clearance; 3325.331(B), Setback Requirements; 3325.361, Landscaping and Screening; 3332.25, Maximum side yard required; 3332.26(C)(2), Minimum side yard permitted; and 3371.01 (f), P-1 private parking district, of the Columbus City Codes; for the property located at 38 EAST SIXTH AVENUE (43201), to permit a parking lot with reduced development standards in the R-4, Residential District and the P-1, Parking District (Council Variance #CV18-070).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0344-2019_Attachments, 2. ORD0344-2019_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 2/13/2019 | 1 | CITY CLERK | Attest | |
| 2/12/2019 | 1 | MAYOR | Signed | |
| 2/11/2019 | 1 | COUNCIL PRESIDENT | Signed | |
| 2/11/2019 | 1 | Zoning Committee | Approved | Pass |
| 2/4/2019 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV18-070

APPLICANT: Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

PROPOSED USE: Parking lot.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a parking lot in the R-4, Residential (Parcel 1), and P-1, Parking (Parcel 2) districts that was established without zoning clearance or permits. The requested Council variance will permit the parking lot in the R-4, Residential district and will legitimize the existing development. In addition to the R-4 district use variance, variances to maximum and minimum side yards, landscaping and screening, parking setback line, vision clearance, and setbacks are included in this request. The site is located within the boundaries of the *University Area Plan* (2015), which recommends "Regional Mixed Use" at this location. The site is also subject to a Certificate of Approval by the University Impact District Review Board, wherein adequate landscaping will be incorporated on the east side of the parking lot. The applicant has confirmed that the parking spaces in the lot are 9 feet by 18 feet, have 20 feet of maneuvering area, and will be installing wheel stop devices per City Code requirements. Staff is supportive of these variances as the parking lot is consistent with the land use recommendations of the *University Area Plan*, has existed on the property for almost a decade, and serves as employee and customer parking for the building

located at 1288 North High Street which received a parking space reduction variance (Application #BZA12310-00202) in 2012.

To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.21, Landscaping and screening; 3321.05(B)(2), Vision clearance; 3325.331(B), Setback Requirements; 3325.361, Landscaping and Screening; 3332.25, Maximum side yard required; 3332.26(C)(2), Minimum side yard permitted; and 3371.01 (f), P-1 private parking district, of the Columbus City Codes; for the property located at **38 EAST SIXTH AVENUE (43201)**, to permit a parking lot with reduced development standards in the R-4, Residential District and the P-1, Parking District (Council Variance #CV18-070).

WHEREAS, by application #CV18-070, the owner of property at **38 EAST SIXTH AVENUE (43201)**, is requesting a Council variance to permit a parking lot with reduced development standards in the R-4, Residential District and the P-1, Parking District; and

WHEREAS, Section 3332.039, R-4, residential district, prohibits a parking lot as a principle use, while the applicant proposes to legitimize an existing parking lot on Parcel 1; and

WHEREAS, Section 3312.21, Landscaping and screening, requires certain interior landscaping and perimeter screening for parking lots, while the applicant proposes a landscaped area of nine feet in width from the eastern property line of Parcel 1 consisting of a fence that exceeds four feet in height, plantings and a hedge with the height of no less than three feet above the parking lot grade along the Courtland Avenue, and to otherwise not require interior, setback, or perimeter landscaping on both Parcels 1 and 2; 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 to maintain no clear vision triangle at the intersection of Courtland Avenue and East Sixth Avenue on Parcel 1; and

WHEREAS, Section 3325.331(B), Setback Requirements, requires parking and maneuvering to be located a minimum of 5 feet from the street right-of-way, while the applicant proposes a parking setback line of 0 feet along East Sixth Avenue on both Parcels 1 and 2; and

WHEREAS, Section 3325.361, Landscaping and Screening, requires certain perimeter landscaping and screening for parking lots, while the applicant proposes a landscaped area of nine feet in width from the eastern property line of Parcel 1 consisting of a fence that exceeds four feet in height, plantings and a hedge with the height of no less than three feet above the parking lot grade along the Courtland Avenue, and to otherwise not require interior, setback, or perimeter landscaping on both Parcels 1 and 2; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot, or 12 feet for a lot width of 60 feet, while the applicant proposes a reduced maximum side yard of nine feet on Parcel 1; and

WHEREAS, Section 3332.26(C)(2), Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes to maintain a reduced minimum side yard of zero feet along the west property line of Parcel 1; and

WHEREAS, Section 3371.01 (f), P-1 private parking district, requires a landscaped buffer strip containing a wall, fence, hedge and/or other plant material where contiguous to a residential or apartment residential district, while the applicant proposes no landscaping along the eastern property line of Parcel 2 where it abuts Parcel 1, noting that Parcel 1 adjacent to Courtland Avenue shall have a landscaped area of nine feet in width from the eastern property line consisting of a fence that exceeds four feet in height, and plantings and a hedge with the height of no less than three feet above the parking lot grade; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the University Impact District Review Board recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval of the requested variances as the parking lot is consistent with the land use recommendations of the *University Area Plan*, has existed on the property for almost a decade, and serves as employee and customer parking for the building located at 1288 North High Street which received a parking space reduction variance (Application #BZA12310-00202) in 2012; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **38 EAST SIXTH AVENUE (43201)**, 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 3332.039, R-4, residential district; 3312.21, Landscaping and screening; 3321.05(B)(2), Vision clearance; 3325.331(B), Setback Requirements; 3325.361, Landscaping and Screening; 3332.25, Maximum side yard required; 3332.26(C)(2), Minimum side yard permitted; and 3371.01 (f), P-1 private parking district, of the Columbus City Codes, are hereby granted for the property located at **38 EAST SIXTH AVENUE (43201)**, insofar as said sections prohibit a parking lot in the R-4, Residential District on Parcel 1; with no interior or perimeter parking lot landscaping and screening except for the eastern portion of Parcel 1 adjacent to Courtland Avenue which will have a landscaped area of nine feet in width from the eastern property line consisting of a fence that exceeds four feet in height, and plantings and a hedge with the height of no less than three feet above the parking lot grade; no vision clearance triangle at the corner of Courtland Avenue and East Sixth Avenue on Parcel 1; a reduced parking setback line from five feet to zero feet along East Sixth Avenue for Parcels 1 and 2; a reduced maximum side yard from twelve to nine feet on Parcel 1; a reduced minimum side yard from five feet to zero feet along the west property line of Parcel 1; and no landscaping or screening along the eastern property line of Parcel 2; said property being more particularly described as follows:

38 EAST SIXTH AVENUE (43201), being 0.18± acres located at the northwest corner of East Sixth Avenue and Courtland Avenue, and being more particularly described as follows:

**Parcel 1 (R-4)
010-029284**

Situated in the City of Columbus, County of Franklin and State of Ohio and bounded and described as follows:

Being 60 feet off the east ends of Lots 18 and 19 of DONALDSON AND BUTLER'S ADDITION or Subdivision of land in the City of Columbus, said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 199, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at the southeast corner of Lot No. 19 which point is also the intersection of the north line of Sixth Avenue with the west line of Courtland Avenue, thence north along the east lines of Lots No. 18 and 19 to the Northeast corner of Lot No. 18; thence west 60 ft. on the north line of said Lot No. 18 to a point; thence south parallel with the east lines of Lots

Nos. 18 and 19 to a point in the south line of Lot No. 19; thence east on the south line of Lot 19 to the place of beginning.

Parcel 2 (P-1)
010-045267

Situated in the City of Columbus, County of Franklin and State of Ohio and bounded and described as follows:

Being 50 feet off the west end of Lots 18 and 19 of DONALDSON' AND BUTLER'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 199, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a three-unit dwelling or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

SECTION 4. That this ordinance is further conditioned on the following: The landscaping and screening described above on Parcel 1 shall be delineated on the Site Compliance Plan reflecting what has been approved in the Certificate of Approval issued by the University Impact District Review Board.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.