



Legislation Details (With Text)

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On agenda: 11/24/2014 **Final action:** 11/26/2014

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard of the Columbus City Codes; for the property located at 1506 CHESAPEAKE AVENUE (43212), to permit the construction of one-, two-, and four-unit dwellings with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance No. 1546-2014, passed on July 21, 2014 and to declare an emergency (Council Variance # CV14-049).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2625-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20141124

Date	Ver.	Action By	Action	Result
11/26/2014	2	CITY CLERK	Attest	
11/25/2014	2	MAYOR	Signed	
11/24/2014	2	COUNCIL PRESIDENT	Signed	
11/24/2014	1	Zoning Committee	Approved as Amended	Pass
11/24/2014	1	Zoning Committee	Amended to Emergency	Pass
11/17/2014	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV14-049

APPLICANT: Metropolitan Holdings LLC; c/o David L. Hodge, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 460, Columbus, OH 43215.

PROPOSED USE: Mixed residential development with reduced standards.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with single and multi-unit dwellings and zoned AR-1, Apartment Residential District, and is subject to Ordinance No. 1546-2014, passed on July 21, 2014 (CV14-015), which allowed mixed residential development (1-4 unit buildings) with reduced development standards in two sub areas (35 total units). The requested Council variance will replace three (3) three-unit dwellings with two (2) four-unit dwellings and two (2) two-unit dwellings, but will reduce the total number of bedrooms. The site plan is virtually the same as approved with Ordinance No. 1546-2014. The new proposal is for four (4) four-unit dwellings, eight (8) two-unit dwellings and two (2) single-unit dwellings for a total of 34 units in Subarea 1. Additionally, an existing four-unit dwelling is included in this request, and is a part of Subarea 2. A variance is necessary because the AR-1 District does not permit single- and two-unit dwellings within a multiple dwelling development. Other variances

include fronting on a public street for rear dwellings, and reductions to building lines, perimeter yard, and parking lot landscaping and screening. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this location. Staff finds that the proposal meets the Plan's considerations, and believes that it will not add incompatible uses since there have been variances already granted to the applicant in this area for similar developments. It is both staff's and the applicant's understanding that if additional parcels in this area are zoned for similar developments, the applicant will be required to provide community open space as part of the new proposals.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard of the Columbus City Codes; for the property located at **1506 CHESAPEAKE AVENUE (43212)**, to permit the construction of one-, two-, and four-unit dwellings with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance No. 1546-2014, passed on July 21, 2014 **and to declare an emergency** (Council Variance # CV14-049).

WHEREAS, by application No. CV14-049, the owner of property at **1506 CHESAPEAKE AVENUE (43212)**, is requesting a Council Variance to permit four (4) four-unit dwellings, eight (8) two-unit dwellings and two (2) single-unit dwellings on one lot (Subarea 1), and a four-unit dwelling on a separate lot (Subarea 2), with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development on one lot, while the applicant proposes to construct four (4) four-unit dwellings, eight (8) two-unit dwellings and two (2) single-unit dwellings on one lot Subarea 1; and

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 lot in Subarea 1; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces per unit for four (4) or more dwelling units for a total of six (6) required spaces, while the applicant proposes to provide a total of three (3) parking spaces in Subarea 2; 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 to create a lot with a width of forty-nine (49) feet in Subarea 2; 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 rear dwellings in Subarea 1; 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 twelve (12) feet for Subarea 1; and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky while the applicant proposes to allow parking in the proposed side and rear yards in Subarea 2; and

WHEREAS, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for a multiple dwelling development, while the applicant proposes a perimeter yard that varies between zero (0) feet and three (3) feet in Subarea 1 as shown on the Site Plan; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request to reconfigure the approved site plan remains compatible with the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this area and includes recommended design guidelines for future residential development. Staff finds that the proposal meets the Plan's considerations, and believes that it will not add incompatible uses to the area since there have been variances already granted to the applicant along Chesapeake Avenue for similar developments. It is both staff's and the applicant's understanding that if additional parcels in this area are zoned for similar developments, the applicant will be required to provide community open space as part of the new proposals; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1506 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. That a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.49, Minimum number of parking spaces required; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1506 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit one and two-unit dwellings, with no parking lot screening in Subarea 1, a parking reduction of three (3) required parking spaces in Subarea 2, a reduced lot width of forty-nine (49) feet in Subarea 2, dwellings having no frontage on a public street for rear dwellings in Subarea 1, reduced building lines from twenty-five (25) feet to twelve (12) feet in Subarea 1, parking in the proposed side and rear yards in Subarea 2, and a reduced perimeter yard from twenty-five (25) feet to between zero (0) feet and three (3) feet in Subarea 1; said property being more particularly described as follows:

1506 CHESAPEAKE AVENUE (43212), being 1.28± acres located on the north side of Chesapeake Avenue, 300± feet east of North Star Road, and being more particularly described as follows:

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 38, 39, 40, 41, 42, 43, 44 and 45 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Kitchner Park, Inc., Guy Williams, Jr., and Laura Williams, and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 38 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 320 feet to the southeast corner of said Lot 45;

Thence Northerly, along the east line of said Lot 45, about 175 feet to the northeast corner of said Lot 45, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 320 feet to the northwest corner of said Lot 38;

Thence Southerly, along the west line of said Lot 38, about 175 feet to the *Point of Beginning*. Containing approximately 1.28+/- acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 420-292066, 420-292058, 420-292057, 420-292062, 420-292072, 420-292055, 420-292059.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a thirty-eight (38) unit development consisting of one-, two-, and four-unit dwellings in accordance with the submitted Site Plan, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**ZONING COMPLIANCE PLAN - ZCL-1, ZONING COMPLIANCE PLAN BUILDING ELEVATIONS - ZCL-2**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS - ZCL-3**," drawn by V Design, dated October 30, 2014, and signed by David L. Hodge, 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 Plans 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 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.

SECTION 6. That Ordinance No. 1546-2014, passed on July 21, 2014, be and is hereby repealed.