



Legislation Text

File #: 2183-2023, Version: 1

Council Variance Application: CV21-096

APPLICANT: Lykens Companies; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Single-unit residential development and non-accessory parking.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of nine parcels zoned in the R-2F, Residential District; two developed with single-unit dwellings, and the remaining seven developed as a 54-space non-accessory parking lot as approved by Ordinance 2432-2003 (CV03-032), which also permits office and restaurant uses for the Engine House No. 5 building located at 121 Thurman Avenue (now a 12,000 square foot office building). The requested Council variance will reconfigure the existing parcels into 14 lots for 11 new single-unit dwellings, the two existing single-unit dwellings, a "reserve" area for vehicular access and maneuvering, and an eight-space parking lot for the commercial uses at 121 Thurman Avenue. A Council variance is required because the R-2F, Residential District does not permit parking or commercial vehicular access as primary use. Variances are also included for maneuvering, parking lot landscaping and screening, vision clearance, lot width, lot area, lot coverage, fronting, building lines, side yards, rear yards, and private garage. The site is located within the boundaries of the German Village Commission, and is subject to Certificate of Appropriateness issuance for the new dwellings. The request is consistent with other residential infill developments in historic neighborhoods, will permit off-site parking for an adjacent commercial use, and will not add new or incompatible uses to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.21 (D)(1), Landscaping and screening; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28 (E), Private garage, of the Columbus City Codes; for the property located at **133 THURMAN AVE. (43206)**, to permit a non-accessory parking lot, vehicular access, and reduced development standards for single-unit dwellings in the R-2F, Residential District (Council Variance #CV21-096).

WHEREAS, by application #CV21-096, the owner of the property at **133 THURMAN AVE. (43206)**, is requesting a Variance to permit a non-accessory parking lot, vehicular access, and reduced development standards for single-unit dwellings in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits vehicular access and parking as primary uses, while the applicant proposes eight off-site parking spaces for an adjacent commercial property on Parcel 11, and to allow commercial vehicular access through an easement on Reserve A and Parcels 12, 13, and 14, as shown on the submitted site plan; 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 maneuvering to cross parcels lines, but with all provided parking spaces having the total code required maneuvering area; and

WHEREAS, Section 3312.21(D)(1), Parking lot screening, requires headlight screening of a parking lot along a public street, and requires screening of a parking lot within 80 feet of residentially zoned property within a landscaped area at least four feet in width and no less than five feet in height, while the applicant proposes a reduced buffer strip along the north, south and east sides of Parcel 11 from four feet to three feet, with reduced screening height from five to three feet; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each residential lot adjacent to a street intersection, while the applicant proposes a reduced clear vision triangle of 10 feet at the southeast intersection of Thurman Avenue and South 4th Street; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes reduced lot widths between 20 feet and 44 feet, as shown on the submitted site plan; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes reduced lot area between 1,698 square feet and 5,140 square feet for Parcels 1-14, pursuant to lot area calculation in 3332.18(C); and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 57 percent for Parcels 1, 7, 8, 9, 10 and 14; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the dwellings on Parcels 7, 8, 9, 10 and 11 which will front on a public alley; and

WHEREAS, Section 3332.21, Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than 10 feet, while the applicant proposes reduced building lines along Thurman Avenue for Parcels 1, 2, 3, 4 and 5 from 24 feet to 4 feet, 12 feet, 10 feet, 7 feet, and 15 feet, respectively, and to reduce the Parcel 1 setback along South 4th Street from 10 feet to 2 feet for the single-unit dwelling and to 6 feet for the detached garage; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, while the applicant proposes to maintain reduced maximum side yards from 6.2 feet to 5 feet for Parcel 5, and to 4 feet for Parcel 4; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires side yards to be no less than three feet, while the applicant proposes reduced side yards of one foot for Parcel 4 and two feet for Parcel 14; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes reduced rear yards of 12 percent for Parcels 12, 13, and 14; and

WHEREAS, Section 3332.38(E), Private garage, requires a detached garage to not occupy more than 45 percent of the total rear yard, while the applicant proposes detached garages that occupy 51 percent of the rear yard for Parcels 7, 8, 9, and 10; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will permit new single-unit dwellings consistent with residential infill development within historic neighborhoods, and commercial parking and vehicular access that will not add a new or incompatible uses to the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed dwellings; 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 **133 THURMAN AVE. (43206)**, in using said property as desired; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.21(D)(1), Landscaping and screening; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28(E), Private garage, of the Columbus City Codes; for the property located at **133 THURMAN AVE. (43206)**, insofar as said sections prohibit vehicular access and parking as primary uses in the R-2F, Residential District; with maneuvering over parcel lines; a reduced vision clearance triangle from 30 to 10 feet at the southeast intersection of Thurman Avenue and South 4th Street; reduced landscaping buffer from four to three feet in width along the north, east and south sides Parcel 11, and reduced landscaping height from five to three feet along the north and south sides of Parcel 11; reduced lot widths from 50 feet to between 20 feet and 44 feet; reduced lot area from 6,000 square feet to between 1,698 and 5,140 square feet for Parcels 1-14; increased lot coverage from 50 to 57 percent for Parcels 1, 7, 8, 9, 10, and 14; no fronting for the dwellings on Parcels 7, 8, 9, 10 and 11; reduced building lines along Thurman Avenue from 24 feet to 4, 12, 10, 7, and 15 feet for Parcels 1, 2, 3, 4, and 5, respectively, and for Parcel 1 along South 4th Street from 10 feet to 2 feet for the single-unit dwelling and 6 feet for the detached garage; reduced maximum side yards from 6.2 feet to 5 feet and 4 feet for Parcel 1 and Parcel 4, respectively; reduced minimum side yards from three feet to one foot and two feet for Parcels 4 and 14, respectively; reduced rear yards from 25 to 12 percent for Parcels 12, 13, and 14; and increased rear yard coverage for a detached garage from 45 to 51 percent for Parcels 7, 8, 9 and 10; said property being more particularly described as follows:

133 THURMAN AVE. (43206), being 1.02± acres located at the southeast corner of Thurman Avenue and South 4th Street, and being more particularly described as follows:

DESCRIPTION OF 1.016 ACRES

Situated in the State of Ohio, County of Franklin, Truro Township, City of Columbus, being located in Half Section 28, Township 5, Range 22, Refugee Lands, being all of those tracts of land described in a deed to **121 Thurman LLC**, of record in Instrument Number 201701240011871, hereafter collectively referred to as the 121 Thurman tract, being that tract of land described in a deed to **147 Thurman LLC**, of record in Instrument Number 201703220039450, and being all of that tract of land described in a deed to **157 Thurman LLC**, of record in Instrument Number 201701100004613, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Thurman Avenue (60 feet wide - public) and the existing east right-of-way line for 4th Street (50 feet wide - public), being the northwest corner of said 121 Thurman tract;

Thence **South 85 degrees 40 minutes 25 seconds East**, along the existing south right-of-way line for Thurman Avenue,

along the north line of said 121 Thurman tract, along the north line of said 147 Thurman tract and along the north line of said 157 Thurman tract, a distance of **208.83 feet** to the northeast corner of said 157 Thurman tract;

Thence **South 04 degrees 13 minutes 53 seconds West**, along the east line of said 157 Thurman tract, a distance of **212.00 feet** to the southeast corner of said 157 Thurman tract, being on the existing north right-of-way line for Nursery Lane (variable width - public);

Thence **North 85 degrees 40 minutes 25 seconds West**, along the existing north right-of-way line for Nursery Lane, along the south line of said 157 Thurman tract and along the south line of said 121 Thurman tract, a distance of **208.82 feet** to the intersection of the existing north right-of-way line for Nursery Lane and the existing east right-of-way line for 4th Street, being the southwest corner of said 121 Thurman tract;

Thence **North 04 degrees 13 minutes 41 seconds East**, along the existing east right-of-way line for 4th Street and along the west line of said 121 Thurman tract, a distance of **212.00 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **1.016 acres**, of which:

0.083 acres is located within Franklin County Auditor's parcel number 010-052156,

0.041 acres is located within Franklin County Auditor's parcel number 010-040231,

0.041 acres is located within Franklin County Auditor's parcel number 010-044113,

0.083 acres is located within Franklin County Auditor's parcel number 010-044114,

0.049 acres is located within Franklin County Auditor's parcel number 010-248198,

0.115 acres is located within Franklin County Auditor's parcel number 010-029311,

0.116 acres is located within Franklin County Auditor's parcel number 010-017760,

0.083 acres is located within Franklin County Auditor's parcel number 010-010232,

0.405 acres is located within Franklin County Auditor's parcel number 010-057226.

Bearings described herein are based on South 85 degrees 40 minutes 25 seconds East for the south right-of-way line for Thurman Avenue, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an eight-space off-site parking lot (Parcel 11), vehicular access (Reserve A), single-unit dwellings, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**ZONING PLAN FOR THURMAN & S 4TH**," dated May 8, 2023, and signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant. The plan 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 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 upon the applicant obtaining all applicable permits and

Certificates of Occupancy for the proposed dwellings.

SECTION 5. That Ordinance #2432-2003 (CV03-032), passed December 8, 2003, shall no longer apply to the subject site.

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