



Legislation Text

File #: 1833-2013, **Version:** 3

Council Variance Application: CV13-009

APPLICANT: Guy Williams; 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 Z13-015 to reduce development standards for proposed multiple-unit dwellings.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Given the predominance of multi-unit dwellings to the north and south and the commercial use to the east, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Staff believes the storage yard to the west will eventually be redeveloped and this proposal will not negatively impact it while it is there. Staff also 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 or three buildings on a lot 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 Chambers Road. Staff also supports the side yard variances at this site given the adjacent uses surrounding the site.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.05(A), 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 and 3333.24, Rear yard; of the Columbus City Codes, for the property located at **1397 CHAMBERS ROAD (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance # CV13-009). **(REPEALED BY ORD. 1593-2014 PASSED 7/21/2014)**

WHEREAS, by application #CV13-009, the owner of property at **1397 CHAMBERS ROAD (43212)**, is requesting a Council variance concurrent with rezoning Z13-015 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 with two two-unit buildings on lot 3, with one three-unit buildings and one two unit building on each of lots 1, 2, 4 and 5 and with a lot 6 containing one two-unit building and two single-unit buildings all with reduced development standards; 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 lots; 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 3312.29, Parking space, allows stacked parking spaces only for single- ~~and two-unit dwellings and requires~~, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes stacked parking spaces behind the carriage houses on lots ~~4 and 46~~ **and further requires parking spaces to be 9 feet wide, while the applicant proposes parking spaces 8.5 feet wide on lots 1, 4 and 5;** and

WHEREAS, Section 3321.05(A), 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 on lot 6; 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 (lot 3), one three-unit building and one two unit buildings each on lots 1, 2, 4 and 5 and with a lot 6 containing one two-unit building and two single-unit buildings; 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 dwellings on every one of the lots as shown on the Site Plan; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chambers Road, while the applicant proposes a building line of twelve (12) feet; 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 (3) feet; 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 fourteen percent (14%) for lot 1, sixteen percent (16%) for lots 2 and 4, twelve percent (12%), for lots 3 and 5 and ten percent (10%) for lot 6; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because Staff supports the proposed land use given the AR-1, Apartment Residential Zoning to the south across Concord Avenue; 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 **1397 CHAMBERS ROAD (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 variances from the provisions 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.05(A), 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 and 3333.24, Rear yard of the Columbus City Codes, are hereby granted for the property located at **1397 CHAMBERS ROAD (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District, with building setbacks of twelve feet, with buildings on all lots without frontage on a public street, 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 feet, with a rear yard comprising as low as ten percent (10%) of the entire lot, with vehicular maneuvering across property lines, with parking spaces 8.5 feet wide, with stacked parking and parking in the side yard and without parking lot screening with said property being more particularly described as follows:

1397 CHAMBERS ROAD (43212), being 0.96± acres located on the south side of Chambers Road, 480± feet west of Northwest Boulevard, 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 34, 35, 36, and 37 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of 1405 LLC and Guy Williams, Jr. and described as follows:

Beginning in the south right-of-way line of Chambers Road and at the northwest corner of said Lot 34 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 160.55 feet to the northeast corner of said Lot 37;

Thence Southerly, along the east line of said Lot 37, about 170.46 feet to the southeast corner of said Lot 37, in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 158.62 feet to the southwest corner of said Lot 34;

Thence Northerly, along the west line of said Lot 34, about 170.45 feet to the *Point of Beginning*. Containing approximately .96 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-005576, 130-005577, 130-005578, 130-005579.

Being the western eighty-five (85) feet of Lot No. 30, John M. Pugh Subdivision and more particularly described as follows:

Beginning at an iron pin marking the intersection of the easterly-line of a (20) twenty foot alley with the southerly line of a thirty (30) foot street; thence, with the southerly line of said thirty (30) foot street, whose bearing is north eighty-nine degrees forty minutes and thirty seconds east (N. 89 deg. 40' 30" E), a distance of eight-five (85) feet; thence, parallel to the westerly line of Lot No. 30, south no degrees fifteen minutes east (S. 0 deg. 15' E) a distance of one hundred and seventy (170) feet to the northerly line of a twenty (20) foot alley; thence, with the northerly line of said alley, south eighty-nine degrees forty minutes and thirty seconds west (S. 89 deg. 40' 30" W) a distance of eighty-five (85) feet to an iron pin marking the intersection with the first above mentioned twenty (20) foot alley; thence, with the easterly line of said first aforementioned alley, north no degrees fifteen minutes west (N. 0 deg. 15' W) a distance of one hundred and seventy (170) feet to the point of beginning.

Tax parcel Nos. 130-001064, 130-002352

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 lot 3, with one three-unit building and one two unit building on each of lots 1, 2, 4 and 5 and

with a lot 6 containing one two-unit building and two single-unit buildings 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 1397 CHAMBERS AVENUE,**" and "**ZONING COMPLIANCE PLAN FOR 1397 CHAMBERS AVENUE BUILDING ELEVATIONS FOR 1397 CHAMBERS AVENUE, SHEETS ZCL-2 & ZCL-3**" all signed by David L. Hodge, attorney for the applicant, and both dated June 26, 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.**