



Legislation Text

File #: 1885-2021, **Version:** 1

Council Variance Application: CV21-054

APPLICANT: 1444 N. High, LLC; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with two apartment buildings zoned in the AR-O, Apartment Office District. The site is subject to Ordinance #1658-2018 (CV17-084) which permitted a mixed use building consisting of 2,900 square feet of ground floor commercial use and five townhouse units along the frontage of North High Street on the same lot as the existing apartment buildings. The requested Council Variance will establish a new set of variances that will accommodate a lot split so that the new construction is on a separate lot (west parcel) from the existing apartment buildings (east parcel). The site is within the Regional Commercial subarea of the University District Zoning Overlay, the University Impact District, and is subject to review by the University Impact District Review Board (UIDRB). The site is within the planning area of the *University District Plan* (2015), which recommends "Regional Mixed Uses" at this location. The proposed development is designed to integrate well with the surrounding High Street corridor. Staff supports this request as it is consistent with the Plan's land use recommendations and guidelines, and will not add incompatible uses to the corridor.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.49, Minimum numbers of parking spaces required; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; 3333.16, Fronting; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1444 N. HIGH STREET (43201)**, to permit a mixed-use building containing 2,900 square feet of ground level commercial uses and five apartment units on a proposed lot, and a multi-unit residential development on an adjacent lot with reduced development standards in the AR-O, Apartment Office District, and to repeal Ordinance #1658-2018, passed July 9, 2018 (Council Variance # CV21-054).

WHEREAS, by application #CV21-054, the owner of the property at **1444 N. HIGH STREET (43201)**, is requesting a Variance to permit a mixed-use building containing 2,900 square feet of ground level commercial uses and five apartment units on a proposed lot (the west parcel), and a multi-unit residential development consisting of 45 dwelling units on an adjacent lot (the east parcel) with reduced development standards in the AR-O, Apartment Office District; and

WHEREAS, Sections 3333.04, Permitted uses in AR-O apartment office district, only permits office and other specified commercial uses, while the applicant proposes 2,900 square feet of ground floor retail, office, and/or restaurant commercial uses on the proposed west parcel; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 20 parking spaces for 2,900 square feet of restaurant space and 5 parking spaces for 5 apartment units with 2 bedrooms each on the west parcel, and

24 spaces for the existing 45 apartment units with 48 bedrooms for the east parcel, calculated with the formula contained in Section 3325.381, Parking and Circulation, of the University District Zoning Overlay, while the applicant proposes a total of 0 (zero) spaces; and

WHEREAS, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of one tree for the five apartment units on the west parcel, and five trees for the forty-five apartments units on the east parcel, while the applicant proposes zero trees; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 75 percent and 90 percent for the east and west parcels, respectively; and

WHEREAS, Section 3333.16, Fronting, requires an apartment complex to have frontage on a public street, while the applicant proposes no frontage for the existing apartment buildings on the east parcel; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 5.5 percent for the west parcel; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 10 percent of the lot width, or 9.3 feet, while the applicant proposes a reduced perimeter yard of 2.5, 0, 2, and 0 feet for the north, east, south, and west perimeter yards, respectively, of the existing apartment buildings on the east parcel; and

WHEREAS, the University Area Commission recommends approval of said Council variance; and

WHEREAS, the University Impact District Review Board recommends approval of said Council variance; and

WHEREAS, City Departments recommend approval because the requested Council variance is consistent with the *University District Plan's* land use recommendations and guidelines, will not add incompatible uses to the corridor, and is designed to integrate well with the surrounding High Street corridor; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **1444 N. HIGH STREET (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 is hereby granted from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.49 Minimum numbers of parking spaces required; 3321.07(B), Landscaping; 3333.15(C), Basis of computing area; Section 3333.16, Fronting; Section 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1444 NORTH HIGH STREET (43201)**, insofar as said sections prohibit retail and restaurant uses within the AR-O district, with a parking space reduction from 25 and 24 required spaces on the west and east parcels, respectively, to 0 provided spaces; a reduction in required shade trees from one tree for the west parcel and five trees for the east parcel to zero total provided trees; an increased maximum lot coverage from

50% to 75% and 90% for the east and west parcels, respectively; with no frontage for the apartment buildings on the east parcel; a reduced rear yard from 25% on the west parcel to 5.5%; and a reduced perimeter yard from 9.3 feet to 2.5, 0, 2, and 0 feet for the north, east, south, and west perimeter yards, respectively, for the existing apartment buildings on the east parcel; said property being more particularly described as follows:

1444 NORTH HIGH STREET (43201), being 0.32± acres located on the east side of North High Street, 100± feet south of East Eighth Avenue, and being more particularly described as follows:

WEST PARCEL
0.073 AC. (3,193 SF)

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots Sixteen (16) and Seventeen (17) of Phil D. Fisher and Mrs. M.C. Millers Subdivision of about Five (5) Acres on the east side of North High Street Columbus Ohio, as the same is numbered and delineated upon the recorded plat thereof (to replace original destroyed by fire, Jan. 31, 1879) of record in Plat Book 3, Page 69, Recorder's Office, Franklin County, Ohio, and being part of Parcels I, II and III as conveyed to 1444 N High LLC, an Ohio limited liability company, of record in Inst. No. 201611100156382 and being more particularly described as follows:

Commencing at a mag nail set at the intersection of the east line of N. High Street (66 feet wide) with the south line of E. Eighth Avenue (50 feet wide), being the northwest corner of Lot Nineteen (19) of said subdivision;

Thence, along the east line of N. High Street, along the west line of said Lot 19 and Lot Eighteen (18) of said subdivision, South 08°22' 27" East, 104.24 feet to a point being the southwest corner of said Lot 18, the northwest corner of said Lot 17, said point being referenced by a mag nail set North 87°10' 15" West, 9.00 feet therefrom and being the TRUE POINT OF BEGINNING:

Thence, along part of the south line of said Lot 18, along part of the north line of said Lot 17, South 87°10' 15" East, 40.83 feet to a point, said point being referenced by a found 5/8" rebar with a yellow plastic cap inscribed "The Kleingers Group" at the northeast corner of said Lot 17, southeast corner of said Lot 18, South 87° 10' 15" East, 111.95 feet therefrom;

Thence, across said Lots 17 and 16 across said Parcels III, II and I the following three (3) courses:

- 1) South 02° 53' 53" West, 35.56 feet (passing the northwest corner of an ex 3 story brick building (Posted Address: 1444 N. High Street Building "B") at 2.94' and along the west face of said building) to the southwest corner of said building;
- 2) Along part of the south wall of said building, South 87° 12' 18" East, 5.50 feet to a point;
- 3) South 02° 49' 00" West, 55.35 feet to a point on the south line of said Parcel I, being five (5) feet north of the south line of said Lot 16, the north line of a tract conveyed to Radar of Huron, Ltd (Inst. No. 200907240108881), said point being referenced by a mag nail set South 86° 49' 46" East, 5.00 feet therefrom; said point being further referenced by a found 5/8" rebar with a yellow plastic cap inscribed "The Kleingers Group", South 86°49' 46" East, 118.29 feet therefrom being the southeast corner of said Parcel I, the northeast corner of said Radar of Huron, Ltd tract, and being on the westerly line of twenty (20) foot wide alley;

Thence, along part of the south line of said Parcel I, part of the north line of said Radar of Huron, Ltd tract along a line five (5) feet north of the south line of said Lot 16, North 86° 49' 46" West, 28.33 feet to a point, being the southwest corner of said Parcel I, the northwest corner of said Radar of Huron, Ltd tract, being on the west line of said Lot 16, the east line of said N. High Street, said point being referenced by a 5/8" rebar found North 86° 49' 46" West, 0.93 feet therefrom;

Thence, along the east line of said N. High Street, along part of the west line of said Lot 16 and the west line of said Lot 17, along the west line of said Parcels I, II and III, North 08° 22' 27" West, 92.50 feet to the point of beginning
CONTAINING 0.073 ACRES (3,193 SF).

Subject, however, to all legal highways, leases, easements, restrictions of record and of records in the respective utility offices. Iron pipes set are 1" (O.D.) x 30" long with an orange plastic cap inscribed "Myers P.S. 6579". Basis of bearing is the north line of E. Eighth Avenue held as North 86° 47' 09" West per Plat Book 118, Page 56. The forgoing description was prepared from a boundary survey by Myers Surveying Company in February, 2021.

EAST PARCEL

0.240 AC. (10,450 SF)

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots Sixteen (16) and Seventeen (17) of Phil D. Fisher and Mrs. M.C. Millers Subdivision of about Five (5) Acres on the east side of North High Street Columbus Ohio, as the same is numbered and delineated upon the recorded plat thereof (to replace original destroyed by fire, Jan. 31, 1879) of record in Plat Book 3, Page 69, Recorder's Office, Franklin County, Ohio, and being part of Parcels I, II and III as conveyed to 1444 N High LLC, an Ohio limited liability company, of record in Inst. No. 201611100156382 and being more particularly described as follows:

Commencing at a mag nail set at the intersection of the east line of N. High Street (66 feet wide) with the south line of E. Eighth Avenue (50 feet wide), being the northwest corner of Lot Nineteen (19) of said subdivision;

Thence, along the east line of N. High Street, along the west line of said Lot 19 and Lot Eighteen (18) of said subdivision, South 08°22' 27" East, 104.24 feet to a point being the southwest corner of said Lot 18, the northwest corner of said Lot 17, said point being referenced by a mag nail set North 87°10' 15" West, 9.00 feet therefrom;

Thence, along part of the south line of said Lot 18, along part of the north line of said Lot 17, South 87°10' 15" East, 40.83 feet to the TRUE POINT OF BEGINNING;

Thence, along part of the south line of said Lot 18, along part of the north line of said Lot 17, South 87° 10' 15" East, 111.95 feet to a point being the northeast corner of said Lot 17, southeast corner of said Lot 18, and on the west line of a twenty (20) foot wide alley;

Thence, along said alley, along the east line of said Lot 17 and part of the east line of said Lot 16, along the east line of said Parcels 111, 11 and 1, South 04° 30' 52" East, 92.37 feet to a point, being the southeast corner of said Parcel 1, the northeast corner of the tract conveyed to Radar of Huron, Ltd. (Instrument Number 20090724010881);

Thence, along part of the south line of said Parcel 1, along part of the north line of said Radar of Huron tract, across said Lot 16, North 86° 49' 46" West, 118.29 feet to a point;

Thence, across said Parcels 1, 11 and 111 the following three (3) courses:

- 1) North 02° 49' 00" East, 55.35 feet to a point;
- 2) North 87° 12' 18" West, 5.50 feet to a point;
- 3) North 02° 53' 53" East, 35.56 feet to the place of beginning CONTAINING 0.240 ACRES (10,450 SF).

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use building containing 2,900 square feet of ground level retail, office, and/or restaurant uses with apartment units above on the west parcel, or those uses permitted in the underlying AR-O, Apartment Office District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN 2021-06-16,**" dated June 16, 2021, and signed by David 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 a Certificate of Occupancy for the proposed use.

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

SECTION 6. That Ordinance #1658-2018, passed July 9, 2018, be and is hereby repealed.