



## Legislation Text

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**File #:** 2760-2012, **Version:** 2

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**Council Variance Application: 577 WEST FIRST AVENUE (43215)**

**APPLICANT:** Royal Tallow Holdings Ltd., et al c/o Donald Plank, Esq., 145 East Rich Street, 3<sup>rd</sup> floor, Columbus, Ohio 43215

**PROPOSED USE:** To conform existing development conditions in the AR-2 and AR-3, Apartment Residential, and R-2F, Residential Districts, concurrent with rezoning request Z04-026.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is located on both the east and west sides of Perry Street south of West Second Avenue and has been redeveloped with single-unit, two-unit and multi-unit dwellings via CV04-006. A condition of CV04-006 is to rezone the property to appropriate residential districts. This Council variance reiterates development standards provided in CV04-006 that would otherwise become non-conforming conditions once the site is rezoned.

To grant Variances from the provisions of Sections 3332.037, R-2F Residential district, 3333.025, AR-2, Apartment Residential District Use, 3333.03, Apartment Residential District Use, 3312.21(A), Landscaping and screening, 3312.27 (3), Parking setback line, 3312.49, Minimum numbers of parking spaces required, 3332.05(A)(4), Area district lot width requirements, 3332.14, R-2F area district requirements, 3332.18(D), Basis of Computing Area, 3332.21, Building Lines, 3332.25, Maximum side yards required, 3332.26, Minimum side yard permitted, 3332.27, Rear yard, 3332.38(C), Private garage, 3333.09, Area requirements, 3333.15, Basis of computing area, 3333.18, Building Lines, 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, 3333.24, Rear yard, 3333.255, Perimeter yard, 3333.35, Private garage, of the Columbus City Codes for the property located at **577 WEST FIRST AVENUE (43215)** to conform existing development standards in conjunction with rezoning request Z04-026 to the AR-2 and AR-3, Apartment Residential, and R-2F, Residential Districts with reduced development standards.

**WHEREAS**, by application No. CV04-009, the owner of property at **577 WEST FIRST AVENUE (43215)**, is requesting a Council variance concurrent with rezoning request Z04-026, a required follow-up to CV04-006, passed July 21, 2004, which permitted single-unit, two-unit, and multi-unit residential uses, a community center and parkland in the C-3, Commercial, C-4, Commercial, CPD, Commercial Planned Development, and M, Manufacturing Districts; and

**WHEREAS**, this request reiterates development standards provided by Council variance CV04-006 which would otherwise become non-conforming once the site is rezoned; and

**WHEREAS**, the City Departments recommend approval of said variance; and

**WHEREAS**, a hardship exists in that many existing conditions will become non-conforming when the site is rezoned, while this Council variance will conform those existing conditions to the newly established residential zoning districts; and

**WHEREAS**, the granting of said variances 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**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

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

**SECTION 1.** That variances from the provisions of Sections 3332.037, R-2F Residential district, 3333.025, AR-2, Apartment Residential District Use, 3333.03, Apartment Residential District Use, 3312.21(A), Landscaping and screening, 3312.27 (3), Parking setback line, 3312.49, Minimum numbers of parking spaces required, 3332.05(A)(4), Area district lot width requirements, 3332.14, R-2F area district requirements, 3332.18(D), Basis of Computing Area, 3332.21, Building Lines, 3332.25, Maximum side yards required, 3332.26, Minimum side yard permitted, 3332.27, Rear yard, 3332.38(C), Private garage, 3333.09, Area requirements, 3333.15, Basis of computing area, 3333.18, Building Lines, 3333.22, Maximum side yard required, 3333.23, Minimum side yard permitted, 3333.24, Rear yard, 3333.255, Perimeter yard, 3333.35, Private garage, of the Columbus City Codes are hereby granted for the property located at **577 WEST FIRST AVENUE (43215)**, to vary yard, area, building lines, parking, and garage height requirements as itemized in Section 3; said property being more particularly described as follows:

Legal Description

Harrison Park

10.719 +/- acres

CV04-009

577 West First Avenue

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot 1, 2, 3, 4, 5, 6, 9, and Reserve A, inclusive, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 108, Page 56, Recorder's Office, Franklin County, Ohio,

And the following:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 6, Township 5, Range 22, Refugee Lands, being part of Lot 6 of William Neil's Heirs Land, Plat Book 3, Page 168 and being all of Reserve "C", Lot 68 and 69 and part of Reserve "B", Lot 67, 70, 71 and 72, and part of alleys vacated by City of Columbus Ordinance Number 22627 of April 2, 1906 and Ordinance Number 19498 of March 10, 1902 all part of Wyoming Place Addition, Plat Book 4, Page 368, and being part of a 1.048 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 200712270220304, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Commencing at a 1" rebar at the intersection of the centerline of Second Avenue (60') and Harrison Park Place (60');

thence westerly, along the centerline of Second Avenue, North 86° 35' 35" West, 30.00 feet;

thence southerly, leaving the centerline of Second Avenue, South 02° 43' 27" West, 30.00 feet to the intersection of the southerly right-of-way line of Second Avenue and the westerly right-of-way line of Harrison Park Place, being the northeast corner of Lot No. 7 of Harrison Park as described in Plat Book 108, Page 56 conveyed to Royal Tallow Holdings, Ltd as described in Instrument Number 200806180093368;

thence westerly, along the southerly right-of-way line of Second Avenue and the north line of said Lot No. 7, North 86° 35' 35" West, 82.15 feet to an iron pin found at the northwest corner of said Lot No. 7 and the northeast corner of said 1.048 acre tract, and being the **TRUE POINT OF BEGINNING**;

thence southerly, along the east line of said 1.048 acre tract and the west line of said Lot No. 7, South 03° 18' 23" West, 119.06 feet to an iron pin set at an angle point in the east line of said 1.048 acre tract and the west line of said Lot No. 7;

thence westerly, along the east line of said 1.048 acre tract and a west line of said Lot No. 7, North 86° 41' 37" West, 1.09 feet to an iron pin set at an angle point in the east line of said 1.048 acre tract and the west line of said Lot No. 7;

thence southerly, along the east line of said 1.048 acre tract and the west line of said Lot No. 7, South 01° 50' 09" West, 9.73 feet to an iron pin set;

thence westerly, crossing said 1.048 acre tract, North 87° 16' 33" West, 33.70 feet to an iron pin set;

thence northerly, continuing across said 1.048 acre tract, North 02° 43' 27" East, 129.20 feet to an iron pin set on the north line of said 1.048 acre tract and the southerly right-of-way line of Second Avenue;

thence easterly, along the north line of said 1.048 acre tract and the southerly right-of-way line of Second Avenue, South 86° 35' 35" East, 35.85 feet to the **TRUE POINT OF BEGINNING**, containing 0.104 acres (4,530 S.F.) more or less.

And the following:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 6, Township 5, Range 22, Refugee Lands, being part of Lot Nos. 7 and 8 of Harrison Park as described in Plat Book 108, Page 56 conveyed to Royal Tallow Holdings, Ltd as described in Instrument Number 200806180093368, all references being those of record in the Franklin County, Ohio Recorder's Office and being more particularly described as follows:

Commencing at a 1" rebar at the intersection of the centerline of Second Avenue (60') and Harrison Park Place (60');

thence westerly, along the centerline of Second Avenue, North 86° 35' 35" West, 30.00 feet;

thence southerly, leaving the centerline of Second Avenue, South 02° 43' 27" West, 30.00 feet to an iron pin set at the intersection of the southerly right-of-way line of Second Avenue and the westerly right-of-way line of Harrison Park Place, being the northeast corner of Lot No. 7 and being the **TRUE POINT OF BEGINNING**;

thence southerly, along the westerly right-of-way line of Harrison Park Place and the east line of said Lot Nos. 7 and 8, South 02° 43' 27" West, 337.40 feet to an iron pin found at the northeast corner of said Lot No. 8 and a northeast corner of a 0.097 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 201007120087258;

thence westerly, along the north line of said 0.097 acre tract, North 87° 16' 33" West, 83.79 feet to an iron pin found at the northwest corner of said 0.097 acre tract and in the east line of Reserve "B" of said Harrison Park conveyed to City of

Columbus, Ohio as described in Instrument Number 200712310221600;

thence northerly, along the east line of said Reserve "B" and the east line of Reserve "C" of said Harrison Park conveyed to City of Columbus, Ohio as described in Instrument Number 200712310221600, the west line of said Lot Nos. 7 and 8, and the east line of a 0.002 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 201007120087258, North 02° 43' 27" East, passing an iron pin found at 176.94 feet, a total distance of 209.61 feet to an iron pin found at the northeast corner of said 0.002 acre tract;

thence westerly, along the north line of said 0.002 acre tract, North 87° 16' 33" West, 0.51 feet to an iron pin found at the northwest corner of said 0.002 acre tract, the southeast corner of a 0.104 acre tract conveyed to Royal Tallow Holdings, Ltd as described in Instrument Number 201007120087257 and at an angle point in the east line of the remainder of a 1.048 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 200712270220304, and being in the west line of said Lot No. 7;

thence northerly, along the east line of said 0.104 acre tract and the west line of said Lot No. 7, North 01° 50' 09" East, 9.73 feet to an iron pin found at an angle point in the east line of said 0.104 acre tract and the west line of said Lot No. 7;

thence easterly, along the east line of said 0.104 acre tract and the west line of said Lot No. 7, South 86° 41' 37" East, 1.09 feet to an iron pin found at an angle point in the east line of said 0.104 acre tract and the west line of said Lot No. 7;

thence northerly, along the east line of said 0.104 acre tract and the west line of said Lot No. 7, North 03° 18' 23" East, 119.06 feet to an iron pin found at the northeast corner of said 0.104 acre tract and the northwest corner of said Lot No. 7, being in the southerly right-of-way line of Second Avenue;

thence easterly, along the north line of said Lot No. 7 and the southerly right-of-way line of Second Avenue, South 86° 35' 35" East, 82.15 feet to the **TRUE POINT OF BEGINNING**, containing 0.647 acres, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed for residential, parkland and commercial uses as itemized in Section 3 or those uses in the AR-2 and AR-3, Apartment Residential, and R-2F, Residential Districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site complying with the variances outlined in "EXHIBIT B" and being developed in general conformance with the Plan titled, "~~789 DENNISON AVENUE, SHEETS SP1 & A2.01,~~ "HARRISON PARK ZONING PLAN - CV04-009", dated November 14, 2012, drawn by Architectural Alliance, and signed by Donald Plank, 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.