



## Legislation Text

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**File #:** 3074-2021, **Version:** 1

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### **Council Variance Application: CV21-082**

**APPLICANT:** New City Homes LLC; c/o David Hodge and Eric Zartman, Attys.; Underhill & Hodge; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Multiple dwelling development.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-1, Apartment Residential District (Ordinance #3073-2021; Z21-067) for a new multi-unit residential development. The requested Council variance proposes a 12-unit multiple dwelling development consisting of three buildings each containing four units (31.58 du/ac). Standards variances are requested for reduced lot area, building lines, perimeter yard, and a parking space reduction from 18 required spaces to 14 provided spaces. Staff supports the request due to the high quality site and building design committed to with the associated site plan and elevations, which align with *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*, and incorporate sufficient street trees and additional screening along the southern parcel line to buffer adjacent lower density residential uses. The parking variance is supported due to the walkable nature of the neighborhood, availability of on-street parking, and proximity of transit and bicycle infrastructure.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 Area district requirements; 3333.15 (d), Basis of computing area; 3333.18(D)(2), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **86 N. YALE AVE. (43222)**, to permit a multiple dwelling development on a lot containing less than 20,000 square feet with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV21-082). **(REPEALED BY ORD. 0336-2023 PASSED 2/6/2023)** BA

**WHEREAS**, by application #CV21-082, the owner of property at **86 N. YALE AVE. (43222)**, is requesting a Council variance to permit a multiple dwelling development on a lot containing less than 20,000 square feet 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, allows a multiple dwelling development only when located on a lot of no less than 20,000 square feet, while the applicant proposes a twelve-unit multiple dwelling development on a 17,500 square foot lot; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 18 required parking spaces for 12 units, while the applicant proposes 14 total parking spaces, a reduction of 4 required parking spaces; and

**WHEREAS**, 3333.12, AR-1 and AR-4 Area district requirements, requires a lot area of 20,000 square feet for a multiple dwelling development, while the applicant proposes a multiple dwelling development on a 17,500 square foot lot; and

**WHEREAS**, Section 3333.15(d), Basis of computing area, requires a lot area of no less than 20,000 square feet for a multiple dwelling development, while the applicant proposes a twelve-unit multiple dwelling development on 17,500 square foot lot; and

**WHEREAS**, Section 3333.18(D)(2), Building lines, requires a building line of no less than 12 feet along North Yale Avenue, while the applicant proposes a reduced building line of zero feet to accommodate above-ground vaults located at the property line, and 5 feet for the proposed buildings, as demonstrated on the submitted site plan; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of ten percent of the average lot width, or 15.5 feet for a lot width of 155 feet, while the applicant proposes reduced perimeter yards of 3 feet along the north property line, zero feet along the east property line, and 10 feet along the south property line; and

**WHEREAS**, the Franklinton Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested variances will permit a multiple dwelling development that incorporates high quality site and building design consistent with C2P2 Design Guidelines; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy 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 roads, 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 **86 N. YALE AVE. (43222)**, in using said property as desired, now therefore:

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

**SECTION 1.** That variances from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 Area district requirements; 3333.15(d), Basis of computing area; 3333.18(D)(2), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; are hereby granted for the property located at **86 N. YALE AVE. (43222)**, insofar as said sections prohibit a multiple dwelling development when located on a lot less than 20,000 square feet in area; with a reduction in required parking spaces from 18 spaces to 14 spaces; reduced lot area from 20,000 square feet to 17,500 square feet; reduced building lines along North Yale Avenue from 12 feet to zero feet for above-ground vaults and to 5 feet for buildings; and reduced perimeter yards from 15.5 feet to 3 feet along the north property line, zero feet along the east property line, and 10 feet along the south property line, said property being more particularly described as follows:

**86 N. YALE AVE. (43222)**, being 0.38± acres located at the southeast corner of North Yale Avenue and Cable Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, which more fully described as follows:

Located in the City of Columbus and further described as being Lot Number Twenty-two (22) of Franklin Subdivision No. 2, City of Columbus, Franklin County, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 357, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-007225-00

Commonly Known As: 86-88 N. Yale Ave. Columbus, Ohio 43222  
Former Instrument Number: 201803090032423, Franklin County Recorder, Ohio

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a twelve-unit multiple dwelling development, 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 exhibit titled, “**LANDSCAPE PLAN,**” and elevations titled “**EXTERIOR ELEVATIONS,**” both dated September 15, 2021, and signed by Eric Zartman, 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 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.