



Legislation Text

File #: 1929-2017, **Version:** 2

Council Variance Application: CV17-012

APPLICANT: SB ECP Broadview, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 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: Multi-unit residential developments with supplemental parking.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with two separate multi-unit residential developments. The Broadview Apartments (Subarea A) is zoned in the AR-3, Apartment Residential District and is developed with a 66-unit apartment building as the result of Ordinance # 0711-2016 (Z15-051) and Ordinance # 0714-2016 (CV15-069), passed April 4, 2016. The Broadview Mews Condominiums (Subarea B) is zoned in the R-4, Residential District and is developed with 20 condominiums as the result of Ordinance # 1630-2007 (CV07-006), passed November 5, 2007. The requested Council variance will permit the addition of four parallel parking spaces that overlap the property line between Subarea A and Subarea B. The request includes updates to variances for landscaping and screening, parking space, and perimeter yard, with an additional variance for a reduced parking setback. An updated site plan is included. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends medium-density mixed residential land uses at this location. Staff supports the requested addition of four parallel parking spaces as the new variances are minor and do not add incompatible uses to the neighborhood.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential district uses; 3309.14, Height districts; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.285, Perimeter yard; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at **1414 BROADVIEW AVENUE (43212)**, to permit two multi-unit residential developments with reduced development standards in the AR-3, Apartment Residential District and the R-4, Residential District, and to repeal Ordinance # 0714-2016, passed April 4, 2016, and Ordinance # 1630-2007, passed November 5, 2007 (Council Variance # CV17-012) **and to declare an emergency.**

WHEREAS, by application No. CV17-012, the owner of property at **1414 BROADVIEW AVENUE (43212)**, is requesting a Variance to permit two separate multi-unit residential developments with reduced development standards in the AR-3, Apartment Residential District and the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district uses, permits buildings containing a maximum of four dwelling units, while the applicant proposes to maintain 20 dwelling units in three buildings consisting of one, twelve-unit building and two, four-unit buildings on Subarea B; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of thirty-five (35) feet at the setback line for this property, while the applicant proposes one building with a height not to exceed forty-five (45) feet in Subarea A; and

WHEREAS, Section 3312.21(D), Landscaping and screening, requires that screening of parking lots within 80 feet of residential zoning districts be provided in a landscaped area at least 4 feet wide, while applicant is permitted by CV15-069 to not provide the landscaping area along the south property line, subject to a screen fence being provided along the property line, however, with the proposed 4 parallel parking spaces, no screening will be provided on the south property line of Subarea A and the north property line of Subarea B; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to maintain maneuvering over and through a parking space for 9 stacked parking spaces in Subarea A, and to allow maneuvering over a parcel line for the 4 proposed parallel parking spaces between Subarea A and Subarea B; and

WHEREAS, Section 3312.27, Parking setback line, requires a minimum parking setback line of 20 feet along Broadview Avenue, while the applicant proposes to reduce the parking setback line to 15 feet for the parallel parking space closest to Broadview Avenue as shown on the site plan; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking spaces for dwellings, but those stacked spaces may not be counted as required spaces, and requires parallel parking spaces to be 9 feet by 22 feet, while the applicant proposes to maintain 9 stacked spaces in subarea A to be counted in the total number of provided parking spaces, and proposes 4 parallel parking spaces divided by an existing parcel line between Subarea A and Subarea B, subject to the overall parking space meeting the required dimensions; and

WHEREAS, Section 3332.15, R-4 Area District Requirements, requires three and four-unit buildings to provide 2,500 square feet of area per dwelling unit, while the applicant proposes to maintain a total of 20 dwelling units on a 31,121 square foot parcel, thereby providing 1,550 +/- square feet of lot area per dwelling unit; and

WHEREAS, Section 3332.21, Building lines, requires a building line of 25 feet, while the applicant proposes to maintain a building line of 18 feet along Broadview Avenue on Subarea B; and

WHEREAS, Section 3332.285, Perimeter yard, requires a perimeter yard totaling no less than 10 feet, and prohibits parking in the required perimeter yard, while the applicant proposes to maintain perimeter yards as depicted on the submitted site plan being a minimum of 0.25 feet, and to permit 4 parallel parking spaces the north perimeter yard of Subarea B as depicted on the site plan; 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 to maintain an increased lot coverage to 63 percent on Subarea A; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 25 feet, while the applicant proposes to maintain a reduced building line of 20 feet along Broadview Avenue on Subarea A; 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 to maintain a reduced rear yard of 8 percent of the total lot area; and

WHEREAS, Section 3333.26, Height district, permits a maximum building height of 35 feet, while the applicant proposes to maintain a building height of 45 feet; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances to allow four parallel parking spaces are considered minor and do not add incompatible land uses to the neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate 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 **1414 BROADVIEW AVENUE (43212)**, in using said property as desired;

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 of Sections 3332.039, R-4, Residential district uses; 3309.14, Height districts; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.285, Perimeter yard; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.24, Rear yard; and 3333.26, Height district; of the Columbus City Codes are hereby granted for the property located at **1414 BROADVIEW AVENUE (43212)**, insofar as said sections prohibit 20 dwelling-units consisting of one, twelve-unit building and two, four-unit buildings in the R-4, Residential District on Subarea B; an increased building height from 35 feet to 45 feet in Subarea A; with a reduced landscaped area from 4 feet to 0 feet on the southern property line of Subarea A and the northern property line of Subarea B with no screening provided; maneuvering over parking spaces in Subarea A and maneuvering over a parcel line for the proposed parallel parking spaces; a reduced parking setback along Broadview Avenue from 20 feet to 15 feet; 9 stacked spaces in Subarea A with parcel lines dividing 4 parallel parking spaces; reduced lot area per unit from 2,500 square feet to 1,550 square feet per unit on Subarea B; reduced front setback from 25 feet to 18 feet on Subarea B; a perimeter yard of 0.25 feet that also allows 4 parallel parking spaces in the north perimeter yard of Subarea B; an increased maximum lot coverage from 50 to 63 percent on Subarea A; a reduced building line from 25 to 20 feet from Broadview Avenue on Subarea A; a reduced rear yard from 25 percent to 8 percent on Subarea A; and an increased building height from 35 to 45 feet on Subarea B; said property being more particularly described as follows:

1414 BROADVIEW AVENUE (43212), being 1.80± acres located on the east side of Broadview Avenue, 170± feet north of West Third Avenue, and being more particularly described as follows:

1414 Broadview Avenue - Subarea A

1). Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as follows:

All of Lot Number Fifteen (15) of GRANDVIEW, CROUGHTON AND DENMEAD'S SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 318, Recorder's Office, Franklin County, Ohio

2). Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 18 of Grandview, Croughton and Denmead's Suburban Subdivision as in numbered and delineated upon the recorded plat thereof of record in Plat Book 4, page 318, also being all of the parcel conveyed to Broadview Rental Properties, LLC in Instrument Number 201511020155587, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a 5/8" solid iron pin found at the northwest corner of said Lot 18, at the southwest corner of Lot 15 of said Grandview, Croughton and Denmead's Suburban Subdivision and in the east line of Broadview Avenue, 60 feet wide;

Thence along the north line of said Lot 18 and the south line of said Lot 15, South 86 degrees 18 minutes 21 seconds East, 180.00 feet to an 3/4" iron pipe at the northeast corner of said Lot 18, at the southeast corner of said Lot 15 at the southwest corner of Lot 16 and the northwest corner of Lot 17 of said Grandview, Croughton and Denmead's Suburban Subdivision;

Thence along part of the east line of said Lot 18 and part of the west line of said Lot 17, South 04 degrees 01 minute 07 seconds West, 53.81 feet to a set iron pin at the northeast corner of Broadview Mews Condominium as recorded in Condominium Plat Book 204, Page 79, as declared in Instrument Number 200806250098005;

Thence across said Lot 18 and along the north line of said Broadview Mews Condominium, North 86 degrees 21 minutes 13 seconds West, 180.00 feet to a set iron pin in the west line of said Lot 18, at the northwest corner of said Broadview Mews Condominium and in the east line of Broadview Avenue;

Thence along part of the west line of said Lot 18 and the east line of Broadview Avenue, North 04 degrees 01 minute 07 seconds East, 53.96 feet to the POINT OF BEGINNING, CONTAINING 0.223 ACRES. Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

1394 Broadview Avenue (Broadview Mews Condominiums) - Subarea B

3) Situated in the County of Franklin, State of Ohio and in the City of Columbus and being the following described premises:

The west 1/2 of lot number Eleven (11) of A. A. Yost's Subdivision of lots numbers 23 and 24 of Croughton and Denmead's Suburban Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 217, Recorder's office, Franklin County, Ohio and being further described as follows:

Beginning at an iron pin at the southwest corner; thence 40 feet north to the northwest corner of said lot; thence 85 feet in an easterly direction to a point in the north line of said lot; thence 40 feet south in a line parallel to the west line of said lot to a point in the south line of said lot; thence 85 feet to the southwest corner of said lot to the place of beginning; and

Situated in the County of Franklin, State of Ohio and in the City of Columbus and being the following described premises:

Lot Number Eighteen (18) in Grandview, Croughton and Denmead's Suburban Subdivision, as per plat thereof, recorded in Plat Book 4, Page 318, Recorder's Office, Franklin County, Ohio, excepting therefrom the following:

Beginning at the northwest corner of said Lot Number 18, thence south along the western line of said Lot No. 18, 53.96 feet to a point; thence East to a point in the east line of said Lot No. 18, said point being 53.81 feet south of the northeast corner of said Lot No. 18; thence north along the east line of said lot 53.81 feet to the northeast corner of said lot; thence west along the north line of said lot to the place of beginning, containing 0.714 +/- acres (31,121 +/- square feet).

Addressed as: 1414 Broadview Avenue, Columbus, OH 43212

Known as Franklin County Auditor Parcel Numbers 010-063294

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with an apartment building on Subarea A, or those uses permitted in the AR-3, Apartment Residential District;

and one, twelve-unit apartment building and two, four-unit dwellings (a maximum of 20 units) on Subarea B, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned upon the following regarding Subarea A: there shall be a maximum of 66 dwelling units; the apartment building shall be “U” shaped with a courtyard facing Broadview Avenue and shall be four-sided, with the same quality of finish and wall architecture on all four sides of the building; and a pedestrian connection shall be provided from the east side of the property to the commercial property adjacent to the east, to provide pedestrian connectivity to the Grandview Avenue commercial corridor.

SECTION 4. That this ordinance is further conditioned on four (4) bicycle parking spaces being added to the Broadview Mews property (Subarea B). The four (4) spaces shall be located in the Broadview Avenue building setback, and shall be shown on the Site Compliance Plan. Final location of these spaces is subject to approval by the Department of Public Service.

SECTION 5. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, “**ZONING VARIANCE SITE PLAN - CV17-012**” Sheets 1 and 2 drawn by E.P. Ferris & Associates, Inc., dated July 11, 2017, 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 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 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 7. That Ordinance # 1630-2007, passed November 5, 2007, be and is hereby repealed.

SECTION 8. That Ordinance # 0714-2016, passed April 4, 2016, be and is hereby repealed.

~~SECTION 9. 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**