



## Legislation Text

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**File #:** 3135-2021, **Version:** 1

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**Council Variance Application: CV21-088**

**APPLICANT:** Buckeye Real Estate; c/o Dave Perry, Agent; David Perry Company; 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:** Residential uses.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of an existing 12-unit apartment building (2333 Neil Avenue) in the R-2F, Residential District and an existing 2-unit dwelling (2339 Neil Avenue) split zoned in the R-2F, Residential District and AR-4, Apartment Residential District. Additionally, the site is subject to the University District Zoning Overlay (UDZO). The requested Council variance will conform the existing 12-unit apartment building and permit the addition of a unit at 2339 Neil Avenue, resulting in a 3-unit dwelling. Variances to parking setback, building setback, vision clearance, parking lot landscaping and screening, supplemental parking requirements, lot coverage, floor area ratio (FAR), landscaped area treatment, side yards, and a parking reduction from 18 required spaces to 14 provided spaces for the 12-unit apartment are included in the request. The site is within the planning area of the *University District Plan* (2015), which recommends "Medium Intensity Residential" land uses at this location. The proposed uses are consistent with the Plan's land use recommendation, will not add incompatible uses to the area, and are compatible with the adjacent land uses and development pattern of the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3333.035; AR-4 apartment residential district use; 3312.21(A)(D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3325.705, Supplemental Parking Requirements; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.21(D), Building lines; 3332.25, Maximum side yard required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes, for the property located at **2333 & 2339 NEIL AVE. (43202)**, to conform a 12-unit apartment building and to permit a 3-unit dwelling, with reduced development standards, in the R-2F, Residential District and AR-4, Apartment Residential District (Council Variance #CV21-088).

**WHEREAS**, by application #CV21-088, the owner of property at **2333 & 2339 NEIL AVE. (43202)**, is requesting a Council variance to conform an existing 12-unit apartment building and to permit a 3-unit dwelling, with reduced development standards, in the R-2F, Residential District and AR-4, Apartment Residential District; and

**WHEREAS**, Section 3332.037, R-2F, residential district, permits one and two unit dwellings, while the applicant proposes to conform the existing 12-unit apartment building at 2333 Neil Avenue and a proposed three-unit dwelling at 2339 Neil Avenue; and

**WHEREAS**, Section 3333.035, AR-4 apartment residential district use, prohibits parking as a principal use, while the applicant proposes to maintain parking for the three-unit dwelling in the AR-4 district portion of that parcel; and

**WHEREAS**, Section 3312.21(A)(D)(1), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces, or two trees for a parking lot containing 14 spaces; and that screening be provided along abutting residential district and public streets within a landscaped area at least four feet in width, while the applicant proposes one shade tree in the parking lot and no screening along West Oakland Avenue for 2333 Neil Avenue, and no screening along the internal property lines between 2333 & 2339 Neil Avenue, as demonstrated on the submitted site plan; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires the parking setback line to be ten feet, while the applicant proposes to maintain a parking setback line of zero feet along West Oakland Avenue; 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 a 12-unit apartment building, while the applicant proposes 14 total parking spaces; and

**WHEREAS**, Section 3321.05(A)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a parking lot entrance and street right-of-way, while the applicant proposes to eliminate clear vision triangles for the parking lot access from West Oakland Avenue, as shown on the submitted site plan; and

**WHEREAS**, Section 3325.705, Supplemental Parking Requirements, prohibits parking or maneuvering in any required side yard or required landscaped area or between any building and any public street, while the applicant proposes to maintain existing parking in the area between the building setback and West Oakland Avenue right-of-way for the existing 12-unit apartment; and

**WHEREAS**, Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain increase coverage to 36 percent of the lot area for the existing 12-unit apartment building; and

**WHEREAS**, Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes to maintain an increased FAR of 0.53 for the existing 12-unit apartment building; and

**WHEREAS**, Section 3325.809, Landscaped Area and Treatment, requires at least 10 percent of the lot area be planted and maintained with grass and/or other live vegetation and be located behind the most rear portion of the principle residential building, while the applicant proposes to maintain four percent landscaped area for the existing 12-unit apartment; and

**WHEREAS**, Section 3332.21(D), Building lines, requires buildings to have a minimum setback of 10 feet along West Oakland Avenue, while the applicant proposes to maintain a reduced building setback of six feet for the existing 12-unit apartment; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be twenty percent of the lot width, or 12.72 feet, while the applicant proposes to maintain side yards totaling 10.3 feet for the existing 12-unit apartment building; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes to maintain a side yard of 3.5 feet along the northern property line of the existing 12-unit apartment and a reduced side yard of three feet along the northern property line of the three-unit dwelling; and

**WHEREAS**, the University Area Commission recommends approval, and

**WHEREAS**, City Departments recommend approval because the requested Council variance conforms an existing 12-unit apartment building and permits an additional unit to be added to the existing 2-unit dwelling. Both uses are consistent

with the Plan's land use recommendation, will not add incompatible uses to the area, and are compatible with the adjacent land uses and development pattern of the area; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a Certificates of Occupancy for the proposed three-unit dwelling; 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 **2333 & 2339 NEIL AVE. (43202)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F residential district; 3333.035; AR-4 apartment residential district use; 3312.21(A)(D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1), Vision clearance; 3325.705, Supplemental Parking Requirements; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.21(D), Building lines; 3332.25, Maximum side yard required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes, of the Columbus City Codes, is hereby granted for the property located at **2333 & 2339 NEIL AVE. (43202)**, insofar as said sections prohibits a 12-unit apartment building in the R-2F, Residential District and parking as a principal use in the AR-4, Apartment Residential District; with a reduction in the required number of shade trees from two to one for a 14 space parking lot; no screening along West Oakland Avenue or along the internal property lines between 2333 and 2339 Neil Avenue; a reduced parking setback from ten feet to zero feet along West Oakland Avenue; a reduction in the required number of parking spaces from 18 to 14 spaces for the existing 12-unit apartment building; reduced clear vision triangle at the intersection of the parking lot entrance and West Oakland Avenue from 10 feet to 0 feet; parking between the building setback and West Oakland Avenue right-of-way; increased lot coverage from 25 to 36 percent for the 12-unit apartment building; increased maximum floor area ratio (FAR) from 0.40 to 0.53 for the 12-unit apartment building; decreased landscaped area from 10 to four percent for the 12-unit apartment building; building line from 10 to six feet along West Oakland Avenue for the 12-unit apartment building; reduced maximum side yard from 12.72 to 10.3 feet for the 12-unit apartment building; reduced minimum side yards from five to 3.5 feet along the northern property line for the 12-unit apartment building and to three feet along the northern property line of the three-unit dwelling, said property being more particularly described as follows:

**2333 & 2339 NEIL AVE. (43202)**, being 0.44± acres located at the northwest corner pf Neil Avenue and West Oakland Avenue, and being more particularly described as follows:

2333 Neil Avenue (12-unit apartment):

PARCEL NO. 4: Being a triangular tract of land which is a part of Lot Number Eight (8) of Samuel Thompson's et al. Northwood Heights Subdivision in said City of Columbus, as said lot is numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book No. 5, page 236, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at a point in the west line of said Lot No. 8, which point is 20.95 feet distant from the northwest corner of said Lot No. 8; thence in a straight line in an easterly direction to the southeast corner of said Lot No. 8; thence northerly along the east line of said Lot No. 8, a distance of 3.5 feet to a point; thence in a straight line in a westerly direction to the place of beginning, the south line of this triangular tract being a part of the north line of the premises on the south thereof

owned by Joseph Skilken.

PARCEL NO. 5: Being a portion of Lots Numbers Eight (8) and Nine (9) of Samuel Thompson's et al. Northwood Heights Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 236, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a drill hole in the center line of the first 15 ft. alley, west of Neil Avenue and vacated by Ordinance No. 38072, and being on the northerly line of Lot No. 9 extended westerly; thence from said place of beginning in an easterly direction and along the northerly line of Lot No. 9, a distance of 41.0 ft. to an iron pin; thence southerly and parallel to the westerly line of Lots Nos. 8 and 9, a distance of 52.25 ft. to an iron pin set in the northerly line of a triangular parcel measuring 3 ½ feet along the westerly line of Neil Avenue and described in a deed of Joseph Skilken, of record in Deed Book 2475, page 526; thence westerly, and along the northerly line of said parcel, of record in Deed Book 2475, page 526, a distance of 33.53 ft. to an iron pin, said iron pin being 51 ft. southerly, from the northwesterly corner of said Lot No. 9; thence continuing in a westerly direction, a distance of 7 ½ ft. to an iron pin in the center line of said 15 ft. vacated alley; thence northerly and along the center line of said alley, a distance of 51.10 ft. to the place of beginning.

2339 Neil Avenue (three-unit dwelling):

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

Being a part of Lot 124 of Samuel Thompson's, et al., Subdivision in the City of Columbus, as said lot is numbered and delineated upon the recorded plat thereof of record in Plat Book No. 5, page 236, Recorder's Office, Franklin County, Ohio; also half of a 15-foot alley vacated by City Ordinance No. 38072. Further described as follows:

Beginning at the northeast corner of said Lot 124; thence southerly along the east line of said Lot 124, 71.14 feet to a point; thence westerly on a line parallel to said north line of said Lot 124, 8.59 feet to a point; thence southerly 69.06 feet to a point in the south line of said Lot 124 which point is 3.5 feet westerly along said south lot line from the southeast corner of said Lot 124; thence westerly along the south lot line of said Lot 124, 7.5 feet to a point; thence northerly 139.87 feet to a point in the north line of said Lot 124 which point is 21.18 feet west along said north lot line from the northeast corner of said Lot 124; thence east along the said north lot line of said Lot 124, 21.18 feet to the place of the beginning.

Also a strip of ground 7.5 feet in width and 81.14 feet in length immediately adjoining said part of Lot 124 on the east, and being half of a 15-foot alley vacated by Ordinance No. 38072, passed by City Council of the City of Columbus on May 4, 1927.

Known as: 2333 & 2339 Neil Avenue, Columbus, Ohio 43202.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 12-unit apartment building at 2333 Neil Avenue, and a three-unit dwelling at 2339 Neil Avenue, or those uses permitted in the R-2F, Residential District and AR-4, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**VARIANCE SITE PLAN**," signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated November 11, 2021. 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 adjustment to the plan shall be reviewed and may be approved 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 three-unit dwelling.

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