



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1657-2014, **Version:** 3

Council Variance Application: CV14-019

APPLICANT: SND Partners LLC; c/o Dave Perry, Agent; David Perry Co. Inc.; 145 East Rich St., 3rd Floor; Columbus, OH 43215; and Donald Plank, Attorney.; Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Sixteen unit apartment and office building.

VICTORIAN VILLAGE 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 (Ord. No. 1624-2014; Z14-018) to the AR-O, Apartment Office District. The applicant proposes to develop the property by removing the one story addition to the original structure and convert it to an office building. The applicant also proposes to build a new sixteen-unit apartment building, as depicted on the site plan. In order to develop the site consistent with the established development pattern, variances for height districts, aisle, driveway, maneuvering, parking space, minimum number of parking spaces required, minimum side yard permitted, **and** rear yard ~~and height district~~ are requested. Staff finds this request to be compatible and consistent with the zoning and development patterns in the area.

To grant a Variance from the provisions of Sections 3309.14(A), Height Districts; 3312.09, Aisle; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking Space; 3312.49, Minimum Number of Parking Spaces Required; 3333.23(d), Minimum Side Yard Permitted; 3333.24, Rear Yard; and 3333.26(a), Height District, of the Columbus City Codes; for the property located at **40 WEST THIRD AVENUE (43201)**, to permit reduced development standards in the AR-O, Apartment Office District for a sixteen unit apartment and office building **and to declare an emergency** (Council Variance # CV14-019).

WHEREAS, by application No. CV14-019, the owner of property at **40 WEST THIRD AVENUE (43201)**, is requesting a Council Variance to permit reduced development standards in the AR-O, Apartment Office District for a sixteen unit apartment and office building; and

WHEREAS, Section 3309.14(A), Height Districts, requires any portion of the building to be no taller than thirty-five (35) feet in height in the thirty-five (35) foot height district, while the applicant proposes to permit a building height of ~~thirty-nine (39)~~ **forty-one (41)** feet; and

WHEREAS, Section 3312.09, Aisle, requires aisle width and maneuvering to be twenty (20) feet for garage spaces and 90 degree parking spaces, while the applicant proposes an aisle width and maneuvering spaces of eighteen (18) feet for both the garage spaces (1-6, inclusive) and the 90 degree parking spaces; and

WHEREAS, Section 3312.13, Driveway, requires a driveway width of twenty (20) feet from the driveway from the north alley to the surface parking lot, while the applicant proposes the driveway width to be eighteen (18) feet; and

WHEREAS, Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree garage and surface parking spaces to be twenty (20) feet, while the applicant proposes an eighteen (18) foot maneuvering area for both the 90 degree

garage and surface parking spaces; and

WHEREAS, Section 3312.29, Parking Space, requires the width of parking spaces to be no less than nine (9) feet wide, while the applicant proposes certain spaces to be eight (8) feet wide, as depicted on the site plan; and

WHEREAS, Section 3312.49, Minimum Numbers of Parking Spaces Required, requires ~~thirty-six (36)~~ **twelve (12)** spaces for the use of the original structure for office use and twenty-four (24) spaces for the residential uses for a total of ~~sixty (60)~~ **thirty-six (36)** spaces, while the applicant proposes ~~twelve (12) spaces for the office use and a total of twenty-two (22) spaces for the office and residential uses for a total of thirty-four (34) parking spaces provided;~~ and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the minimum side yard to be no less than one-sixth of the height of the building (~~6.58~~ feet), while the applicant proposes a minimum side yard of 0.5 feet for the new apartment building along the east property line, along the east alley; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a rear yard totaling 0.8 percent of the total lot area; and

WHEREAS, Section 3333.26(a), Height District, requires any portion of a building in the AR-12, ARLD and AR-3, Apartment Residential Districts and AR-O, Apartment Office District to be in the thirty-five (35) foot height district and no taller than thirty-five (35) feet, while the applicant proposes to permit a building height of ~~thirty-nine (39)~~ **forty-one (41)** feet; and

WHEREAS, the Victorian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances will allow development that is consistent with the established development pattern; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 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, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **40 WEST THIRD AVENUE (43201)**, in using said property as desired; and

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 a variance from the provisions of Sections 3309.14(A), Height Districts; 3312.09, Aisle; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking Space; 3312.49, Minimum Numbers of Parking Spaces Required; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.26(a), Height District, of the Columbus City Codes, is hereby granted for the property located at **40WEST THIRD AVENUE (43201)**, insofar as said sections prohibit a building height of ~~thirty-nine (39)~~ **forty-one (41)** feet, an aisle and driveway width of eighteen (18) feet, an eighteen (18) foot maneuvering area, eight (8) foot wide parking spaces, a parking space reduction of ~~twenty-six (26)~~

twelve (12) required spaces, with ~~thirty-four (34)~~ **twenty-two (22)** provided, a minimum side yard of 0.5 feet, a minimum rear yard of 0.8 percent of the total lot area, and a ~~thirty-nine (39)~~ **forty-one (41)** foot building in the AR-O, Apartment Office District for a sixteen unit apartment and office building in the AR-O, Apartment Office District; said property being more particularly described as follows:

~~1131 DUBLIN ROAD (43215) 40 WEST THIRD AVENUE E(43201)~~, being 0.38± acres located on the north side of West Third Avenue, 270± feet west of North High Street, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the City of Columbus and being more particularly bounded and described as follows:

Being Lots Numbered Fifteen (15) and Thirty Three (33) in HERSHISER'S CORRECTED AND SECOND AMENDED PLAT OF LOTS 11, 12, 13, 14 AND 15 of HERSHISER AND ASTON'S ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, or record in Plat Book No. 4, page 9, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a sixteen unit apartment and office building.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the Plan titled, "**VARIANCE SITE PLAN FOR 40-42 WEST THIRD AVENUE**," dated ~~June 26~~ **July 11**, 2014, and signed by 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 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.~~
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