



Legislation Text

File #: 1948-2017, **Version:** 1

Council Variance Application: CV16-073

APPLICANT: Pickett Companies, c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development, and monopole telecommunications tower.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance # 1947-2017; Z16-073) to the AR-2, Apartment Residential District, to allow a multi-unit residential development. The applicant is requesting a Council variance to permit a 40-unit apartment complex with a reduction to the minimum number of parking spaces required and setbacks. Also proposed are variances to AR-2 district use, height, and setbacks to conform an existing monopole communications antenna. Staff is supportive of these variances as the project respects and enhances the neighborhood character, while the existing tower is appropriate with the mix of adjacent commercial and manufacturing uses. The request is reflective of recent residential infill developments in this urban neighborhood.

To grant a Variance from the provisions of Sections 3333.025, AR-2 apartment residential district use; 3309.14, Height districts; 3312.49, Minimum numbers of parking spaces required; 3333.18(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **868 INGLESIDE AVENUE (43215)**, to permit a multi-unit residential development and monopole communications tower with reduced development standards in the AR-2, Apartment Residential District (Council Variance # CV16-073).

WHEREAS, by application # CV16-073, the owner of property at **868 INGLESIDE AVENUE (43215)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District; and

WHEREAS, Section 3333.025, AR-2 apartment residential district use, does not permit a monopole communication antenna, while the applicant proposes to conform the existing monopole communication antenna on the site of the proposed 40-unit apartment complex; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes to conform an existing monopole communications antenna of 120 feet in the H-35 height district; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per unit for the multi-unit residential developments, a total requirement of 60 spaces for a 40-unit, while the applicant proposes 54 parking spaces; and

WHEREAS, Section 3333.18(F), Building lines, requires a building setback line of 20 feet along Michigan Avenue, while the applicant proposes a setback line of not less than 8 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 20.4 feet, while the applicant

proposes reduced perimeter yard from 20.4 feet to 0 feet along the north and west property lines and 2 feet along west property line; and

WHEREAS, City Departments recommend approval of the proposed 40-unit apartment complex with reduced development standards and to conform an existing monopole communications antenna with a use variance and a variance to height district. Staff is supportive of these variances as the project respects and enhances the neighborhood character, while the existing tower is appropriate with the mix of adjacent commercial and manufacturing uses. The request is reflective of recent residential infill developments in this urban neighborhood.

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 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 **868 INGLESIDE AVENUE (43215)**, 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 3333.025, AR-2 apartment residential district use; 3309.14, Height districts; 3312.49, Minimum numbers of parking spaces required; 3333.18(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, are hereby granted for the property located at **871 INGLESIDE AVENUE (43215)**, insofar as said section prohibits a monopole communication antenna in the AR-2, Apartment Residential District with a tower of 120 feet in height in the 35 foot height district; a parking space reduction from 60 required park spaces to 54 spaces; a reduced building setback line along Michigan Avenue from 20 feet to 8 feet; a reduced perimeter yard along the north, south, and west property lines from 20.4 feet to between 2 and 8 feet; said property being more particularly described as follows:

868 INGLESIDE AVENUE (43215), being 0.98± acres located on the east side of Ingleside Avenue, 70± feet north of Buttles Avenue, and being more particularly described as follows:

Being Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 429, 430, 431, 432, 433, 434, 481, 482, 483, 484, 485, 486, and part of Lots 428, 435, 480, 487, and part of an alley 20 feet wide vacated by Ordinance 162-48 (2-16-1948), and part of an alley 20 feet wide vacated by Ordinance #10.512 (9-2-1885), and all of an alley 20 feet wide vacated by Ordinance #37786 (2-14-1927, of R.E. Neil's eight addition shown of record in Plat Book 2, Page 183, Recorder's office, Franklin County, Ohio and being more particularly described as follows:

Commencing at an iron pin at the intersection of the westerly right-of-way line of Michigan Avenue (6 feet wide), with the southerly right-of-way line of Simpson Lane (30 feet wide) northerly corner of Lot 474;

Thence South 2° 45' 27" west along the westerly right-of-way line of said Michigan Avenue, easterly line of Lots 474, 475, 476, 477, 478, 479, 480, a distance of 208.00 feet to an iron pin, and the true point of beginning of this description;

Thence South 2° 45' 27" west, along the westerly right-of-way line of said Michigan Avenue, easterly line of Lots 481, 482, 483, 484, 485, 486, 487, a distance of 202.44 feet to an iron pin at the northeasterly corner of a 0.343 acre tract conveyed to Mary Evans Eyerma shown on record in Official Record 1463, Page G-13, said point being North 2° 45' 27" east, along the westerly right-of-way line of said Michigan Avenue, a distance of 71.13 feet from the intersection of

the westerly right-of-way line of said Michigan Avenue, with the northerly right-of-way line of Buttles Avenue, 70 feet wide, southeasterly corner of said 0.343 acre tract;

Thence North 87° 11' 03" west, across said Lots 487, 428, and along the northerly line of said 0.343 acre tract, and along a line parallel with, and 71.13 feet northerly of measured at right angles to the northerly right-of-way line of said Buttles Avenue, a distance of 210.19 feet to an iron pin on the easterly right-of-way line of Ingleside Avenue, 30 feet wide, westerly line of said Lot 428, northwesterly corner of said 0.343 acre tract;

Thence North 2° 45' 27" east, along the easterly right-of-way line of said Ingleside Avenue, westerly line of said Lots 428, 429, 430, 431, 432, 433, 434, 435, a distance of 202.44 feet to an iron pin;

Thence South 87° 11' 03" east, across said Lots 435, 480, and along a line parallel with the southerly right-of-way line of said Simpson Lane, a distance of 210.19 feet to the place of beginning, containing 0.977 acres (42,551 square feet).

Parcel: 010-009443

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development containing up to 40 units with a monopole telecommunication tower, or those uses permitted in the AR-2, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "INGLESIDE APARTMENTS II - 868 INGLESIDE AVENUE" drawn by Advanced Civil Design Engineers, dated June 28, 2017, and signed by David 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 plan 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 use.

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