



## Legislation Text

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**File #:** 1924-2015, **Version:** 2

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### **Council Variance Application: CV15-020**

**APPLICANT:** Lykens Companies; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 1922-2015; Z15-019) to the AR-1, and AR-3, Apartment Residential Districts. The subject site consists of two development subareas separated by Detroit Avenue. The north subarea (Site A) proposes conversion of a 2-story brick industrial building into 18 apartment units and interior parking, and a 3-story, 13-unit apartment building with interior parking in the AR-3 district. The south subarea (Site B) proposes a four-unit dwelling and 4-car detached garage in the AR-1 District. Variances are requested for driveway width, required parking (from 1.5 spaces to approximately 1 space per unit), vision clearance, setbacks, lot coverage, and yard and area standards. The proposed development will replace a potentially incompatible industrial site with multi-unit residential development in a predominantly residential neighborhood. The request is consistent with recent infill development projects in historic urban areas.

To grant a Variance from the provisions of Sections 3312.13(B), Driveway; 3312.49, Minimum numbers of parking spaces required; 3321.05(A)(1),(B)(1), and (B)(2), Vision clearance; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.27, Rear yard; 3333.15(c), Basis of computing area; 3333.18(D), Building lines; 3333.22, Maximum side yard required; 3333.23(b), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **180 DETROIT AVENUE (43201)**, to permit multi-unit residential development with reduced development standards in the AR-1, and AR-3, Apartment Residential Districts **and to declare an emergency** (Council Variance # CV15-020). (**REPEALED BY ORD. 0661-2016; PASSED 3/21/16**)

**WHEREAS**, by application No. CV15-020, the owner of property at **180 DETROIT AVENUE (43201)**, is requesting a Council variance to permit multi-unit residential development with reduced development standards in the AR-1, and AR-3, Apartment Residential Districts; and

**WHEREAS**, Section 3333.02(3), AR-12, ARLD and AR-1 apartment residential district use, requires that a dwelling containing four units be in accordance with R-4, Residential District standards, while the applicant proposes variances to R-4 standards are included in this request; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of twenty (20) feet at the street right of way, while the applicant proposes two (2) two-way driveways that are twelve (12) feet in width for Site A; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per apartment unit, for a total of forty-seven (47) parking spaces on Site A and six (6) parking spaces on Site B, while the applicant proposes thirty (30) spaces on Site A and four (4) spaces on Site B; and

**WHEREAS**, Section 3321.05(A)(1), Vision clearance, requires clear vision triangles of ten (10) feet on each residential lot at the intersection of a driveway and the street right-of-way, while the applicant proposes encroachment into the clear vision triangle at Detroit Avenue and the southeast portion of the 13-unit apartment building in Site A; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles of ten (10) feet on each residential lot at the intersection of a street and an alley, while the applicant proposes encroachment into the clear vision triangle at the northeast corner of Detroit Avenue and Hamlet Street for the southwest portion of the 18-unit apartment building on Site A, and encroachment of the northeast portion of the detached garage building at the intersection of Detroit Avenue and the east Alley on Site B; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of thirty (30) feet on each residential lot adjacent to a street intersection, while the applicant proposes encroachment into the clear vision triangle at the southeast corner of Detroit Avenue and Hamlet Street for the 4-unit dwelling in Site B; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, limits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes an increased lot coverage of ninety (90) percent on Site B; and

**WHEREAS**, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes building lines of zero (0) feet along Detroit Avenue and eight (8) feet along Hamlet Street on Site B; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a three (3) percent rear yard on Site B; and

**WHEREAS**, Section 3333.15(c), Basis of computing area, limits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes an increased lot coverage of ninety (90) percent on Site A; and

**WHEREAS**, Section 3333.18(D), Building lines, requires a building line of no less than ten (10) feet along Detroit Avenue, while the applicant proposes to extend the existing building line of two (2) feet on Site A; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed twenty percent (20%) of the width of the lot, provided that no more than sixteen (16) feet need be so devoted, while the applicant proposes a total side yard of two (2) feet at the narrowest point of the sum of the side yards on a lot that is one-hundred twenty-six (126) feet wide; and

**WHEREAS**, Section 3333.23(b), Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes to maintain no minimum side yard along the west property line, and proposes a minimum side yard of two (2) feet along the east property line on Site A; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a rear yard of 1.5 percent on Site A; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variances allow residential redevelopment that will replace a potentially incompatible industrial site in a predominantly residential neighborhood. The request is consistent with recent infill development projects in historic urban areas; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **180 DETROIT 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 3312.13(B), Driveway; 3312.49, Minimum numbers of parking spaces required; 3321.05(A)(1),(B)(1), and (B)(2), Vision clearance; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.27, Rear yard; 3333.15(c), Basis of computing area; 3333.18(D), Building lines; 3333.22, Maximum side yard required; 3333.23(b), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **180 DETROIT AVENUE (43201)**, insofar as said sections prohibit a reduced driveway width from twenty (20) feet to twelve (12) feet on Site A; a reduction in the required number of parking spaces from forty-seven (47) spaces to thirty (30) spaces on Site A and from six (6) spaces to four (4) spaces on Site B; encroachment into the required clear vision triangles at the northeast and southeast corners of Detroit Avenue and Hamlet Street, at Detroit Avenue and the driveway on Site A, and at Detroit Avenue and the east alley on Site B; an increased lot coverage from fifty (50) percent to ninety (90) percent on Site B; reduced building lines from ten (10) feet to zero (0) feet along Detroit Avenue and eight (8) feet along Hamlet Street on Site B; reduced rear yard from twenty-five (25) percent to three (3) percent on Site B; an increased lot coverage from fifty (50) percent to ninety (90) percent on Site A; a reduced building line from ten (10) feet to two (2) feet along Detroit Avenue on Site A; a reduced maximum side yard from sixteen (16) feet to two (2) feet on Site A; a reduced minimum side yard from five (5) feet to zero (0) feet along the west property line, and two (2) feet along the east property line on Site A; and reduced rear yard from twenty-five (25) percent to 1.5 percent on Site A; said property being more particularly described as follows:

**180 DETROIT AVENUE (43201)**, being 0.54± acres located at the northeast and southeast corners of Detroit Avenue and Hamlet Street, and being more particularly described as follows:

**Site A (northeast corner of Detroit Avenue and Hamlet Street)**

Being Lots Numbered Six (6), Seven (7), Eight (8) and Nine (9) of Catherine White's Subdivision of Lot Numbered Sixteen (16) and Seventeen (17) of Deshler's Addition to Phelan's Mt. Pleasant Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 246, Recorder's office, Franklin County, Ohio. Includes Franklin County Parcel Nos. 010-036341, 010-056312, and 010-056275.

**Site B (southeast corner of Detroit Avenue and Hamlet Street)**

Being Lot Number 7 of Patrick Kelley's Subdivision Lots Number (3) to Twelve (12) both inclusive of E.R. Sorin's Subdivision of Lots 45 and 46 of Wm. Phelan's Mt. Pleasant Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 2, Page 290, Recorder's Office, Franklin County, Ohio. Includes Franklin County Parcel No. 010-044366.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for

multi-unit residential development as shown on the submitted Site Plan, which consists of an 18-unit apartment building and a 13-unit apartment building (31 total units) in the AR-3, Apartment Residential District, and a four-unit residential building in the AR-1 Apartment Residential District, or those uses permitted in the underlying zoning districts.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**ZONING VARIANCE SITE PLAN**," drawn by Shremshock Architects, Inc., dated June 16, 2015, 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 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 upon the applicant installing and maintaining a system to control the two-way traffic operations on the twelve-foot wide ramp from Detroit Avenue to the lower level parking area for Site A, as designated on the Site Plan. The traffic control system shall be designed and reviewed in conjunction with the Site Compliance Plan process and is subject to approval by the Public Service Department.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 6.** That this ordinance is further conditioned on the combination of Franklin County parcels 010-036341, 010-056312, and 010-056275 into one parcel prior to site compliance review.

~~SECTION 7. 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.**