



Legislation Text

File #: 1667-2020, **Version:** 1

Council Variance Application: CV20-011

APPLICANT: Woda Cooper Companies, Inc.; 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 and single-unit residential development.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on June 11, 2020, for a concurrent rezoning (Ordinance #1666-2020, Z20-005) to the AR-1, Limited Apartment Residential and R-3, Residential districts, which will allow a multi-unit and single-unit residential development. The requested Council variance will permit a 60-unit apartment building in the AR-1 district, and seven single-unit dwelling lots in the R-3 district. Variances to building height, parking lot landscaping, vision clearance, and area, yard, and setback requirements are included, and are supportable as they help to achieve a site design as recommended by the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. Approval of this request will permit a mixed-residential development that is consistent with recent urban residential infill developments..

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.21(A)(2), Landscaping and screening; 3312.27(2), Parking setback line; 3321.05(B)(2), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3323.13, R-3 area district requirements; 3332.19, Fronting; 3332.21(B), Building lines; 3333.18(A)(C), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1836 LOCKBOURNE RD. (43207)**, to permit reduced development standards in the AR-1, Apartment Residential District and R-3, Residential District, respectively (Council Variance #CV20-011).

WHEREAS, by application #CV20-011, the owner of property at **1836 LOCKBOURNE RD. (43207)**, is requesting a Council variance to permit reduced development standards in the AR-1, Apartment Residential District and R-3, Residential District respectively; and

WHEREAS, Section 3309.14(A), Height districts, prohibits the height of a building to exceed 35 feet at the building line in the H-35 Height District, while the applicant proposes a three-story apartment building that is 40 feet in height; and

WHEREAS, Sections 3312.21(A)(2), Landscaping and screening, requires that interior parking lot trees shall be planted in landscaped islands or peninsulas containing a minimum soil area of 145 square feet in such a way that each tree is surrounded by a minimum radius of four feet of soil, while the applicant proposes a reduced minimum radius of three feet of soil for one interior parking lot tree; and

WHEREAS, Section 3312.27, Parking setback line, requires a minimum parking setback line of no less than 25 feet from Smith Court, while the applicant proposes a reduced parking setback line of 15 feet along the west side of Smith Court; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each of the perpendicular sides adjacent to a street intersection, while the applicant proposes a clear vision triangle measuring 13 feet at the northeast corner of Lockbourne Road and Smith Road, as shown on the submitted site plan; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-3, Residential District, while the applicant proposes a reduced lot width for six of the seven proposed lots, as shown on the submitted site plan; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a principal building shall be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes a dwelling on six lots that each contain 4,800 square feet (pursuant to lot area calculation in 3332.18(C)); and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes the northern two dwellings in the R-3 district to have 50 percent of their required frontage on a public street as shown on the site plan; and

WHEREAS, 3332.21(B), Building Lines, requires a building setback line of no less than 25 feet along Smith Road, while the applicant proposes a reduced building line of 15 feet for the southernmost dwelling unit in the R-3 district, as shown on the submitted site plan; and

WHEREAS, Section 3333.18(A)(C), Building lines, requires building lines of no less than 50 feet along Lockbourne Road and 25 feet along Smith Road, while the applicant proposes reduced building lines of one foot along Lockbourne Road and 10 feet along Smith Road, as shown on the submitted site plan; 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 25 percent of the total lot area, while the applicant proposes a reduced rear yard totaling 21 percent of the total lot area for the 60-unit apartment building; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal will allow a mixed-residential development that is consistent with *Columbus Citywide Planning Policies (C2P2) Design Guideline's*, and with similar urban residential infill projects; and

WHEREAS, this 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 **1836 LOCKBOURNE RD. (43207)**, 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 3309.14, Height districts; 3312.21(A)(2), Landscaping and screening; 3312.27(2), Parking setback line; 3321.05(B)(2), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.21(B), Building lines; 3333.18(A)(C),

Building lines; and 3333.24, Rear yard, is hereby granted for the property located at **1836 LOCKBOURNE RD. (43207)**, insofar as said sections prohibit an increased building height from 35 to 40 feet for the proposed 60-unit apartment building in the AR-1, Apartment Residential District; reduced minimum soil radius for one interior landscaping tree from 4 to 3 feet in the AR-1 district; reduced parking setback line along the west side of Smith Court from 25 to 15 feet in the AR-1 district; reduced clear vision triangle at the northeast corner of Lockbourne Road and Smith Road from 30 to 13 feet in the AR-1 district; reduced lot widths from 50 to 40 feet for six of the seven lots proposed in the R-3, Residential District; reduced lot area from 5,000 to 4,800 square feet for six lots in the R-3 district; reduced fronting on a public street for the northern two lots in the R-3 district; reduced building line along Smith Road from 25 to 15 feet in the R-3 district; reduced building lines from 50 feet to 1 foot and 25 to 10 feet along Lockbourne Road and Smith Road, respectively, in the AR-1 district; and reduced rear yard from 25 to 21 percent in the AR-1 district; said property being more particularly described as follows:

1836 LOCKBOURNE RD. (43207), being 3.34± acres located at the northeast corner of Lockbourne and Smith Roads, and being more particularly described as follows:

DESCRIPTION OF 2.304 ACRES AR-1, Apartment Residential District:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 39, Township 5 North, Range 22 West, Refugee Lands, being all of those tract described as Parcel 4 and Parcel 5, and being part of those tracts described as Parcel 1, Parcel 3, Parcel 6, Parcel 7 and Parcel 8 in deeds to City of Columbus, of record in Instrument Number 201107130086731, Instrument Number 201104200051868, Instrument Number 201110120130198, Instrument Number 201104200051884, Instrument Number 201105250066643, Instrument Number 201108310109243 and Instrument Number 201107060083398, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing north right-of-way line for Smith Road and the existing east right-of-way line for Lockbourne Road;

Thence North 03 degrees 54 minutes 30 seconds East, along the existing east right-of-way line for Lockbourne Road, across said Parcel 8, across said Parcel 7 and across said Parcel 6, a distance of 281.43 feet to a point on the north line of said Parcel 6, being the southwest corner of that tract described in a deed to 1802 Southside Properties LLC, of record in Instrument Number 201608150107228;

Thence South 86 degrees 05 minutes 04 seconds East, along the north line of said Parcel 6, along the north line of said Parcel 5 and along the south line of said 1802 Southside tract, a distance of 248.00 feet to a northeast corner of said Parcel 5, being on the west line of said Parcel 1 and being the southeast corner of said 1802 Southside tract;

Thence North 03 degrees 54 minutes 30 seconds East, along the west line of said Parcel 1 and along the east line of said 1802 Southside tract, a distance of 127.60 feet to the northwest corner of said Parcel 1, being the northeast corner of said 1802 Southside tract and being on the south line of Lockhurst Subdivision, as recorded in Plat Book 32, Page 78;

Thence South 86 degrees 05 minutes 04 seconds East, along the north line of said Parcel 1 and along the south line of said Lockhurst Subdivision, a distance of 219.40 feet to the northeast corner of said Parcel 1, being the northwest corner of that tract described in a deed Cemerite Fleurival and Lisa Cabrera-Fleurival, of record in Instrument Number 201912310175343;

Thence South 04 degrees 04 minutes 14 seconds West, along the east line of said Parcel 1 and along the west line of said Fleurival tract, a distance of 78.34 feet to a point;

Thence North 86 degrees 10 minutes 09 seconds West, across said Parcel 1, a distance of 150.55 feet to a point;

Thence South 11 degrees 58 minutes 28 seconds West, continuing across said Parcel 1, a distance of 57.60 feet to a point

on the existing north right-of-way line for Smith Court, being the south line of said Parcel 1;

Thence North 86 degrees 05 minutes 05 seconds West, along the existing north right-of-way line for Smith Court and along the south line of said Parcel 1, a distance of 25.00 feet to the northwest corner of the existing right-of-way for Smith Court, being a northeast corner of said Parcel 5;

Thence South 03 degrees 54 minutes 30 seconds West, along the existing west right-of-way line for Smith Court, along an east line of said Parcel 5, along the east line of said Parcel 4 and along the east line of said Parcel 3, a distance of 273.01 feet to the intersection of the existing west right-of-way line for Smith Court and the existing north right-of-way line for Smith Road;

Thence North 86 degrees 10 minutes 09 seconds West, along the existing north right-of-way line for Smith Road, across said Parcel 3 and across said Parcel 8, a distance of 283.55 feet to the **POINT OF BEGINNING** for this description.

The above description contains a total area of 2.304 acres, of which:

0.479 acres is located within Franklin County Auditor's parcel number 010-117343,

0.391 acres is located within Franklin County Auditor's parcel number 010-089600,

0.225 acres is located within Franklin County Auditor's parcel number 010-132190,

0.243 acres is located within Franklin County Auditor's parcel number 010-132189,

0.446 acres is located within Franklin County Auditor's parcel number 010-112203,

0.220 acres is located within Franklin County Auditor's parcel number 010-089601,

0.300 acres is located within Franklin County Auditor's parcel number 010-089608.

DESCRIPTION OF 1.036 ACRES R-3, Residential District:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 39, Township 5 North, Range 22 West, Refugee Lands, being all of that tract described as Parcel 2 and being part of those tracts described as Parcel 1 and Parcel 3 in deeds to City of Columbus, of record in Instrument Number 201107270093114, Instrument Number 201110120130198 and Instrument Number 201104200051884, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing north right-of-way line for Smith Road and the existing east right-of-way line for Smith Court, being a point on the west line of said Parcel 3;

Thence North 03 degrees 54 minutes 30 seconds East, along the existing east right-of-way line for Smith Court, along the west line of said Parcel 3 and along the west line of said Parcel 2, a distance of 272.94 feet to the northeast corner of the existing right-of-way for Smith Court, being the northwest corner of said Parcel 2 and being on the south line of said Parcel 1;

Thence North 86 degrees 05 minutes 05 seconds West, along the existing north right-of-way line for Smith Court and along the south line of said Parcel 1, a distance of 25.00 feet to a point;

Thence North 11 degrees 58 minutes 28 seconds East, across said Parcel 1, a distance of 57.60 feet to a point;

Thence South 86 degrees 10 minutes 09 seconds East, continuing across said Parcel 1, a distance of 150.55 feet to a point

on the east line of said Parcel 1, being on the west line of that tract conveyed to Cemerite Fleurival and Lisa Cabrera-Fleurival, of record in Instrument Number 201912310175343;

Thence South 04 degrees 04 minutes 14 seconds West, along the east line of said Parcel 1, along the west line of said Fleurival tract, along the east line of said Parcel 2 and along the east line of said Parcel 3, a distance of 330.00 feet to a point on the existing north right-of-way line for Smith Road;

Thence North 86 degrees 10 minutes 09 seconds West, along the existing north right-of-way line for Smith Road and across said Parcel 3, a distance of 132.69 feet to the **POINT OF BEGINNING** for this description.

The above description contains a total area of 1.036 acres, of which:

0.202 acres is located within Franklin County Auditor's parcel number 010-117343,

0.446 acres is located within Franklin County Auditor's parcel number 010-117344,

0.388 acres is located within Franklin County Auditor's parcel number 010-089600.

Property Address: 1836 Lockbourne Rd., Columbus, OH 43207.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the AR-1, Apartment Residential and R-3, Residential districts.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING EXHIBIT FOR 1836 LOCKBOURNE ROAD,**" drawn by American Structurepoint Inc., dated July 1, 2020, 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 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 uses.

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