



Legislation Text

File #: 1593-2014, **Version:** 1

Council Variance Application: CV14-016

APPLICANT: Guy Williams Jr.; c/o David L. Hodge, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 460, Columbus, OH 43215.

PROPOSED USE: Mixed residential development with reduced standards.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This site is developed with mixed commercial and industrial uses, two single-unit dwellings, and a vacant lot. The two furthest west lots were recently annexed from Clinton Township, and the applicant received a recommendation of approval from the Development Commission on June 12, 2014, for a concurrent rezoning (Ordinance No. 1592-2014; Z14-016) to the AR-1, Apartment Residential District. The six other lots were zoned to AR-1 in 2013, and are subject to Ordinance No. 1833-2013 (CV13-009) which allowed a configuration of two or three one- to three-unit dwellings per lot for six separate lots (twenty-eight total units). The requested variance will allow reconfiguration of that site and the two new lots for one four-unit dwelling, three three-unit dwellings, six two-unit dwellings, and one one-unit dwelling on one lot (Subarea 1), and a three-unit dwelling and a two-unit dwelling per lot for two separate lots (Subarea 2) for thirty-six total units. Other variances include fronting on a public street, and reductions to building lines, perimeter yard, and landscaping and screening. This proposal contains the same average number of dwelling units per lot as the current Council Variance request, and is consistent with reconfigured sites to the south on Chesapeake Avenue. The site is located within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends mixed-use development for this location. Staff finds that the proposal meets the Plan's considerations, and believes that it will not add incompatible uses since there have been variances already granted to the applicant in this area for similar developments. The loss of green space within the proposed development is being offset by the applicant designating 2,680 square feet as open space in Subarea 1.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23 (d), Minimum side yard permitted; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1397 CHAMBERS ROAD (43212)**, to permit the construction of one-, two-, three-, and four-unit dwellings with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance No. 1833-2013, passed on July 22, 2013 (Council Variance # CV14-016). **(REPEALED BY ORD. 2593-2014 PASSED 11/24/2014)**

WHEREAS, by application No. CV14-016, the owner of property at **1397 CHAMBERS ROAD (43212)**, is requesting a Council Variance to permit one four-unit dwelling, three three-unit dwellings, six two-unit dwellings, and one one-unit dwelling on one lot (Subarea 1), and a three-unit dwelling and a two-unit dwelling per lot for two separate lots (Subarea 2), with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development on one lot, while the applicant proposes to construct

one four-unit dwelling, three three-unit dwellings, six two-unit dwellings, and one one-unit dwelling on one lot (Subarea 1), and a three-unit dwelling and a two-unit dwelling per lot for two separate lots (Subarea 2); and

WHEREAS, Section 3312.21, Landscaping and screening, requires parking lots to have screening within 80 feet of residentially zoned property, while the applicant proposes no screening of the proposed parking lots in both Subareas; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines for Lots 1 and 2 in Subarea 2; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than nine (9) feet by eighteen (18) feet, while the applicant proposes three (3) parking spaces that are 8.5 feet wide on Lot 1 in Subarea 2; and

WHEREAS, Section 3333.055, Exception for single- or two-family dwelling, allows one (1) one-unit dwelling or one (1) two-unit dwelling on a lot platted on or before January 14, 1959, while the applicant proposes to construct a three-unit dwelling and a two-unit dwelling on each lot in Subarea 2; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-1, Apartment Residential District, while the applicant proposes to maintain lot widths in Subarea 2 of forty-five (45) feet for Lot 1 and forty (40) feet for Lot 2; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the rear dwellings in both Subareas; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chambers Avenue, while the applicant proposes a building line of 13.5 feet for Subarea 1 and 14.5 feet in Subarea 2 as shown on the Site Plan; and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be equal to one-sixth of the height of the building where it exceeds two and one-half stories in height, or seven (7) feet for a forty-two foot high building, while the applicant proposes minimum side yards in Subarea 2, Lot 1 of six (6) feet on the east side and five (5) feet on the west side for the front dwelling, and four (4) feet on the east side for the rear dwelling; and in Subarea 2, Lot 2 of five (5) feet on the east side and three (3) feet on the west side for the front dwelling, and six (6) feet on the east side for the rear dwelling; 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 reduced rear yards in Subarea 2 of fourteen (14) percent on Lot 1 and sixteen (16) percent on Lot 2; and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires side and rear yards to be open to the sky, while the applicant proposes to allow parking in the proposed side and rear yards in Subarea 2; and

WHEREAS, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for a multiple dwelling development, while the applicant proposes a three (3) foot perimeter yard in Subarea 1 as shown on the Site Plan; and

WHEREAS, the Fifth By Northwest Area Commission recommends approval; and

WHEREAS, the Columbus Public Health Healthy Places program reviews applications for active living features, and recognizes that this development has new sidewalks that are a minimum of five feet in width, and sidewalk connections to the new public sidewalk along Chambers Road; and

WHEREAS, City Departments recommend approval because the requested variance to allow carriage house development meets the *Fifth by Northwest Neighborhood Plan* density and design considerations, and believe that the proposal will not add incompatible uses since there have been variances already granted to the applicant in this area for similar developments. Staff views the variances to allow one- and two-unit buildings and to permit dwellings without frontage on a public street as technicalities which will have no negative effect on the development or the surrounding area. The loss of green space within the proposed development is being offset by the applicant designating 2,680 square feet as open space in Subarea 1; 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 **1397 CHAMBERS ROAD (43212)**, 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 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.055, Exception for single- or two-family dwelling; 3333.09, Area requirements; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.23(d), Minimum side yard permitted; 3333.24, Rear yard; 3333.25, Side or rear yard obstruction; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1397 CHAMBERS ROAD (43212)**, insofar as said sections prohibit one and two-unit dwellings and two dwellings on one lot; with no parking lot screening; maneuvering over property lines for parking spaces in Subarea 2; parking spaces that are 8.5 feet wide in Subarea 2; reduced lot widths of forty (40) and forty-five (45) feet in Subarea 2; rear dwellings having no frontage on a public street; reduced building lines from twenty-five (25) feet to 13.5 feet in Subarea 1 and to 14.5 feet in Subarea 2; reduced minimum side yard from seven (7) feet to six (6) feet on the east side and five (5) feet on the west side for the front dwelling, and four (4) feet on the east side for the rear dwelling for Subarea 2, Lot 1, and to five (5) feet on the east side and three (3) feet on the west side for the front dwelling, and six (6) feet on the east side for the rear dwelling for Subarea 2, Lot 2; reduced rear yards in Subarea 2 of fourteen (14) percent on Lot 1 and sixteen (16) percent on Lot 2; parking in the proposed side and rear yards in Subarea 2; and a reduced perimeter yard from twenty-five (25) feet to three (3) feet in Subarea 1; said property being more particularly described as follows:

1397 CHAMBERS ROAD (43212), being 1.28± acres located on the south side of Chambers Road, 472± feet west of Northwest Boulevard, and being more particularly described as follows:

Subarea 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Lots 32, 33, 34, 35, 36, and 37 of “Lincoln Heights Addition” subdivision recorded in Plat Book 7, Page 250, said lots being in the name of 1405 LLC and Guy Williams, Jr. and described as follows:

Beginning in the south right-of-way line of Chambers Road and at the northwest corner of said Lot 32 of said “Lincoln Heights Addition”;

Thence Easterly, along said south right-of-way line, about 240.55 feet to the northeast corner of said Lot 37;

Thence Southerly, along the east line of said Lot 37, about 170.46 feet to the southeast corner of said Lot 37, in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 238.62 feet to the southwest corner of said Lot 32;

Thence Northerly, along the west line of said Lot 32, about 170.45 feet to the *Point of Beginning*. Containing approximately .93 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-005581, 420-292067, 420-292068, 420-292069, 420-292070, and 420-292071.

Subarea 2:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 18, U.S.M.D, and being all of Franklin County Parcels numbered 420-292056 and 420-292064.

Beginning in the south right-of-way line of Chambers Road, (20) twenty feet east across an unnamed alley from Lot 37 of the Lincoln Heights Addition subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr.

Thence Easterly, along said south right-of-way line, about 85 feet to the northeast corner of said parcel 420-292064;

Thence Southerly, along the east line of said parcel 420-292064, about 180 feet to the southeast corner of said parcel;

Thence Westerly, along the south line of said parcels, about 85 feet to the southwest corner of parcel 420-292056;

Thence Northerly, along the west line of said parcel 420-292056, about 180 feet to the *Point of Beginning*, containing approximately .35 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 420-292056 and 420-292064.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a thirty-six unit development consisting of one-, two-, three-, and four-unit dwellings in accordance with the submitted Site Plan, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**1397 CHAMBERS ROAD SHEETS ZCL-1 A and B, ZCL-2, & ZCL-3**," drawn by V Design, dated June 20, 2014, and signed by David L. Hodge, Attorney for the Applicant. The Plans 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 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 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.

SECTION 6. That Ordinance No. 1833-2013, passed on July 22, 2013, be and is hereby repealed.