



Legislation Text

File #: 0840-2016, **Version:** 2

Council Variance Application: CV16-003

APPLICANT: Metropolitan Holdings, LLC; c/o David Hodge, Atty.; Underhill, Yaross & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

FIFTH BY NORTHWEST AREA 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 (Ordinance No. 0839-2016; Z16-003) to the AR-3, Apartment Residential District to allow the development of a three story apartment building containing ~~forty-five (45)~~ **forty-six (46)** units. The applicant is requesting variances to landscaping and screening, maneuvering, parking space, required number of landscaping trees, maximum lot coverage, building lines and rear yard standards. These reduced development standards are supportable because they allow for better design and placement of the building and parking on the development site. The requested variances are reflective of higher-density infill development in urban neighborhoods, including developments in the Fifth by Northwest planning area.

To grant a Variance from the provisions of Sections 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.07(B) Landscaping; 3333.15(C), Basis of computing area; 3333.18(D)(1), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1317 CHESAPEAKE AVENUE (43212)**, to permit a ~~forty-five (45)~~ **forty-six (46)** unit apartment building with reduced development standards in the AR-3, Apartment Residential District (Council Variance # CV16-003).

WHEREAS, by application No. CV16-003, the owner of property at **1317 CHESAPEAKE AVENUE (43212)**, is requesting a Council variance to permit a ~~forty-five (45)~~ **forty-six (46)** unit apartment building with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires screening of parking lots and drive aisles within 80 feet of residentially zoned districts to be five (5) feet high and 75% opaque within a landscaped area of at least four (4) feet in width, while the applicant proposes no screening for the drive aisle along the east property line adjacent to residentially zoned districts; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through a parking space to accommodate ~~twenty-five (25)~~ **twenty-three (23)** stacked parking spaces; and

WHEREAS, Section 3312.29, Parking space, allows stacked parking spaces for dwellings, but those stacked spaces may not be counted as required spaces, while the applicant proposes ~~twenty-five (25)~~ **twenty-three (23)** stacked spaces to be counted in the total number of provided parking spaces; and

WHEREAS, Section 3321.07(B), Landscaping, requires one (1) tree per ten (10) residential units, while the applicant

proposes providing the required five (5) trees in the right-of-way on the north property line; 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 68.4 percent on the site; and

WHEREAS, Section 3333.18(D)(1), Building lines, requires a building line of no less than twenty-five (25) feet along Chesapeake Avenue, while the applicant proposes a reduced building line of zero (0) feet along Chesapeake Avenue; 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 reduced rear yard of 12.5 percent of the total lot area; and

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

WHEREAS, City Departments recommend approval because the requested variances are reflective of higher-density infill development in urban neighborhoods; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 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 **1317 CHESAPEAKE AVENUE (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 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3321.07(B) Landscaping; 3333.15(C), Basis of computing area; 3333.18(D)(1), Building lines; and 3333.24, Rear yard, of the Columbus City Codes, are hereby granted for the property located at **1317 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit a drive aisle with no landscaping and screening within eighty (80) feet of residential zoned property; maneuvering over a parking space; ~~twenty-five~~ **twenty-three (23)** stacked parking spaces; five (5) required trees planted in the right-of-way instead of the subject site; an increased maximum lot coverage from fifty (50) to 68.4 percent; reduced building lines from twenty-five (25) feet to zero (0) feet; and a reduced rear yard from twenty-five (25) to 12.5 percent; said property being more particularly described as follows:

1317 CHESAPEAKE AVENUE (43212), being 0.76± acres located on the south side of Chesapeake Avenue, 139± feet west of Northwest Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 3, Township 1, Range 18 of the United States Military District, and also being part of a tract as all is conveyed to Chesapeake Properties, LLC in Instrument Numbers 200312290404336 and 200404260092416, being part of Lots 20 and 21 of the John M. Pugh's Subdivision as recorded in Plat Book 4, Page 324, and being more particularly described as follows;

Commencing at the northeast corner of said Chesapeake Properties, LLC tract, the northwest corner of a tract as conveyed to C&A Endeavors I, LLC in Instrument Number 201503160032627, being in the north line of said Lot 21 and the south line of said Lot 22, and also being in the centerline of Chesapeake Avenue (50'); and

Thence with the east line of said Chesapeake Properties, LLC tract, and the west line of said C&A Endeavors I, LLC tract, S 03° 49' 31" W, 25.00 feet to the southerly right of way line of Chesapeake Avenue, being the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence continuing with the east line of said Chesapeake Properties, LLC tract, the west line of said C&A Endeavors I, LLC tract, the west line of a tract as conveyed to Robert G. Pflaum, Trustee of the Robert G. Pflaum Family Trust dated February 8, 2007 in Instrument Number 200702260032977, the west line of a tract as conveyed to Jeffrey R. Gossman and Mary J. Gossman in Instrument Number 200106140134306, the west line of a tract as conveyed to Linnea R. Seidel in Official Record 1665, Page H08, S 03° 49' 31" W, 166.93 feet to the northerly right of way line of an Alley 10 feet wide;

Thence with the northerly right of way line of said Alley 10 feet wide, across said Chesapeake Properties, LLC tract, N 85° 56' 39" W, 199.84 feet to the west line of said Chesapeake Property, LLC tract and the east line of a 1.068 acre tract as conveyed to The Kroger Co. in Official Record 30487, Page G10 and Official Record 30487, Page G15;

Thence with the west line of said Chesapeake Properties, LLC tract and the east line of said 1.068 acre tract, N 03° 49' 31" E, 166.07 feet to the northeast corner of said 1.068 acre tract and the southeast corner of a 0.266 acre tract as conveyed to The Kroger Co. in Instrument Number 201302150027133, being in the southerly right of way line of Chesapeake Avenue;

Thence with the southerly right of way line of Chesapeake Avenue across said Chesapeake Properties, LLC tract, S 86° 11' 24" E, 199.84 feet to the TRUE POINT OF BEGINNING, containing 0.75+/- acres, more or less.

The above description was prepared by Advanced Civil Design, Inc. on January 04, 2016 and is based on existing Franklin County Records.

Parcel Nos: 010-087475, 010-098799 and 010-087468.

Known As: 1317 Chesapeake Avenue, Columbus, 43212.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a ~~forty-five (45)~~ **forty-six (46)** unit apartment building, or those uses permitted in the AR-3, 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, "**1313 CHESAPEAKE AVE,**" drawn by Advanced Civil Design, Inc., dated ~~March, 15, 2016~~ **April, 13, 2016**, and signed by David Hodge, 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 a Certificate of Occupancy for the proposed use.