



Legislation Text

File #: 0881-2023, **Version:** 1

Council Variance Application: CV21-066

APPLICANT: Roby Development; c/o Dave Perry, Agent; Dave 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 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 #0879-2023; Z21-044) to the AR-1, Apartment Residential District. The applicant proposes a five-unit apartment building and four-unit dwelling on the same lot. Variances for building arrangement, building height, vision clearance, lot coverage, building line, and perimeter yard are included in the request. Staff finds the requested variances to be supportable as they will allow the site to be redeveloped with a multi-unit residential development that is consistent with emerging development pattern along West 3rd Avenue and with other residential redevelopment proposals in the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.14, Height districts; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1095 W. 3RD AVE. (43212)**, to permit a five-unit apartment building and a four-unit dwelling on the same lot with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV21-066).

WHEREAS, by application #CV21-066, the owner of property at **1095 W. 3RD AVE. (43212)**, is requesting a Council variance to permit a five-unit apartment building and a four-unit dwelling on the same lot 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, does not permit the arrangement of one five-unit apartment building and one four-unit dwelling on the same lot, while the applicant proposes such an arrangement on this site in the AR-1, Apartment Residential District; and

WHEREAS, Section 3309.14, Height districts, requires any portion of a building in the AR-1, Apartment Residential District to not exceed thirty-five feet in the thirty-five (35) foot height district, while the applicant proposes an increased building height of 43 feet for Building A; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a clear vision triangle of 30 feet by 30 feet at the intersection of West 3rd Avenue and Oxley Road, while the applicant proposes a reduced vision clearance triangle of 15 by 15 feet; and

WHEREAS, Section 3333.15, Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 68 percent for the proposed buildings; and

WHEREAS, Section 3333.18(F), Building lines, requires a building line of 40 feet along West 3rd Avenue, while the applicant proposes a reduced building line of four feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 12 feet, while the applicant proposes reduced perimeter yards of three feet along the southern property line; and five feet for Building A and one foot for Building B along the eastern property line; and to permit a paved sidewalk in the eastern perimeter yard, as depicted on the site plan; and

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

WHEREAS, the City Departments recommend approval because the variances will permit a multi-unit residential development that is consistent with the emerging development pattern along West 3rd Avenue and with other residential redevelopment proposals in the area; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **1095 W. 3RD AVE. (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; 3309.14, Height districts; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines(F); and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1095 W. 3RD AVE. (43212)**, insofar as said sections prohibit a five-unit apartment building and a four-unit dwelling on the same lot in the AR-1, Apartment Residential District; with an increased building height from 35 feet to 43 feet for Building A; a reduced vision clearance triangle from 30 by 30 feet to 15 by 15 feet at the intersection of East 3rd Avenue and Oxley Road; increased lot coverage from 50 percent to 68 percent; reduced building line from 40 feet to four feet along West 3rd Avenue; and reduced perimeter yard from 12 feet to three feet along the southern property line, and from 12 feet to five feet and one foot along the eastern property line for Building A and Building B, respectively, with a paved sidewalk within the eastern perimeter yard; said property being more particularly described as follows:

1095 W. 3RD AVE. (43212), being 0.31± acres located at the southeast corner of West 3rd Avenue and Oxley Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus, and being more particularly described as follows:

Being all Lots Numbers Three Hundred and Sixty (360), Three Hundred and Sixty-One (361), and Three Hundred and Sixty-Two (362) of Plat Number Three (3) of Northwest Boulevard Addition, as the said lots are numbered and delineated on the recorded plat thereof, of record in Plat Book 13, Page 13, Recorder's Office, Franklin County, Ohio.

Parcel Nos. 010-062963, 010-062964 & 010-062965
Known as: 1095 W. 3rd Ave., Columbus, OH 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 five-unit apartment building and a four-unit dwelling on one lot, 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 plan titled, "**SITE PLAN**," signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated January 12, 2023. 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 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.