



Legislation Text

File #: 2100-2014, **Version:** 2

Council Variance Application: CV14-038

APPLICANT: Borror Properties; c/o John P. Kennedy and Michael T. Shannon, Attys.; Crabbe Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Six-unit apartment building with reduced development standards.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned R-4, Residential District, and is undeveloped. The requested Council Variance will permit a six-unit apartment building with increased lot coverage and reductions to driveway width, vision clearance, bicycle parking, and building lines. A Council variance is necessary because the R-4, Residential District permits a maximum of four dwelling units in one building. Staff finds that the proposal will not add incompatible uses to the area as there are other multi-unit residential uses within this neighborhood. The request is consistent with recent residential infill development proposals in historic urban neighborhoods, and is supported by the Italian Village Commission.

To grant a variance from the provisions of Sections 3332.039, R-4, Residential district; 3312.13(B), Driveway; 3312.49 (B), Minimum numbers of parking spaces required; 3321.05(A)(2), Vision clearance; 3321.05(B)(2), Vision clearance; 3332.18(D), Basis of computing area; and 3332.21, Building lines, of the Columbus City codes; for the property located at **875 SUMMIT STREET (43215)**, to permit a six-unit apartment building with reduced development standards in the R-4, Residential District **and to declare an emergency** (Council Variance # CV14-038).

WHEREAS, by application No. CV14-038, the owner of property at **875 SUMMIT STREET (43215)**, is requesting a Council Variance to permit a six-unit dwelling with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3333.039, R-4, Residential District, allows a maximum of four units in one building, while the applicant proposes the construction of a six-unit apartment building; and

WHEREAS, Section 3312.13(B), Driveway, requires a minimum width of twenty (20) feet for driveways serving more than eight residential parking spaces, while the applicant proposes a driveway width of eighteen (18) feet which spans three different lots via access easements; and

WHEREAS, Section 3312.49(B), Minimum numbers of parking spaces required, requires a minimum of two (2) bicycle parking spaces for up to twenty (20) parking spaces, while the applicant proposes no public bicycle parking spaces, but will instead provide bicycle parking within garages; and

WHEREAS, Section 3321.05(A)(2), Vision clearance, requires a clear vision triangle of twelve (12) feet on each residential lot at the intersection of a driveway and the street right-of-way, while the applicant proposes a clear vision triangle of 9.5 feet for the north side of the driveway intersecting Summit Street as shown on the Site Plan; 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 a clear vision triangle of nine (9) feet at the intersection of Summit Street and East First Avenue as shown on the Site Plan; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes a lot coverage of approximately fifty-three (53) percent for the proposed building; and

WHEREAS, Section 3332.21, 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 Summit Street and East First Avenue; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area as there are other multi-unit residential uses within this neighborhood. The request is consistent with recent residential infill development proposals in historic urban neighborhoods, and is supported by the Italian Village Commission; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **875 SUMMIT STREET (43215)**, 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 3332.039, R-4, Residential district; 3312.13(B), Driveway; 3312.49(B), Minimum numbers of parking spaces required; 3321.05(A)(2), Vision clearance; 3321.05(B)(2), Vision clearance; 3332.18(D), Basis of computing area; and 3332.21, Building lines, of the Columbus City codes, is hereby granted for the property located at **875 SUMMIT STREET (43215)**, in so far as said sections prohibit a six-unit apartment building in the R-4, Residential District, with a reduced driveway width from twenty (20) feet to eighteen (18) feet which spans three different lots via access easements; no public bicycle parking, but private spaces will be provided within garages; a reduced clear vision triangle from twelve (12) feet to 9.5 feet for the north side of the driveway intersecting Summit Street; a reduced clear vision triangle from thirty (30) feet to nine (9) feet at the intersection of Summit Street and East First Avenue; an increased maximum lot coverage from fifty (50) percent to fifty-three (53) percent; and reduced building lines along Summit Street and East First Avenue from ten (10) feet to zero (0) feet; said property being more particularly described as follows:

875 SUMMIT STREET (43215), being 0.28± acres located at the southwest corner of Summit Street and East First Avenue, and being more particularly described as follows:

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

TRACT ONE:

Being Lot Number One (1) of LUTHER HILLERY'S SUBDIVISION of Lot 16 in William Phelan's Mount Pleasant Addition, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio EXCEPTING from said Lot No. 1, 40 feet off of the South end thereof sold to E. Ira Hanna, by deed of record in Deed Book 163, Page 94, Recorder's Office, Franklin County, Ohio, including all rights in the private alley lying to the south of said premises.

TRACT TWO:

Being part of Lot Number Two (2) of LUTHER HILLERY'S SUBDIVISION of Lot 16 in William Phelan's Mount Pleasant Addition, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio, more particularly bounded and described as follows:

Beginning at a point in the north line of said Lot 2, 25 feet west of the northeast corner, thence east on the north line of said Lot No. 2, 25 feet to the northeast corner, thence southerly on the east line of said Lot 2, 146 feet, thence west 10 feet, thence northerly in a direct line 146 feet to the place of beginning, including all rights in the private alley lying to the south of said premises.

TRACT THREE:

Being a strip of ground in Lots Numbered One (1) and Two (2), of LUTHER HILLERY'S SUBDIVISION of Lot No. 16 of Wm. Phellan's Mt. Pleasant Addition to the City of Columbus, Ohio, as the said Lots Numbered 1 and 2 are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio.

Beginning at a point in the east line of said Lot No. 1, 140 feet South of the Northeast corner thereof, thence in a westerly direction on a line parallel with the south line of said Lot No 1, 80 feet to a point, thence in a northerly direction 40 feet to a point, 75 feet West of the East line of said Lot 1; thence in an easterly direction on a line parallel with the south line of said Lot, 75 feet to a point in the East line of said Lot No. 1; thence in a Southerly direction along the East line of Lot No. 1, 40 feet to the place of beginning, together with the use of the private alley on the south side of said premises for the purposes of ingress and egress.

Parcel No. 010-021767

Known as 875 Summit Street, Columbus, Ohio

EXCEPTING THEREFROM THE FOLLOWING:

DESCRIPTION OF A 0.008 ACRE RIGHT-OF-WAY DROP

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, being part of Lot 1 of Luther Hillery's Sub. Of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat Book 2, page 156, described as Parcels One and Three in a deed to **Wood Run Partners, LLC**, of record in Instrument Number 201402190020786, 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 a concrete nail set at the intersection of the existing south right-of-way line for First Avenue (60 feet wide) and the existing west right-of-way line for Summit Street (60 feet wide), both established in Plat Book 1, page 9, said concrete nail being the northeast corner of said Lot 1;

Thence **South 10 degrees 00 minutes 00 seconds East**, along the existing west right-of-way line for said Summit Street, and along the east line of said Lot 1, a distance of **140.00 feet** (passing at a distance of 105.00 feet the southeast corner of

said Parcel One, being the northeast corner of said Parcel Three), to a MAG nail set at the southeast corner of said Parcel Three, being the northeast corner of a private alley described in a deed to John T. Hillery, of record in Deed Book 208, page 422;

Thence **South 85 degrees 45 minutes 00 seconds West**, along the south line of said Parcel Three and along the north line of said private alley, a distance of **2.51 feet** to a MAG nail set;

Thence **North 10 degrees 00 minutes 00 seconds West**, across the grantor's land, along a line parallel to and 2.50 feet west of the existing west right-of-way line for said Summit Street, a distance of **140.28 feet** (passing at a distance of 35.00 feet the north line of said Parcel Three, being the south line of said Parcel One) to a concrete nail set on the existing south right-of-way line for said First Avenue, being the north line of said Lot 1;

Thence **South 88 degrees 00 minutes 00 seconds East**, along the existing south right-of-way line for said First Avenue and along the north line of said Lot 1, a distance of **2.56 feet** to the **POINT OF BEGINNING** for the herein described right-of-way drop.

The above described right-of-way drop contains a total area of **0.008 acres** located within Franklin County Auditor's parcel number 010-021767.

Bearings described herein are based on the bearing of South 88 degrees East for the south line of First Avenue, as shown on Luther Hillery's Sub. of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat Book 2, page 156.

The above described right-of-way drop was prepared on August 22, 2014 by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises and is true and correct to the best of my knowledge and belief.

INCLUDING THE FOLLOWING ACCESS EASEMENT AREAS:

EASEMENT AREA 1: DESCRIPTION OF A 0.011 ACRE ACCESS EASEMENT

Situated in the State of Ohio, County of Franklin, City of Columbus, being locate in Section 5, Township 5, Range 22, Refugee Lands, being part of Lots 1 and 2 of Luther Hillery's Sub. of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat Book 2, page 156, and being part of a private alley last described in a deed to John T. Hillery of record in Deed Book 208, page 422, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at the southeast corner of said Lot 1, being on the west right-of-way line for Summit Street (60 feet wide), as established in Plat Book 1, page 9, being at the northeast corner of Lot 4 of said Luther Hillery's Sub., as said Lot is described in a deed to David J. Armeni of record in Instrument Number 200102060024650, and being the southwest corner of said private alley;

Thence **South 85 degrees 45 minutes 00 seconds West**, along the south line of said Lot 1 and the south line of said Lot 2, along the north line of said Lot 4 and along the south line of said private alley, a distance of **96.07 feet** to a point;

Thence **North 01 degree 37 minutes 25 seconds West**, across said Lot 2 and across said private alley, a distance of **6.60 feet** to a point, being the southwest corner of Parcel Two described in a deed to Wood Run Partners, LLC, of record in Instrument Number 201402190020786, and being on the north line of said private alley;

Thence **South 88 degrees 22 minutes 37 seconds East**, across said Lot 2, along the south line of said Parcel Two and along the north line of said private alley, a distance of **15.77 feet** to a point on the east line of said Lot 2, being on the west line of said Lot 1, being the southeast corner of said Parcel Two, and being the southwest corner of Parcel Three

described in said deed to Wood Run Partners, LLC;

Thence **North 85 degrees 45 minutes 00 seconds East**, across said Lot 1, along the south line of said Parcel Three and continuing along the north line of said private alley, a distance of **79.58 feet** to a point on the west right-of-way line for said Summit Street, being on the east line of said Lot 1, being the southeast corner of said Parcel Three, and being the northeast corner of said private alley;

Thence **South 10 degrees 00 minutes 00 seconds East**, along the west right-of-way line for said Summit Street, along the east line of said Lot 1 and along the east line of said private alley, a distance of **5.00 feet** to the **POINT OF BEGINNING** for this description.

This description contains a total area of **0.011 acres** located within Franklin County Auditor's parcel number 010-234328.

The private alley referenced herein is subject to the interest of the balance of Lots 2 and 3 of said Luther Hillery's Sub. As reserved in Deed Book 145, page 78, Deed Book 161, page 364, Deed Book 186, page 422, Deed Book 205, page 474, and Deed Book 208, page 423.

Bearings described herein are based on the bearing of South 88 degrees East for the south line of First Avenue, as shown on Luther Hillery's Sub. of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat Book 2, page 156.

The above described easement was prepared on June 17, 2014 by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises and is true and correct to the best of my knowledge and belief.

EASEMENT AREA 2: DESCRIPTION OF A 0.005 ACRE ACCESS EASEMENT

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 5, Township 5, Range 22, Refugee Lands, being part of Lot 4 of Luther Hillery's Sub. of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat Book 2, page 156, said Lot being described in a deed to David J. Armeni, of record in Instrument Number 200102060024650, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at the northeast corner of said Lot 4, being on the west right-of-way line for Summit Street (60 feet wide), as established in Plat Book 1, page 9, and being the southeast corner of Lot 1 of said Luther Hillery's Sub., originally described in a deed to John T. Hillery, of record in Deed Book 208, page 422, being the southeast corner of a private alley;

Thence **South 10 degrees 00 minutes 00 seconds East**, along the east line of said Lot 4 and along the west right-of-way line for said Summit Street, a distance of **4.32 feet** to a point;

Thence **South 88 degrees 17 minutes 52 seconds West**, across said Lot 4, a distance of **96.60 feet** to a point on the north line of said Lot 4, being on the south line of Lot 2 of said Luther Hillery's Sub., as originally described in a deed to John T. Hillery, being on the south line of said private alley;

Thence **North 85 degrees 45 minutes 00 seconds East**, along the north line of said Lot 4, along the south line of said Lots 1 and 2, and along the south line of said private alley, a distance of **96.07 feet** to the **TRUE POINT OF BEGINNING** for the herein described access easement.

This description contains a total area of **0.005 acres** located within Franklin County Auditor's parcel number 010-031121.

Bearings described herein are based on the bearing of South 88 degrees East for the south line of First Avenue, as shown on Luther Hillery's Sub. of Lot No. 16 of WM Phelans Mt. Pleasant Addition to the City of Columbus, of record in Plat

Book 2, page 156.

The above described easement was prepared on August 14, 2014 by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual survey of the premises and is true and correct to the best of my knowledge and belief.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a six-unit apartment building or those uses in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the Plan titled, "**VARIANCE SITE PLAN FOR 865-875 SUMMIT STREET**," dated September 8, 2014, and drawn and signed by Shawn L. Goodwin, Professional Engineer. 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 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 upon the applicant obtaining all applicable permits and a Certificate 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.~~
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.