



Legislation Text

File #: 1845-2013, **Version:** 3

Council Variance Application: CV13-015

APPLICANT: Guy Williams; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Concurrent Council variance with Rezoning Z13-021 to reduce development standards for proposed multiple-unit dwellings.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests this Council Variance concurrent with rezoning Z13-021 in order to request reduced development standards on the proposed development. Given the presence of the daycare center to the north, the AR-3, Apartment Residential zoning to the south, the applicant's ownership of the property to the east and the multi-unit building one parcel to the west, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. The existing single-unit dwelling to the west on the north side of Chesapeake Avenue will abut a park, so Staff finds no compatibility issue with that. Furthermore, Staff finds the proposed use to be compatible with the recommendation of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow two or three buildings on a lot and the variance 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 proposed building line reduction is in keeping with similar variances already granted elsewhere to the applicant along Chesapeake Avenue. Staff also supports the side yard variances since the neighbors have submitted a letter stating they approve of said variances and the other side yards would be adjacent to the applicant's properties. The driveway width and parking variances are negligible and the loss of green space is being offset by the applicant setting aside a lot directly west of this site on the north side of Chesapeake Avenue for green space.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 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 and 3333.25 Side or rear yard obstruction of the Columbus City Codes, for the property located at **1454 CHESAPEAKE AVENUE (43212)**, to permit multiple-unit dwellings in the AR-1, Apartment Residential District with reduced development standards **and to declare an emergency** (Council Variance # CV13-015). **(REPEALED BY ORD. 0422-2014 PASSED 3/3/2014)**

WHEREAS, by application #CV13-015, the owner of property at **1454 CHESAPEAKE AVENUE (43212)**, is requesting a Council variance concurrent with rezoning Z13-021 to permit multiple-unit dwellings with reduced development standards; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District, prohibits two and one unit dwellings, while the applicant proposes to have ~~with~~ two two-unit buildings on lots 1, 2 and 4, ~~with and~~ one three-unit buildings and one ~~one~~ two-unit building on each of lots 2 and 5 ~~and with a lot 6 containing one two-unit building and two single-unit buildings~~, all with reduced development standards; and

WHEREAS, Section 3312.12, Driveway, requires driveways to be at least 10 feet wide on a lot or a total of 20 feet wide, while the applicant proposes to have 9 foot wide driveways for a total of 18 feet on lots 1 and 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; 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; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes a porch post and second floor balcony support within the clear vision triangle as shown on the site plan on lots 1 and 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 two (2) two-unit dwellings on the same lot (lots 1, 2 and 4), one three-unit building and one one-unit buildings each on lot 5; 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 lot widths of forty (40) feet; 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 dwellings on lots 1, 2, 4 and 5 as shown on the Site Plan; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chambers Road, while the applicant proposes a building line of eight feet three inches (8' 3"); and

WHEREAS, Section 3333.23(d), Minimum side yard permitted, requires the side yard to be five feet, while the applicant proposes minimum side yards of three (3) feet one(1)inch; 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 rear yards of eighteen percent (18%) for lots 4 and 5, and six percent (6%) for lots 1 and 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 of lots 1, 2, 4 and 5; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because Staff supports the proposed land use given the AR-1, Apartment Residential Zoning to the south across Concord Avenue; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **1454 CHESAPEAKE AVENUE (43212)**, 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 variances from the provisions 3333.02, AR-1, Apartment Residential District; 3312.12, Driveway; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 3321.05(A), Vision clearance; 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 and 3333.25 Side or rear yard obstruction are hereby granted for the property located at **1454 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District, with building setbacks of 8 feet 3 inches, on lots forty (40) feet in width, with buildings without frontage on a public street, with side yards of 3 feet 1 inch, with a rear yard comprising as low as six percent (6%) of the entire lot, with vehicular maneuvering across property lines, with driveways 18 feet wide, with parking in the side and rear yards and without parking lot screening with said property being more particularly described as follows:

1454 CHESAPEAKE AVENUE (43212), being 0.82± acres located on the north and south sides of Chambers Road, 640± feet west of Northwest Boulevard, and being more particularly described as follows:

Legal Description

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 50, 51, 52, 74, and 75 of "Lincoln Heights Addition" subdivision recorded in Plat Book 7, Page 250, said lots being in the name of Guy Williams, Jr. and described as follows:

Beginning in the north right-of-way line of Chesapeake Avenue and at the southwest corner of said Lot 50 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 120 feet to the southeast corner of said Lot 52;

Thence Northerly, along the east line of said Lot 52, about 175 feet to the northeast corner of said Lot 52, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 120 feet to the northwest corner of said Lot 50;

Thence Southerly, along the west line of said Lot 50, about 175 feet to the *Point of Beginning*. Containing approximately .51 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-003897, 130-001506, 130-001394.

Beginning in the south right-of-way line of Chesapeake Avenue and at the northwest corner of said Lot 74 of said "Lincoln Heights Subdivision";

Thence Easterly, along said south right-of-way line, about 80 feet to the northeast corner of said Lot 75;

Thence Southerly, along the east line of said Lot 75, about 163 feet to the southeast corner of said Lot 75, and in the north right-of-way line for an Alley;

Thence Westerly, along said north right-of-way line, about 80 feet to the southwest corner of said Lot 74;

Thence Northerly, along the west line of said Lot 74, about 162 feet to the *Point of Beginning*. Containing approximately .31 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-011773, 130-006130.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-unit buildings on ~~lot 3~~, **lots 1, 2 and 4**, with one three-unit building and one two-unit building on ~~each of lots 1, 2, 4 and lot 5~~, and with a lot 6 containing one two-unit building and two single-unit buildings or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on general compliance with drawings titled, "**ZONING COMPLIANCE PLAN FOR 1450-1460 CHESAPEAKE AVENUE ,**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS FOR 1450-1460 CHESAPEAKE AVENUE , SHEETS ZCL-2 & ZCL-3**" all signed by David L. Hodge, attorney for the applicant, and both dated June 10, 2013. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans 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 his or her designee upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. ~~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.**