



Legislation Text

File #: 1673-2020, **Version:** 1

Council Variance Application: CV20-048

APPLICANT: Kelley Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Michael Kelley, Atty.; 175 S. Third Street, Ste. 1020; Columbus, OH 43215.

PROPOSED USE: Apartment building.

NEAR EAST 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 request to the AR-1, Apartment Residential District (Ordinance #1672-2020; Z20-042) for a new multi-unit residential development. The requested Council variance proposes a 31-unit apartment building, and includes a use variance to permit a parking lot to be used for off-site residents, and standard variances for reduced parking setbacks, landscaping and screening requirements, and maximum and minimum side yard. The site is located within the boundaries of the *Near East Area Plan (2005)*, which supports the development of new infill housing that contributes to a walkable and diverse neighborhood, compatible with existing architecture in the area and with the Plan's housing design guidelines. Staff supports the proposal as it is compatible with surrounding residential uses and architecture, and is consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.27(3), Parking setback line; 3312.21, Landscaping and screening; 3333.12, AR-1 and AR-4 Area district requirements; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted, of the Columbus City Codes; for the property located at **762 MT. VERNON AVE. (43203)**, to permit a non-accessory parking lot and reduced development standards for an apartment building in the AR-1, Apartment Residential District (Council Variance #CV20-048).

WHEREAS, by application #CV20-048, the owner of property at **762 MT. VERNON AVE. (43203)**, is requesting a Council variance to permit a non-accessory parking lot and an apartment building 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, prohibits shared parking; while the applicant proposes a non-accessory parking lot on the west side of the site to permit parking for the residents of the planned apartment development located at the southwest corner of Mount Vernon Avenue and Hamilton Avenue, which is subject to Ordinances #1650-2020 (Z19-100) and #1651-2020 (CV19-137), if not utilized by the residents of the subject development; and

WHEREAS, Section 3312.27(3), Parking setback line, requires the minimum parking setback line to be 10 feet along Hamilton Avenue and 21 feet along Mount Vernon Avenue, while the applicant proposes to maintain a parking setback of 2-5 feet along Hamilton Avenue, and 2 feet along Mount Vernon Avenue, as shown on the site plan;

WHEREAS, Section 3312.21, Landscaping and screening, requires that parking lot screening be provided within a landscaped area at least 4 feet in width, while the applicant proposes to provide a landscaped area of 3 feet in width where adjacent to the west side of Franklin County Parcel #010-000098, and to not provide parking lot screening along the west and north sides of the lot for residential zoning within 80 feet of the parking lot located on the west side of the site; and

WHEREAS, 3333.12, AR-1 and AR-4 Area district requirements, requires 1,200 square feet of lot area per dwelling unit, while the applicant proposes 1,140 square feet of lot area per dwelling unit; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the applicant proposes a reduced total side yard from the required 11.68 feet to 10 feet; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires the minimum side yard to be no less than one-sixth of the height of the building, or 5.84 feet, while the applicant proposes a reduced minimum side yard of 5 feet along the east and west property lines; and

WHEREAS, the Near East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will permit an apartment development that is compatible with surrounding residential uses and architecture, and is consistent with recent urban infill development projects that have been approved in this neighborhood; 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 roads, 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 **762 MT. VERNON AVE. (43203)**, in using said property as desired, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.27(3), Parking setback line; 3312.21, Landscaping and screening; 3333.12, AR-1 and AR-4 Area district requirements; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted, of the Columbus City Codes; are hereby granted for the property located at **762 MT. VERNON AVE. (43203)**, insofar as said sections prohibit a non-accessory parking lot in the AR-1, Apartment Residential District, and an apartment building with a reduced parking setback line from 10 feet to 2-5 feet along Hamilton Avenue and from 21 feet to 2 feet along Mount Vernon Avenue; reduced parking lot screening width from 4 feet to 3 feet along the west side of Franklin County Parcel #010-000098, and no screening along the west and north sides of the lot for residential zoning within 80 feet of the parking lot located on the west side of the site; reduced lot area from 1,200 square feet to 1,140 square feet per dwelling unit; reduced maximum side yard required from 11.68 feet to 10 feet; and reduced minimum side yard from 5.84 feet to 5 feet along the east and west property lines; said property being more particularly described as follows:

762 MT. VERNON AVE. (43203), being 0.81± acres located at the northeast corner of Mt. Vernon Avenue and Hamilton Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Franklin County Parcel number 010-042630 as conveyed to City of Columbus, Ohio by the instrument filed as Deed Book volume 2579, page 214, all of Franklin County Parcel number 010-026619 as conveyed to Shiloh Baptist Church by the instrument filed as Deed Book volume 3769, page 343, all of Franklin County Parcel number 010-012095 as conveyed to Shiloh Baptist Church by the instrument filed as Official Record volume 03460, page C11, all of Franklin County Parcel number 010-002725 as conveyed to Shiloh Baptist Church by the instrument filed as Official Record volume 03460, page C13, all of Franklin County Parcel number 010-013996 as conveyed to Shiloh Baptist Church by the instrument filed as Official Record volume 03314, page J06, all of Franklin County Parcel number 010-013997 as conveyed to Shiloh Baptist Church by the instrument filed as Official Record volume 03460, page C12, all of Franklin County Parcel number 010-019877 as conveyed to Shiloh Baptist Church by the instrument filed as Deed Book volume 3563, page 679, all of Franklin County Parcel number 010-056520 as conveyed to Trustees of Shiloh Baptist Church by the instrument filed as Deed Book volume 3340, page 536, all of Franklin County Parcel number 010-018631 as conveyed to Shiloh Baptist Church by the instrument filed as Official Record volume 34781, page G11, all of Franklin County Parcel number 010-033094 as conveyed to Shiloh Baptist Church of Columbus by the instrument filed as Official Record volume 30568, page G06, all of Franklin County Parcel number 010-013244 as conveyed to Shiloh Baptist Church of Columbus, Ohio by the instrument filed as Official Record volume 28639, page H19, and all of Franklin County Parcel number 010-057071 as conveyed to Shiloh Baptist Church by the instrument filed as Deed Book volume 3214, page 634, (all deed references refer to the records of the Recorder's Office Franklin County Ohio) and described as follows:

BEGINNING at the southwesterly corner of the said City of Columbus, Ohio parcel, being at the intersection of the easterly right-of-way line of Hamilton Avenue and the northerly right-of-way line of Mt. Vernon Avenue, the said point being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the westerly line of the said City of Columbus, Ohio parcel and along the said easterly right-of-way line, North 04 degrees 16 minutes 59 seconds East for a distance of 140.59 feet to a point at the northwesterly corner of the said City of Columbus, Ohio parcel and on the southerly right-of-way line of Edward Street;

Thence along the said southerly right-of-way line, partially along the northerly line of the said City of Columbus, Ohio parcel, and partially along the northerly line of the said Shiloh Baptist Church parcel, North 78 degrees 28 minutes 47 seconds East for a distance of 297.90 to a point at the northeasterly corner of the said Shiloh Baptist Church parcel and at the northwesterly corner of a parcel conveyed to E & D Properties by the instrument filed as Instrument Number 200006060111556;

Thence along the easterly line of the said Shiloh Baptist Church parcel, partially along the westerly line of the said E & D Properties parcel, and partially along the westerly line of a parcel conveyed to William T. Parker (1/6 interest) by the instrument filed as Official Record volume 09413, page D10 and Pride of West, No. 5, Knights of Pythias (5/6 interest) by the instrument filed as Official Record volume 12795, page J02, South 04 degrees 41 minutes 37 seconds West for a distance of 140.70 to a point at the southeasterly corner of the said Shiloh Baptist Church parcel, at the southwesterly corner of the said Parker/Pride parcel, and on the northerly right-of-way line of said Mt. Vernon Avenue;

Thence along the said northerly right-of-way line and along the southerly line of the said Shiloh Baptist Church parcel, South 78 degrees 26 minutes 48 seconds West for a distance of 166.05 to the southeasterly corner of a parcel conveyed to First National Cash Refund, Inc. by the instrument filed as Instrument Number 200504010060470;

Thence along the westerly line of the said Shiloh Baptist Church parcel and along the easterly line of the said First National Cash Refund, Inc. parcel, North 04 degrees 35 minutes 38 seconds East for a distance of 84.07 feet to a point at an interior corner of the said Shiloh Baptist Church parcel and at the northeasterly corner of the said First National Cash Refund, Inc. parcel;

Thence along the southerly line of the said Shiloh Baptist Church parcel and along the northerly line of the said First National Cash Refund, Inc. parcel, South 77 degrees 45 minutes 08 seconds West for a distance of 70.76 feet to a point at an interior corner of the said Shiloh Baptist Church parcel and at the northwesterly corner of the said First National Cash

Refund, Inc. parcel;

Thence along the easterly line of the said Shiloh Baptist Church parcel and along the westerly line of the said First National Cash Refund, Inc. parcel, South 11 degrees 25 minutes 18 seconds East for a distance of 79.90 feet to a point at an interior corner of the said Shiloh Baptist Church parcel, at the southwesterly corner of the said First National Cash Refund, Inc. parcel, and on the northerly right-of-way line of said Mt. Vernon Avenue;

Thence along the said northerly right-of-way line and along the southerly line of the said Shiloh Baptist Church parcel, South 78 degrees 26 minutes 48 seconds West for a distance of 83.29 feet to the TRUE POINT OF BEGINNING, containing 0.814 acres, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a multi-unit residential development, which may include a non-accessory parking 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 exhibit titled, "**SITE PLAN**," dated July 8, 2020, and signed by David B. Perry, Agent for the Applicant, and Michael Kelly, 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 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 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.