



Legislation Text

File #: 1208-2005, **Version:** 1

Council Variance Application: CV05-014

APPLICANT: Creative Housing, Inc.; c/o Donald Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.

PROPOSED USE: Two 4-unit dwellings.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a council variance to develop two four-unit dwellings to provide housing for the developmentally disabled on property zoned C-4, Commercial District, R-3, Residential District and SR, Suburban Residential District. A portion of the development is occurring on a vacated alley. Screening is being provided along the western property line, adjacent to single-family residential development and a portion of the southern property line, adjacent to a church. A sidewalk and frontage trees are being provided along College Avenue, an easement is being granted to the residential dwelling to the north for access to the driveway, and the southern driveway is limited to only exiting right turns. The proposed use and development standards are consistent with zoning and development patterns of the area. Additionally, the property is zoned C-4, Commercial District and could be developed for commercial uses.

To grant a Variance from the provisions of Sections 3332.029, SR Suburban residential district; 3332.035, R-3, Residential district; 3342.08, Driveway; 3342.17, Parking lot screening; 3342.28, Minimum number of parking spaces required; 3356.03, C-4 Permitted Uses; and 3356.05, C-4 District Development Limitations, of the Columbus City Codes for the property located at **1463 COLLEGE AVENUE (43209)**, to permit two (2) 4-unit dwellings in the C-4, Commercial; SR, Suburban residential; and R-3, Residential Districts.

WHEREAS, by application No. CV05-014, the owner of property at **1463 COLLEGE AVENUE (43209)**, is requesting a Council Variance to permit two (2) 4-unit residential dwellings in the C-4, Commercial; SR, Suburban residential; and R-3, Residential Districts; and

WHEREAS, 3332.029, SR Suburban residential district, prohibits 4-unit dwellings, while the applicant proposes to construct two 4-unit dwellings; and

WHEREAS, 3332.035, R-3, Residential district, prohibits 4-unit dwellings, while the applicant proposes to construct two 4-unit dwellings; and

WHEREAS, 3342.08, Driveway, requires driveways serving residential parking lots with more than eight (8) spaces to have a minimum width of twenty (20) feet, while the applicant proposes twelve (12) parking spaces with two driveways, one with a width of twenty (20) feet and the second, a one-way driveway with a width of twelve (12) feet; and

WHEREAS, 3342.17, Parking lot screening, requires any portion of a parking lot which is located within eighty (80) feet of residentially zoned property to be screened to a minimum height of five (5) feet and to an opacity of not less than seventy-five (75) percent, while the applicant proposes to provide the required screening along the western property line and a portion of the southern property boundary. An access easement is being granted to the owner of the residential property to the north, along the northern driveway, making screening impractical; and

WHEREAS, 3342.28, Minimum number of parking spaces required, requires two (2) spaces per dwelling unit for a total of sixteen (16) spaces, while the applicant proposes to provide 1.5 spaces per dwelling unit for a total of twelve (12) spaces; and

WHEREAS, Section 3356.03, C-4, Permitted Uses, prohibits ground floor dwelling units, while the applicant proposes to construct two (2) 4-unit residential dwellings; and

WHEREAS, Section 3356.05, C-4, District Development Limitations, prohibits ground floor dwelling units, while the applicant proposes to construct two (2) 4-unit residential dwellings; and

WHEREAS, the City Departments recommend approval of said ordinance because the proposed residential use, as conditioned, is consistent with uses in the immediate vicinity of the property; and

WHEREAS, a hardship exists in that a Council Variance is the only process to permit dwelling units in the C-4, Commercial District when not located over ground floor commercial use; 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, 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 alleviate the difficulties encountered by the owners of the property located at **1463 COLLEGE AVENUE (43209)**, 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 3332.029, SR suburban residential district; 3332.035, R-3, residential district; 3342.08, Driveway; 3342.17, Parking lot screening; 3342.28, Minimum number of parking spaces required; 3356.03, C-4, Permitted Uses and 3356.05, C-4, District Development Limitations of Columbus City Codes are hereby granted for the property located at **1463 COLLEGE AVENUE (43209)**, insofar as said sections prohibit multiple dwelling buildings, a one-way driveway twelve (12) feet wide, unscreened parking lots adjacent to residentially zoned property, 1.5 parking spaces per dwelling unit, and dwelling units in the C-4, Commercial District when not located over ground floor commercial uses; said property being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot Numbered One Thousand Four Hundred Forty Nine (1449), One Thousand Four Hundred Fifty (1450), One Thousand Four Hundred Fifty One (1451) and One Thousand Four Hundred Fifty Two (1452), of Berwick Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

AND

Situated in the State of Ohio, County of Franklin, City of Columbus and being a 0.2715 acre tract of land known as Tract "F", a certain 20 foot alley and a certain 15 foot alley as same is numbered and delineated on the record plat of Berwick Subdivision, Plat Book 19, Pages 25-27, all references in this description are recorded in the Franklin County Recorders Office, Franklin County, Ohio, said 0.2715 acre tract being more particularly bounded and described as follows:

Beginning at an iron pin found at the southeast corner of lot 1446 in said Berwick Subdivision and at the northeast corner of said 20 foot alley, said iron pin being also in the westerly right-of-way line of College Avenue (100 feet wide);

Thence S 31° 55' 00"E along the westerly right-of-way line of College Avenue a distance of 20.00 feet to a drill hole in a concrete approach apron; said drill hole being the northeast corner of lot 1449 in said Berwick Subdivision;

Thence along the northerly and west line of said lot 1449 the following two (2) courses;

S 58° 05' 00"W a distance of 80.00 feet to an iron pin found;

S 0° 30' 00"E a distance of 38.37 feet to an iron pin set;

Thence S 31° 55' 00"E along the westerly lines of lots 1449, 1450, 1451 and 1452 a distance of 131.56 feet to an iron pin set at the southwest corner of said lot 1452;

Thence N 89° 30' 00"E along the south line of lot 1452 a distance of 117.18 feet to an iron pin set at the southeast corner of said lot 1452, the northeast corner of a 15 foot alley and in the westerly right-of-way line of said College Avenue;

Thence S 31° 55' 00"E along the westerly right-of-way line of College Avenue a distance of 17.58 feet to an iron pin set in the south line of said Berwick Subdivision and in the north line of a 5.468 acre tract of land deeded to Berwick Congregation of Jehovahs Witness, O.R. 13753I - 06;

Thence S 89° 30' 00"W along a portion of the south line of said Berwick Subdivision and a portion of the north line of said 5.468 acre tract a distance of 214.84 feet to an iron pin set at the southwest corner of said Tract "F" and the southeast corner of lot 1448 of Berwick Subdivision;

Thence N 0° 30' 00"W along the west line of said Tract "F" and along the east lines of lots 1448 and 1447 of Berwick Subdivision a distance of 176.91 feet to an iron pin found at the northwest corner of said Tract "F", the southeast corner of said lot 1447 and the southwest corner of said lot 1446;

Thence N 58° 05' 00"E along the south line of said lot 1446 a distance of 91.13 feet to the place of beginning;

Containing 0.2715 acres of land, more or less and being subject however to all highways, easements and restrictions of record.

The bearings in this description are based upon the centerline bearing of College Avenue being N 31° 55' 00"W as shown on the record plat of Berwick Subdivision, Plat Book 19, Pages 25-27.

All iron pins set are 3/4 inch O.D. pipes capped "HSC 5674".

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two (2) 4-unit residential dwellings, or those uses permitted in the C-4, Commercial District.

Section 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN**," dated June 9, 2005 and signed by David B. Perry, agent for the applicant, and Donald Plank, attorney for the applicant. The Site 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 Site Plan shall be subject to review and approval by the Director of the Department of Development, or his 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.