



## Legislation Text

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**File #:** 1651-2020, **Version:** 1

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### **Council Variance Application: CV19-137**

**APPLICANT:** Kelley Companies; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Michael Kelley, Atty.; 175 S. Third Street, Suite 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-3, Apartment Residential District (Ordinance #1650-2020; Z19-100) for a new multi-unit residential development. The requested Council variance proposes a 51-unit apartment building, and includes variances to increase building height from 35 to 44 feet and lot coverage from 50 to 54%, with a reduction in building lines, vision clearance triangles, side yards, and a parking space reduction from 77 to 21 spaces. 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 3309.14(A), Height districts; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(c), Basis of computing area; 3333.18(B)(D), Building lines; 3333.23(d), Minimum side yard permitted; and 3333.26(a), Height district, of the Columbus City Codes; for the property located at **261 HAMILTON AVE. (43203)**, to permit reduced development standards for an apartment building in the AR-3, Apartment Residential District (Council Variance #CV19-137).

**WHEREAS**, by application #CV19-137, the owner of property at **261 HAMILTON AVE. (43203)**, is requesting a Council variance to permit an apartment building with reduced development standards in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3309.14(A), Height districts, requires a maximum building height of 35 feet at the setback line for this property, while the applicant proposes a maximum building height of 44 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 77 spaces total for 51 apartment units, while the applicant proposes 21 parking spaces, noting additional parking spaces are provided in the parking lot at the northeast corner of Hamilton Avenue and Mount Vernon Avenue, as provided for in Ordinance #1673-2020 (CV20-048); and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet at street intersections, while the applicant proposes to reduce the 30-foot clear vision triangle at the intersection of Hamilton Avenue and Mt. Vernon Avenue to 8 feet, as shown on the site plan; and

**WHEREAS**, Section 3333.15(c), Basis of computing area, limits buildings from occupying more than 50% of the lot area, while the applicant proposes an increased maximum lot coverage of 54%; and

**WHEREAS**, Section 3333.18(B)(D), Building lines, requires a building line of no less than 25 feet along Mt. Vernon Avenue, and no less than 15 feet along Hamilton Avenue by aligning it with an adjacent building, while the applicant proposes reduced building lines of 1 foot and 6 feet along Mt. Vernon Avenue, and 5 feet along Hamilton Avenue, as shown on the site plan;

**WHEREAS**, Section 3333.23(d), Minimum side yard permitted, requires the minimum side yard to be no less than one-sixth of the height of the building, or 7.33 feet, while the applicant proposes a reduced minimum side yard of 5 feet along the west property line; and

**WHEREAS**, Section 3333.26(a), Height district, requires a maximum building height of 35 feet, while the applicant proposes a maximum building height of 44 feet.

**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 **261 HAMILTON 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 3309.14(A), Height districts; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(c), Basis of computing area; 3333.18(B)(D), Building lines; 3333.23(d), Minimum side yard permitted; and 3333.26(a), Height district, of the Columbus City Codes; are hereby granted for the property located at **261 HAMILTON AVE. (43203)**, insofar as said sections prohibit an apartment building with an increased building height from 35 feet to 44 feet; a parking space reduction from 77 required to 21 provided spaces; a reduced clear vision triangle from 30 feet to 8 feet at the intersection of Hamilton Avenue and Mt. Vernon Avenue; an increased lot coverage from 50% to 54%; reduced building lines from 25 feet along Mt. Vernon Avenue from 25 feet to 1 foot and 6 feet, and from Hamilton Avenue from 15 feet to 5 feet; and a reduced minimum side yard from 7.33 feet to 5 feet along the west property line; said property being more particularly described as follows:

**261 HAMILTON AVE. (43203)**, being 0.63± acres located at the southwest corner of Hamilton Avenue and Mt. Vernon Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all out of Franklin County Parcel numbers 010-006494, 010-012647, 010-012824, 010-013747, 010-022016, and 010-022408 as conveyed to Shiloh Baptist Church of Columbus, Ohio by the instrument filed as Official Record volume 28639, page H19, all of Franklin County Parcel

number 010-300130 as conveyed to Shiloh Baptist Church of Columbus, Ohio by the instrument filed as Instrument Number 201909130118865, and all of Franklin County Parcel number 010-043112 as conveyed to Shiloh Family Institute, Inc. by the instrument filed as Instrument Number 200606010106099, and all of Franklin County Parcel number 010-251645 as conveyed to the City of Columbus, Ohio by the instruments filed as Deed Book volume 2329, page 373, and Deed Book volume 2324, page 551 (all deed references refer to the records of the Recorder's Office Franklin County Ohio) and described as follows:

BEGINNING at the northeasterly corner of the said Shiloh Baptist Church of Columbus, Ohio parcel, also being the northeasterly corner of Lot 302 of East Park Place Addition filed as Plat Book volume 2, page 62, being at the intersection of the westerly right-of-way line of Hamilton Avenue and the southerly right-of-way line of Mt. Vernon Avenue, the said nail being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the easterly line of the said Shiloh Baptist Church of Columbus, Ohio parcel and along the said westerly right-of-way line, South 08 degrees 07 minutes 21 seconds East for a distance of 212.76 feet to the southeasterly corner of the said Shiloh Family Institute, Inc. parcel and at the northeasterly corner of a parcel conveyed to Patrick Monagan by the instrument filed as Instrument Number 200809100137255;

Thence along the southerly line of the said Shiloh Family Institute, Inc. parcel and along the northerly line of the said Patrick Monagan parcel, South 81 degrees 55 minutes 40 seconds West for a distance of 138.96 feet to point in the southerly line of the said Shiloh Family Institute, Inc. parcel;

Thence North 04 degrees 37 minutes 37 seconds West for a distance of 204.28 feet to a point in the southerly right-of-way line of Mount Vernon Avenue;

Thence along the said southerly right-of-way line, North 77 degrees 55 minutes 33 seconds East for a distance of 128.81 feet to the TRUE POINT OF BEGINNING, passing an iron pin set at 19.15 feet, containing 0.634 acres, more or less.

This description was prepared from existing records for zoning purposes and is not intended for deed transfer purposes.

**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 containing up to 51 units, or those uses permitted in the AR-3, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**ZONING SITE PLAN CV19-137**," dated June 23, 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.