



Legislation Text

File #: 2833-2016, Version: 2

Council Variance Amendment: CV15-012A

Ordinance No. 3036-2015, passed February 22, 2016 (CV15-012), was approved in conjunction with Rezoning Ordinance No. 3035-2015 (Z15-011), a request to the AR-1, Apartment Residential District for a 16-unit apartment development. Ordinance # 3036-2015 granted variances for reduced parking and building setback lines. Inadvertently, a variance for Section 3321.05(B)(2), Vision clearance, was left off of the list of requested variances in the Statement of Hardship. This variance was assumed because the building lines were reduced, and the site plan reflected the placement of the building **at the northwest corner of North Grant Avenue and Chittenden Avenue** which encroaches into the required vision clearance triangle area. This ordinance will replace Ordinance No. 3036-2015 in order to include the necessary variance. No other provisions of Ordinance No. 3036-2015 are changing. **Because Chittenden Avenue is a dead-end street, the Public Service Department has no issue with the vision clearance triangle reduction at this intersection.**

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To grant a Variance from the provisions of Sections 3312.27(1), Parking setback line; **3321.05(B)(2), Vision clearance;** and 3372.565, Building lines, of the Columbus City Codes; for the property located at **1530 NORTH GRANT AVENUE (43201)**, to permit multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance No. 3036-2015, passed February 22, 2016 (Council Variance # CV15-012A).

WHEREAS, Ordinance No. 3036-2015, passed February 22, 2016 (CV15-012), allowed reduced development standards in conjunction with Rezoning Ordinance No. 3035-2015 (Z15-011) for 16 apartment units in the AR-1, Apartment Residential District at **1530 NORTH GRANT AVENUE (43201)**, but one of the necessary variances was inadvertently left out of Section 1 and the Ordinance Title; and

WHEREAS, this ordinance will replace Ordinance No. 3036-2015 by adding the variance for City Code Section 3321.05 (B)(2), Vision clearance; and

WHEREAS, all other provisions contained in Ordinance No. 3036-2015 are unchanged by this ordinance and are included for clarity below; and

WHEREAS, Section 3312.27(1), Parking setback line, requires a parking setback line of twenty-five (25) feet along undeveloped frontage, while the applicant proposes a parking setback line of 7.58 feet along East Eleventh Avenue; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a 30-foot vision clearance triangle at the intersections of North Grant Avenue with ~~East Eleventh Avenue~~ and Chittenden Avenue, while the applicant proposes a building to encroach into these areas to accommodate the reduced building setback lines approved with Ordinance No. 3036-2015; and

WHEREAS, Section 3372.565, Building lines, requires minimum building lines of fifty (50) feet along East Eleventh Avenue, thirty (30) feet along Grant Avenue, and twenty-five (25) feet along Chittenden Avenue, while the applicant

proposes building lines of ten (10) feet along East Eleventh Avenue, 6.83 and 9.75 feet along Grant Avenue, and ten (10) feet along Chittenden Avenue, as shown on the site plan; and

WHEREAS, the University Area Commission recommended approval on Ordinance No. 3036-2015 (CV12-015), **but recommends disapproval on the necessary vision clearance triangle variance**; and

WHEREAS, City Departments recommended approval on Ordinance No. 3036-2015 (CV12-015) because the requested variances allow residential development that provides recreational space for tenants, is consistent with setbacks of adjacent residential developments, and follows the *University District Plan* (2015) land use recommendation for medium intensity residential uses for this location; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1530 NORTH GRANT AVENUE (43201)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3312.27(1), Parking setback line; **3321.05(B)(2), Vision clearance**; and 3372.565, Building lines, of the Columbus City Codes, is hereby granted for the property located at **1530 NORTH GRANT AVENUE (43201)**, insofar as said sections prohibit a reduced parking setback line from twenty-five (25) feet to 7.58 feet along East Eleventh Avenue; **encroachment of a buildings into the required thirty-foot vision clearance triangles at the intersections of Grant Avenue with East Eleventh Avenue and Chittenden Avenue to accommodate the requested building lines**; and reduced building lines from fifty (50) feet to ten (10) feet along East Eleventh Avenue, from thirty (30) feet to 6.83 and 9.75 feet along Grant Avenue, and from twenty-five (25) feet to ten (10) feet along Chittenden Avenue; said property being more particularly described as follows:

1530 NORTH GRANT AVENUE (43201), being 0.76± acres located at the northeast corner of North Grant and East Eleventh Avenues, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, AND BEING PART OF A PARCEL FORMERLY CONVEYED TO THE COLUMBUS STREET RAILWAY COMPANY, AS RECORDED IN DEED BOOK 243, PAGE 398 AND ALL OF A PARCEL CURRENTLY CONVEYED TO THE COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, AS RECORDED IN DEED BOOK 1070, PAGE 471, ALL REFERENCES CONTAINED HEREIN ARE TO FRANKLIN COUNTY RECORDER'S RECORDS, FRANKLIN COUNTY, OHIO, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH REBAR FOUND AT THE INTERSECTION OF THE NORTH LINE OF ELEVENTH AVENUE AND THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO NEW YORK CENTRAL LINES, LLC, AS RECORDED IN INSTRUMENT NUMBER 200212180325201;

THENCE, N 86°47' 13" W, 123.61 FEET ALONG THE NORTHERLY LINE OF SAID ELEVENTH AVENUE AND PASSING CONCRETE MONUMENTS FOUND AT 5.00 FEET AND 118.61 FEET TO A 5/8 INCH IRON PIN AND CAP SET;

THENCE, N 41° 46' 21" W, 14.14 FEET TO A POINT IN THE EASTERLY LINE OF GRANT

AVENUE;

THENCE, N 03° 14' 31" E, 268.40 FEET ALONG THE EASTERLY LINE OF SAID GRANT AVENUE AND PASSING CONCRETE MONUMENTS FOUND AT 5.00 FEET AND 263.39 FEET TO A 1 INCH IRON PIPE FOUND, SAID IRON PIPE ALSO BEING IN THE SOUTHERLY LINE OF CHITTENDEN AVENUE; THENCE, S 86° 07' 09" E, 104.12 FEET ALONG THE SOUTHERLY LINE OF SAID CHITTENDEN AVENUE AND PASSING A CONCRETE MONUMENT FOUND AT 98.97 FEET TO A 5/8 INCH IRON PIN AND CAP SET, SAID IRON PIN AND CAP ALSO BEING IN THE WESTERLY RIGHT-OF-WAY OF SAID NEW YORK CENTRAL LINES, LLC; THENCE, S 02° 50' 00" E, 278.74 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID NEW YORK CENTRAL LINES, LLC AND PASSING CONCRETE MONUMENTS FOUND AT 4.98 FEET AND 273.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.757 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL STREETS, HIGHWAYS, RIGHT-OF-WAYS, ALLEYS, EASEMENTS, AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY, AND IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY ME, OR UNDER MY SUPERVISION, THIS FIFTEENTH DAY OF JULY, 2003. BEARINGS ARE BASED ON A BEARING OF S 05° 50' 00" E FOR THE WESTERLY LINE OF THE NEW YORK CENTRAL LINES, LLC RAILWAY. ALL IRON PIN AND CAPS SET ARE 5/8 X 30" REBAR WITH YELLOW CAP STAMPED CENTRAL SURVEYING CO., LTD.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development as shown on the submitted Site Plan, which consists of two eight-unit apartment buildings, or those uses permitted in the AR-1 Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SITE PLAN & ZONING INFORMATION**," drawn by BBCO Design, dated February 17, 2016, and signed by Bhakti Bania, 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 adjustment to the plan shall be reviewed and may be approved 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 Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. That Ordinance No. 3036-2015, passed February 22, 2016, be and is hereby repealed.