



Legislation Text

File #: 1658-2013, **Version:** 3

Council Variance Application: CV13-016

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 Z13-023 to reduce development standards for proposed multiple-unit dwellings.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The subject site is proposed to be rezoned to the AR-1, Apartment Residential District. The applicant is requesting this concurrent Council variance along with the rezoning Z13-023 to allow one 3-unit building and one 2-unit building on each lot with reduced development standards. Given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area. Furthermore, Staff finds the proposed use to be consistent with the land use recommendations of the *Fifth by Northwest Neighborhood Plan* (2009). Staff views the variances to allow buildings containing just two dwelling units and the variance to permit dwellings with 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 can support a side yard setback reduction along with allowing parking in the side yards without screening in this instance since this site abuts the applicant's properties on either side and once developed the applicant would only be impacting himself and his buyers or tenants.

To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 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 **1424 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 # CV13-016).

WHEREAS, by application #CV13-016, the owner of property at **1424 CHESAPEAKE AVENUE (43212)**, is requesting a Variance concurrent with rezoning Z13-023 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 one building containing two dwelling units and one building containing three dwelling units on each of the two lots;

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 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; and

WHEREAS, Section 3333.18, Building lines, requires the building setback to be twenty-five (25) feet from Chesapeake Avenue, while the applicant proposes a building line of twelve (12) feet Chesapeake Avenue; 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 and one half feet; 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 sixteen percent (16%); 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; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval of said zoning change; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because given the predominance of multi-unit dwellings developed by the applicant or under development by the applicant, Staff finds the proposed use and zoning compatible with the zoning pattern and development pattern of the area; 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 **1424 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. Variances from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3312.21, Landscaping and screening; 3312.25, Maneuvering; 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, are hereby granted for the property located at **1424 CHESAPEAKE AVENUE (43212)**, insofar as said sections prohibit single and two unit dwellings in the AR-1, Apartment Residential District on lots

forty (40) feet in width, with building setback of twelve (12) feet, with two buildings without frontage on a public street, with side yards of 3 and one half (3 ½) feet, with a rear yard comprising sixteen percent (16%) of the entire lot, with vehicular maneuvering across property lines and parking in the side yard and without parking lot screening, said property being more particularly described as follows:

1424 CHESAPEAKE AVENUE (43212), being 0.34± acres located at the north side of Chesapeake Avenue, 915± feet west of North Star Road, 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 56 and 57 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 56 of said "Lincoln Heights Subdivision";

Thence Easterly, along said north right-of-way line, about 80 feet to the southeast corner of said Lot 57;

Thence Northerly, along the east line of said Lot 57, about 175 feet to the northeast corner of said Lot 57, and in the south right-of-way line for an Alley;

Thence Westerly, along said south right-of-way line, about 80 feet to the northwest corner of said Lot 56;

Thence Southerly, along the west line of said Lot 56, about 175 feet to the *Point of Beginning*. Containing approximately .34 acres of land, more or less.

This description was written for zoning purposes only.

Tax parcel Nos. 130-001396, 130-000500.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for one building containing two dwelling units and one building containing three dwelling units on each of the two lots 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**" and "**ZONING COMPLIANCE PLAN BUILDING ELEVATIONS**," signed by David L. Hodge, attorney for the applicant, and 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.