



Legislation Text

File #: 0125-2015, **Version:** 2

Council Variance Application: CV14-047

APPLICANT: NRP Group, LLC; c/o Dave Perry, David Perry Company, Inc.; 145 East Rich Street, Third Floor; Columbus, Ohio 43215; and Donald Plank, Attorney; Plank Law Firm; 145 East Rich Street, Third Floor; Columbus, Ohio 43215.

PROPOSED USE: Multi-unit residential and limited commercial development.

SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 0124-2015; Z14-045) to the L-AR-1, Limited Apartment Residential District. The applicant proposes to build a multi-unit residential development with up to fifty-eight (58) dwelling units and a maximum of 2,700 square feet of general office. In order to develop the site consistent with the established development pattern of the area, a number of variances are requested for permitted uses, building lines, perimeter yard, height districts, and landscaping and screening. The site is located within the planning area of the *Near South Side Plan* (2011), which recommends institutional uses for this location, in recognition of the site's previous use as a school. The plan also recommends maintaining current densities (6-10 du/ac) in the area, a series of design guidelines for residential development and preserving landmarks (including the school building). The proposal addresses these recommendations by placing an apartment building on the portion of the site currently zoned C-4, Commercial District, which allows for such a use in conjunction with commercial development. The balance of the proposal includes residential development compatible with area densities. Staff finds this request to be compatible and consistent with the zoning and development patterns in the area, and in substantial compliance with the recommendations of the *Near South Side Plan*.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment Residential District Use; 3309.14, Height districts; 3312.21, Landscaping and screening; 3333.18, Building lines; and 3333.255, Perimeter yard of the Columbus City Codes; for the property located at **760 REINHARD AVENUE (43206)**, to permit residential and limited commercial development with reduced development standards in the L-AR-1, Limited Apartment Residential District for a fifty-eight (58) unit residential development **and to declare an emergency** (Council Variance # CV14-047).

WHEREAS, by application No. CV14-047, the owner of property at **760 REINHARD AVENUE (43206)**, is requesting a Council Variance to permit limited commercial uses and reduced development standards in the L-AR-1, Limited Apartment Residential District for a multi-unit residential development; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment Residential Districts, permit a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development on one lot, but allows only one (1) two-unit dwelling per lot, while the applicant proposes a maximum of 2,700 square feet of general office located in the proposed apartment building fronting Whittier Street, and to permit a total of fifty-eight (58) dwelling units in the form of a forty-four (44) dwelling unit building, three (3) four-unit dwellings, and one (1) two-unit dwelling, all on the same lot; and

WHEREAS, Section 3309.14, Height districts, requires any portion of a building in the L-AR-1, Limited Apartment Residential District to not exceed a height of thirty-five (35) feet in the thirty-five (35) foot height district, while the

applicant proposes to permit a building height of thirty-nine (39) feet for the forty-four (44) dwelling unit building and a building height of thirty-six (36) feet for the townhouse buildings; and

WHEREAS, 3312.21, Landscaping and screening, requires any landscaping in the parking setback area to not be paved, while the applicant proposes to permit a bus stop with either a paved pad or a bus shelter in the landscaped parking setback of East Whittier Street; and

WHEREAS, 3333.18, Building lines, requires a building line of no less than thirty (30) feet along Whittier Street and twenty-five (25) feet along Reinhard Avenue, while the applicant proposes a reduced building line of fifteen (15) feet for both street for the proposed residential buildings and to permit a bus stop with a bus shelter structure at zero (0) feet on Whittier Street; and

WHEREAS, 3333.255, Perimeter yard, requires a perimeter yard of no less than twenty-five (25) feet, while the applicant proposes a perimeter yard of ten (10) feet along Whittier Avenue, seven (7) feet along Reinhard Avenue and fifteen (15) feet along the alley adjacent to Heyl Avenue; and

WHEREAS, City Departments recommend approval because the requested variances will allow development that is consistent with the established development pattern and in substantial compliance with the recommendations of the *Near South Side Plan*; 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 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 **760 REINHARD AVENUE (43206)**, 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. That a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment Residential District Use; 3309.14, Height districts; 3312.21, Landscaping and screening; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **760 REINHARD AVENUE (43206)**, insofar as said sections prohibit a maximum of 2,700 square feet of general office located in an apartment building fronting Whittier Street, and a total of fifty-eight (58) dwelling units in the form of a forty-four (44) dwelling unit building, three (3) four-unit dwellings, and one (1) two-unit dwelling, all on the same lot; a building height of thirty-nine (39) feet for the forty-four (44) dwelling unit building and a building height of thirty-six (36) feet for the townhouse buildings; a bus stop with either a paved pad or a bus shelter in the landscaped parking setback of Whittier Street; a reduced building line from thirty (30) feet to fifteen (15) feet for the proposed residential buildings; and a bus stop with a bus shelter structure at zero (0) feet on Whittier Street and a reduced building line from twenty-five (25) feet to fifteen (15) feet along Reinhard Avenue; a reduced perimeter yard from twenty-five (25) feet to ten (10) feet along Whittier Avenue; seven (7) feet along Reinhard Avenue and fifteen (15) feet along the alley adjacent to Heyl Avenue in the L-AR-1, Limited Apartment Residential District; said property being more particularly described as follows:

760 REINHARD AVENUE (43206), being 2.65± acres located at the northeast corner of Reinhard and Heyl Avenues, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 30, Section 22, Township 5, Range 22, Refugee Lands, and being all of the following parcels:

All of Lot 6 and Lot 7 and part of Lot 5 of Philip Schmitt's Subdivision (excepting the public rights-of-way for Reinhard Avenue, Heyl Avenue and Whittier Street and the vacated portion of Carpenter Street), of record in Plat Book 3, Page 107, as described in a deed to The Board of Education of the City School District of the City of Columbus, of record in Deed Book 468, Page 337;

All of Lot 1, Lot 2, Lot 3 and Lot 4 of George W. Rhode's Subdivision, of record in Plat Book 7, Page 382, as described in deeds to The Board of Education of the City School District of Columbus, Ohio, each lot of record in Deed Book 1873, Page 339, Deed Book 1921, Page 645, Deed Book 3493, Page 968 and Deed Book 3493, Page 970, respectively;

45-feet off the west side of Lot 8 of Philip Schmitt's Subdivision (as measured from the east right-of-way line for Carpenter Street, excepting the public right-of-way for Reinhard Avenue and the vacated portions of Carpenter Street and the east-west alley on the north), of record in Plat Book 3, Page 107, as described in a deed to The Board of Education of the City School District of Columbus, Ohio, of record in Deed Book 1873, Page 342;

The west 14-feet of Lot 1, all of Lot 2 and the west 16-feet of Lot 3 of Mary A. Goddard's Subdivision, of record in Plat Book 10, Page 303, as described in deeds to The Board of Education of the City School District of Columbus, Ohio, each lot of record in Deed Book 1888, Page 648, Deed Book 3467, Page 734 and Deed Book 3467, Page 736, respectively;

The east 20-feet of Lot 1 of Mary A. Goddard's Subdivision, of record in Plat Book 10, Page 303, as described in a deed to City of Columbus, of record in Deed Book 1920, Page 638;

And also those parts of Carpenter Street and an east-west alley vacated by City of Columbus Ordinance Number 1316-55;

All records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, the above property being further bounded and described for zoning purposes as follows:

BEGINNING at the northeast corner of said Lot 4 of Rhode's Subdivision, being the northwest corner of Lot 5 of said Rhode's Subdivision, as said Lot 5 is described in a deed to Beverly J. Butler-Burnam, of record in Official Record 34225 A17, said point being on the south right-of-way line for Whittier Street;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of said Lot 4 and the west line of said Lot 5, a distance of 110.00 feet to the southeast corner of said Lot 4 and the southwest corner of said Lot 5, said point being on the north right-of-way line of a 15-foot wide public alley;

Thence North 85 degrees 39 minutes 28 seconds West, along the south lines of Lot 4, Lot 3 and Lot 2 of said Rhode's Subdivision, along the north right-of-way line for said 15-foot wide public alley, a distance of 71.18 feet to the northeast corner of that portion of said alley vacated by City of Columbus Ordinance Number 1316-55;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of said vacated alley, a distance of 15.00 feet to

the northeast corner of the west 14-feet of said Lot 1 of Goddard's Subdivision, being the northwest corner of the east 20-feet of said Lot 1, and being the southeast corner of said vacated alley;

Thence South 85 degrees 39 minutes 28 seconds East, along the north lines of Lot 1, Lot 2 and Lot 3 of said Goddard's Subdivision, along the south right-of-way line of said 15-foot wide public alley, a distance of 70.00 feet to the northeast corner of the west 16-feet of Lot 3 of said Goddard's Subdivision, being the northwest corner of the east 18-feet of Lot 3, as described in a deed to The Board of Education of the City School District of Columbus, Ohio, of record in Deed Book 3467, Page 736;

Thence South 03 degrees 59 minutes 32 seconds West, along the east line of the west 16-feet of said Lot 3 and the west line of the east 18-feet of said Lot 3, a distance of 92.77 feet to the southeast corner of the west 16-feet of the said Lot 3 and the southwest corner of the east 18-feet said Lot 3, said point being on the north right-of-way line for Reinhard Avenue;

Thence North 86 degrees 00 minutes 28 seconds West, along the north right-of-way line for said Reinhard Avenue, along the south lines of Lot 3, Lot 2 and Lot 1 of said Goddard's Subdivision, along the south line of the remainder of Lot 8 and Lot 7 of said Schmitt's Subdivision, and along the south line of the vacated portion of Carpenter Street, a distance of 518.86 feet to the intersection of the north right-of-way line for said Reinhard Avenue and the east right-of-way line for Heyl Avenue;

Thence North 03 degrees 59 minutes 32 seconds East, along the east right-of-way line for said Heyl Avenue, along the west line of the remainder of Lot 7, Lot 6 and Lot 5 of said Schmitt's Subdivision, a distance of 220.94 feet to the intersection of the east right-of-way line for Heyl Avenue and the south right-of-way line for Whittier Street;

Thence South 85 degrees 39 minutes 28 seconds East, along the south right-of-way line for said Whittier Street, along the north line of the remainder of Lot 5 of said Schmitt's Subdivision, along the north line of the vacated portion of Carpenter Street, and along the north lines of Lot 1, Lot 2, Lot 3 and Lot 4 of said Rhode's Subdivision, a distance of 520.05 feet to the POINT OF BEGINNING for this zoning description, and containing a total area of 2.592 acres, of which 2.280 acres lies within Franklin County Auditor's Parcel Number 010-066731, 0.081 acres lies within Franklin County Auditor's Parcel Number 010-020942, 0.081 acres lies within Franklin County Auditor's Parcel Number 010-003230, 0.043 acres lies within Franklin County Auditor's Parcel Number 010-044365, 0.073 acres lies within Franklin County Auditor's Parcel Number 010-044539, and 0.034 acres lies within Franklin County Auditor's Parcel Number 010-044540.

Bearings described herein are based on the assumed bearing of North 03 degrees 59 minutes 32 seconds East for the east right-of-way line of Heyl Avenue. The above description was prepared for zoning purposes only, is not based on an actual field survey and is not to be used for property conveyance.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a fifty-eight (58) unit residential development and 2,700 square feet of general office, or those uses in the L-AR-1 Limited Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SITE PLAN**," RDL Architects, dated December 30, 2014, and signed by David B. Perry, Agent for the Applicant and Donald Plank, 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 adjustment to the plans 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 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.~~
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.