



Legislation Text

File #: 1183-2017, **Version:** 2

Council Variance Application: CV16-067

APPLICANT: Lykens Companies; c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Apartments.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel developed with a church in the R-4, Residential District, and is located within the University Planning Overlay. The requested Council variance will permit the conversion of the church into nine apartment units. Variances to conform he existing conditions for vision clearance, landscaping, maximum and minimum side yards, rear yard, maximum lot coverage, and building setback are included in the request. The site is located within the planning area of the *University District Plan (2015)*, which recommends “lower intensity residential” at this location. Although the proposed development exceeds the recommended density, the proposal would result in the preservation of an existing contributing building and will add to the traditional and established development pattern along Indianola Avenue.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3321.05(B)(2), Vision clearance; 3321.07(B), Landscaping; 3332.25(B), Maximum side yards required; 3332.26,(C)(3), Minimum side yard permitted; 3332.27, Rear yard; 3372.541, Landscaped area and treatment; 3372.542, Maximum lot coverage; 3372.543, Building lines; 3372.544, Maximum floor area; and 3372.545(A)(B), Height, of the Columbus City Codes; for the property located at **1436 INDIANOLA AVENUE (43201)**, to allow nine apartment units within an existing building with reduced development standards in the R-4, Residential District (Council Variance # CV16-067) **and to declare an emergency.**

WHEREAS, by application # CV16-067, the owner of property at **1436 INDIANOLA AVENUE (43201)**, is requesting a Council Variance to allow nine apartment units with reduced development standards in the R-4, Commercial District; and

WHEREAS, Section 3332.039, R-4, Residential district, allows a maximum of four units in one dwelling, while the applicant proposes to build nine dwelling units within the existing structure as shown on the attached site plan; and

WHEREAS, 3321.05(B)(2), Vision clearance, requires a 30-foot vision clearance triangle at the intersections of Indianola Avenue and East Eighth Avenue, while the applicant proposes to maintain encroachment by the existing building into these areas and to reduce the vision clearance triangle to three feet; and

WHEREAS, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of one tree in this case, while the applicant proposes no trees since there is no yard area to plant a tree; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be a maximum of 10.6 feet, while the applicant proposes to maintain a maximum side yard of one foot; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a minimum side yard of five feet along the property lines, while the applicant proposes to maintain a side yard of one foot along the east property line and zero feet along the west property line; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a one percent rear yard for the existing Building; and

WHEREAS, Section 3372.541, Landscaped area and treatment, requires at least ten percent of the lot area behind the most rear portion of the buildings to be planted and maintained with grass and/or other live vegetation, while the applicant proposes to maintain 1.67 percent landscaped area located behind the rear of the existing building; and

WHEREAS, Section 3372.542, Maximum lot coverage, requires that a building or combination of buildings shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain 98 percent lot coverage; and

WHEREAS, Section 3372.543, Building lines, requires a minimum building line of at least 16 feet along Indianola Avenue and East Eighth Avenue, while the applicant proposes to maintain building lines of zero feet; and

WHEREAS, Section 3372.544, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R) of not greater than 0.40, while the applicant proposes a floor area ratio of 1.90; and

WHEREAS, Section 3372.545(A)(B), Height, requires that the height of the building be no taller than 35 feet and that the majority of the front principle cornice/eave, while the applicant proposes a height of 46 feet to maintain the existing steeple of the building; and

WHEREAS, the University Area Commission recommends approval on the variances as shown on the attached recommendation. Three variances for existing site conditions (landscaping, maximum side yard, and minimum side yard) were added after the University Area Commission considered this request, and no recommendation is being made on those variances; and

WHEREAS, City Departments recommend approval of the requested variances because the proposed nine-unit apartment use will improve an existing contributing building. While the *University District Plan* recommends “lower intensity residential” at this location and discourages multi-family development, of three units or more, there are more densely developed adjacent properties and the preserved building will contribute to the traditional development pattern along Indianola Avenue; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed new 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 **1436 INDIANOLA AVENUE (43201)**, 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 3332.039, R-4 residential district; 3321.05(B)(2), Vision clearance; 3321.07(B), Landscaping; 3332.25(B), Maximum side yards required; 3332.26,(C)(3), Minimum side yard permitted; 3332.27, Rear yard; 3372.541, Landscaped area and treatment; 3372.542, Maximum lot coverage; 3372.543, Building lines; 3372.544, Maximum floor area; and 3372.545(A)(B), Height, of the Columbus City Codes; is hereby granted for the property located at **1436 INDIANOLA AVENUE (43201)**, insofar as said sections prohibit a nine-unit apartment building in the R-4, Residential District; encroachment of a building into the required 30-foot vision clearance triangle at the intersections Indianola Avenue and East Eighth Avenue; a reduction in shade trees planted on the site from 1 to 0; a reduction in maximum side yard from 16 feet to 1 foot; a reduction in the minimum side yard from 5 feet to 0 feet; a reduction in rear yard from 25 percent to 1 percent; a reduction in landscaping in the lot area behind the rear most portion of the principal building from 10 percent to 1.67 percent; increased lot coverage from 25 percent to 98 percent reduced building lines from 16 feet to 0 feet along Indianola and East Eighth Avenues; an increased floor area ratio from 0.40 to 1.90; and an increase in building height and cornice/eave height from 35 feet to 46 feet for the existing steeple; said property being more particularly described as follows:

1436 INDIANOLA AVENUE (43201), being 0.08± acres located at the northeast corner of Indianola Avenue and East Eighth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Beginning at the Southeast corner of Eighth and Wesley Avenue in said city and running thence east along Eighth Avenue sixty (60) feet to a point on the south line of Eighth Avenue, thence south on a line parallel with the east line of Wesley Avenue, the distance of fifty-three (53) feet; thence west on a line parallel with the south line of Eighth Avenue, sixty (60) feet to a point in the east line of Wesley Avenue, thence north along the east line of Wesley Avenue, fifty-three (53) feet to the place of beginning and containing 1/10 of an acre, more or less, and begin a part of the premises conveyed to said grantor by Lucinda Miller by deed dated November 4, 1989 and recorded in Deed Book 321, Page 602, Franklin County Recorder's Office.

Parcel Number: 010-067051

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development consisting of nine apartment units in accordance with the submitted site plan, or those uses permitted in the underlying R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the registered site plan titled, "**ARCHITECTURAL SITE PLAN**," signed by David B. Perry, Agent for Applicant and Donald Plank, Attorney for Applicant, and dated April 10, 2017. 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 Building and Zoning Services, 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.~~ **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.**