



## Legislation Details (With Text)

**File #:** 3069-2015      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 11/25/2015      **In control:** Zoning Committee

**On agenda:** 12/14/2015      **Final action:** 12/16/2015

**Title:** To grant a Variance from the provisions of Sections 3333.035, AR-4 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05 (B), Vision clearance; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3372.562(A)(B), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564(A)(B), Parking; 3372.565, Building lines; 3372.566(C), Building separation and size; 3372.567, Maximum floor area; and 3372.568, Height, of the Columbus City Codes; for the property located at 34 WEST NINTH AVENUE (43201), to allow a mixed-use development with reduced development standards in the AR-4, Apartment Residential District and to repeal Ordinance No. 0800-2015 (CV14-065), passed March 30, 2015 and to declare an emergency (Council Variance # CV15-045).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3069-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20151214

Date	Ver.	Action By	Action	Result
12/16/2015	2	CITY CLERK	Attest	
12/15/2015	2	MAYOR	Signed	
12/14/2015	2	COUNCIL PRESIDENT	Approved	
12/14/2015	2	COUNCIL PRESIDENT	Signed	
12/14/2015	1	Zoning Committee	Amended to Emergency	Pass
12/14/2015	1	Zoning Committee	Approved as Amended	Pass
12/7/2015	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV15-045**

**APPLICANT:** Garland Properties, Ltd.; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY AREA REVIEW BOARD RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two parcels, one of which is developed with a vacant dwelling, and the other is undeveloped. Both parcels are zoned AR-4, Apartment Residential District, which permits high density residential use and offices that are accessory to on-site apartments. The applicant proposes to raze the existing dwelling and develop the site with two three-story buildings with a total of eight (8) dwelling units and 6,400 square feet of commercial office space for a property management company. One building will

front on Wall Street, and will contain enclosed parking and four dwelling units. The other building will front on West Ninth Avenue and will contain the property management office space and four dwelling units. Due to the unique characteristics of property management offices related to campus-area properties, other variances have been granted for property management offices in the AR-4 district when in close proximity to university-area commercial corridors. The site is in close proximity to North High Street, is within the University Impact District, and is subject to University Area Review Board (UARB) review. In addition to the use variance to permit the property management office, the applicant requests variances to minimum number of parking spaces, vision clearance, fronting, AR-4 yard standards, and University Planning Overlay standards. The site is within the planning area of the *University District Plan* (2015), which recommends “Higher Intensity Residential” uses for this location. The proposed development is designed to integrate well with the surrounding neighborhood. Staff supports this request as it is consistent with the Plan's land use recommendations and guidelines, will not add incompatible uses to the neighborhood, and will help provide additional student housing options within close proximity to the university. Part of the site is subject of Ordinance No. 0800-2015 (CV14-065), passed March 30, 2015, which also included the property to the east in the C-4, Commercial District. That request permitted eighteen apartment units and a parking garage on the subject site, but is being repealed with this legislation.

To grant a Variance from the provisions of Sections 3333.035, AR-4 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05 (B), Vision clearance; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3372.562(A)(B), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564(A)(B), Parking; 3372.565, Building lines; 3372.566(C), Building separation and size; 3372.567, Maximum floor area; and 3372.568, Height, of the Columbus City Codes; for the property located at **34 WEST NINTH AVENUE (43201)**, to allow a mixed-use development with reduced development standards in the AR-4, Apartment Residential District and to repeal Ordinance No. 0800-2015 (CV14-065), passed March 30, 2015 **and to declare an emergency** (Council Variance # CV15-045).

**WHEREAS**, by application No. CV15-045, the owner of property at **34 WEST NINTH AVENUE (43201)**, is requesting a Council Variance to allow a mixed-use development with residential use and a property management office with reduced development standards in the AR-4, Apartment Residential District; and

**WHEREAS**, Section 3333.035, AR-4 apartment residential district use, prohibits commercial office use; and permits one four-unit dwelling per lot in accordance with R-4, Residential District standards, or as part of a multiple dwelling development (three or more three- or four-unit dwellings), while the applicant proposes two three-story buildings, each containing four (4) dwelling units in accordance with AR-4 district standards, and a 6,400 square foot property management office in the first floor and basement of the building fronting West Ninth Avenue; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 15 parking spaces for 6,400 square feet of general office use for a property management company and parking for the eight (8) dwelling units is calculated with the formula contained in Section 3372.564, Parking, of the University Planning Overlay (UPO), which requires 31 spaces for eight (8) dwelling units, for total code required parking of 46 spaces, while the applicant proposes a total of 31 spaces; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a clear vision triangle of ten (10) feet at the intersections of streets and alleys, while the applicant proposes a vision triangle of eight (8) feet at the northwest corner of West Ninth Avenue and Wall Street; and

**WHEREAS**, Section 3333.16, Fronting, requires all residential buildings to front upon a public street, while the applicant proposes a four-unit dwelling to front upon an alley; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed twenty (20) percent of the lot width, thereby requiring 14.2 feet of total side yard for a 71-foot wide lot, while the applicant proposes a maximum side yard of ten (10) feet with two five-foot side yards; and

**WHEREAS**, Sections 3333.24, Rear yard, requires 25% of the lot area to be located behind the rear surfaces of the principal building(s), while the applicant proposes to reduce rear yard to 1.9% of open lot area due to the rear yard area (calculated as 28%  $\pm$ , equaling 3,950 square feet  $\pm$ ) also being used for car and bike parking and refuse facilities; and

**WHEREAS**, Section 3372.562(A)(B), Landscaped area and treatment, requires a minimum of 5% (694 square feet) of lot area (13,883 square feet) to be landscaped and located behind the most rear portion of building; and one parking lot shade tree per ten (10) parking spaces to be planted in the rear yard (four (4) shade trees for 31 parking spaces), while the applicant proposes 84 square feet (0.60%) of lot area located behind the most rear portion of the building parallel to Wall Street, and one (1) parking lot tree in the parking lot; and

**WHEREAS**, Section 3372.563, Maximum lot coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than thirty percent (30%) of the lot area, while the applicant proposes fifty-six percent (56%) lot coverage; and

**WHEREAS**, Section 3372.564(A)(B), Parking, requires that no more than thirty-five (35) percent of any lot area shall be devoted to the parking and maneuvering of vehicles, while the applicant proposes fifty-six percent (56%) of the lot area to be used for parking and maneuvering (both surface parking and garage parking); and

**WHEREAS**, Section 3372.565, Building lines, requires a minimum building line of the average of the building lines on adjacent lots, or 18.5 feet for this lot, while the applicant proposes a building line of four (4) feet along West Ninth Avenue; and

**WHEREAS**, Section 3372.566(C), Building separation and size, requires a minimum of ten (10) feet between buildings on the same parcel, and requires that no building shall exceed 10,200 square feet of calculated floor area, while the applicant proposes five (5) feet between the two (2) buildings, and a total calculated floor area of 18,180 square feet, including the 3,200 square-foot basement of the building fronting West Ninth Avenue; and

**WHEREAS**, Section 3372.567, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R.) of not greater than 0.60, while the applicant proposes a floor area ratio of 0.83 (apartments) and 1.30 (total building area: apartments, office) for the new buildings; and

**WHEREAS**, Section 3372.568(B), Height, requires that the majority of the front principal cornice or eave shall be between a maximum height of seventeen (17) feet and twenty-three (23) feet from the finished grade line of the lot, while the applicant proposes a total height of thirty-five (35) feet for the new buildings, irrespective of the height of the principal cornice or eave; and

**WHEREAS**, Ordinance 0800-2015 (CV14-065), passed March 30, 2015, addressed as 10 and 40 West Ninth Avenue, granted variances for a different development proposal for this site and adjacent property to the east between Wall Street and North High Street, is being repealed in conjunction with this ordinance because it is no longer applicable to either property; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the University Area Review Board recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variances for mixed use development is consistent with the land use recommendations of the *University District Plan*. The proposed development is designed to integrate well with the surrounding neighborhood, will not add incompatible uses, and will help provide additional student housing options within close proximity to the university; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the

proposed new 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 **34 WEST NINTH 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 3333.035, AR-4 apartment residential district use; 3312.49 (C), Minimum numbers of parking spaces required; 3321.05 (B), Vision clearance; 3333.16, Fronting; 3333.22, Maximum side yard required; 3333.24, Rear yard; 3372.562(A)(B), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564(A)(B), Parking; 3372.565, Building lines; 3372.566(C), Building separation and size; 3372.567, Maximum floor area; and 3372.568, Height, of the Columbus City Codes, is hereby granted for the property located at **34 WEST NINTH AVENUE (43201)**, insofar as said sections prohibit a two-building mixed-use development with eight (8) dwelling units and 6,400 square feet of commercial office use for a property management company and associated parking in the AR-4, Apartment Residential District; with a parking space reduction from 46 spaces to 31 spaces; reduced clear vision triangle from ten (10) feet to eight (8) feet at the northwest corner of West Ninth Avenue and Wall Street; a dwelling that has alley frontage; reduced total side yard from 14.2 feet to ten (10) feet; reduced rear yard from 25% to 1.9%; reduced landscaped rear yard from 5% to 0.6%; reduced parking lot shade trees from four (4) to one (1); increased maximum lot coverage from 30% to 56%; increased area of lot devoted to parking and maneuvering from 35% to 56%; a reduced building line from 18.5 feet to four (4) feet along West Ninth Avenue; reduced separation between buildings from ten (10) feet to five (5) feet; increased maximum calculated floor area from 10,200 square feet to 18,180 square feet; increased floor area ratio (F.A.R.) from 0.60 to 0.83 (apartments) and 1.30 (total for apartments and office); and increased height of the majority of the front principal cornice or eave from a maximum of between seventeen (17) feet and twenty-three (23) feet to thirty-five (35) feet; and said property being more particularly described as follows:

**34 WEST NINTH AVENUE (43201)**, being 0.32 ± acres located on the north side of West Ninth Avenue 215± feet west of North High Street, and being more particularly described as follows:

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

Being Lot Number Five (5) in A. Converse's North High Street Addition, to said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 401, Recorder's Office, Franklin County, Ohio, and a triangular piece of ground comprising an area of about 50 square feet abutting the northeast corner of said Lot No. 5, abutting Wall Street on the east and a 25 foot alley on the north side thereof, being the first alley north of Ninth Avenue, as vacated on April 4, 1921, by Ordinance No. 32484, adopted by the City Council of the City of Columbus, Ohio.

(Parcel Number: 010-012756)

and

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

Being Ten (10) feet off the east side of Lot Number Seven (7) and all of Lot Number Six (6) of A. Converse's North High Street Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 401, Recorder's Office, Franklin County, Ohio.

(Parcel Number: 010-021983)

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-building mixed-use development with a maximum of 6,400 square feet of property management company office space, a maximum of eight (8) dwelling units, and associated parking as reflected on the attached site plan, or those uses permitted in the AR-4, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**VARIANCE SITE PLAN**," drawn by Rhythm Architecture and Design, dated November 23, 2015, and signed by 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 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 Certificates of Occupancy for the proposed new uses.

**SECTION 5.** That this ordinance is further conditioned on Franklin County Parcel Numbers 010-012756 and 010-012756 being combined into one parcel prior to site compliance review.

**SECTION 6.** That this ordinance is further conditioned on the property management office being located in the building fronting on West Ninth Avenue.

**SECTION 7.** ~~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.**

**SECTION 8.** That Ordinance 0800-2015 (CV14-065), passed March 30, 2015, be and is hereby repealed.