



## Legislation Details (With Text)

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

**File created:** 6/22/2016      **In control:** Zoning Committee

**On agenda:** 7/11/2016      **Final action:** 7/15/2016

**Title:** To grant a Variance from the provisions of Sections 3309.14(A), Height districts; 3312.13(B), Driveway; 3312.27(3), Parking setback line; 3312.49(C), Minimum number of parking spaces required; 3321.05(B) (1; 2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.23(b)(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at 1124 NORTH FOURTH STREET (43201), to permit multi-unit residential development with reduced development standards in the AR-3, Residential District (Council Variance # CV16-027). (REPEALED BY ORD. 2825-2016; PASSED 12/5/2016)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD.1747-2016.Attachments, 2. ORD.1747-2016.Labels

Date	Ver.	Action By	Action	Result
7/15/2016	1	CITY CLERK	Attest	
7/14/2016	1	MAYOR	Signed	
7/11/2016	1	COUNCIL PRESIDENT	Signed	
7/11/2016	1	Zoning Committee	Approved	Pass

### Rezoning Application CV16-027

**APPLICANT:** Damado 1 LLC; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**ITALIAN VILLAGE 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. 1746-2016; Z16-023) to the AR-3, Apartment Residential District. The applicant proposes to construct a 36-unit apartment building. The site is currently undeveloped in the R-4, Residential District, and is within the Italian Village Urban Commercial Overlay. Variances are requested for increased building height, reduced driveway width from 20 feet to 18 feet, reduced parking setback from 14 feet to 7 feet, reduced vision clearance triangles from 10 feet to 8 feet at the corner of East Fourth Avenue and the unnamed 15 foot alley and from 30 feet to 14 feet at the intersection of North Fourth Street and East Fourth Avenue, a parking space reduction of 8 required spaces (from 54 required to 46 provided), and reductions to AR-3 district requirements for basis of computing area, building lines, side yard, and rear yard. The proposed use is consistent with the *Italian Village East Redevelopment Plan* recommendation for a mixed-use corridor along North Fourth Street, and the requested variances are consistent with other urban infill developments in this historic neighborhood.

To grant a Variance from the provisions of Sections 3309.14(A), Height districts; 3312.13(B), Driveway; 3312.27(3), Parking setback line; 3312.49(C), Minimum number of parking spaces required; 3321.05(B) (1; 2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.23(b)(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at **1124 NORTH FOURTH STREET (43201)**, to permit multi-unit residential development with reduced development standards in the AR-3, Residential District (Council Variance # CV16-027). **(REPEALED BY ORD. 2825-2016; PASSED 12/5/2016)**

**WHEREAS**, by application No. CV16-027, the owner of property at **1124 NORTH FOURTH STREET (43201)**, is requesting a Council variance to permit multi-unit residential development with reduced development standards in the AR-3, Residential District; and

**WHEREAS**, 3309.14(A), Height districts, requires a building height of 35 feet in the H-35 district, while the applicant proposes a building height of up to 46 feet; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of 20 feet, while the applicant proposes a driveway width of 18 feet; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires a parking setback of 14 feet along East Fourth Avenue, while the applicant proposes a parking setback of 7 feet; and

**WHEREAS**, Section 3312.49(C), Minimum number of parking spaces required, requires a total of 54 parking spaces for 36 dwelling units, while the applicant proposes 46 parking spaces; and

**WHEREAS**, Section 3321.05(B) (1; 2), Vision clearance, requires a vision clearance triangle of 10 feet at the intersection of a street and an alley, and a vision clearance triangle of 30 feet at the intersection of streets, while the applicant proposes an 8 foot vision clearance triangle at the corner of East Fourth Avenue and the unnamed 15 foot alley and a 14 foot vision clearance triangle at the intersection of North Fourth Street and East Fourth Avenue; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, allows a maximum building lot coverage of 50%, while the applicant proposes a building lot coverage of 64%; and

**WHEREAS**, Section 3333.18, Building lines, requires a building setback of 40 feet along North Fourth Street and 14 feet along East Fourth Avenue, while the applicant proposes a setback of 14 feet along North Fourth Street and 7 feet along East Fourth Avenue; and

**WHEREAS**, Section 3333.23(b)(d), Minimum side yard permitted, requires a side yard of 7.7 feet on the north side of the building, while the applicant proposes a side yard of 0 feet; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard of 25% of lot area, while the applicant proposes a rear yard of 18% of lot area; and

**WHEREAS**, Section 3333.26, Height district, requires a building height of 35 feet in the H-35 district, while the applicant proposes a building height of up to 46 feet; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variances allow for the development of an urban infill project that follows the *Italian Village East Redevelopment Plan* recommendation for a mixed-use corridor along North Fourth Street; 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 **1124 NORTH FOURTH STREET (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 3309.14(A), Height districts; 3312.13(B), Driveway; 3312.27(3), Parking setback line; 3312.49(C), Minimum number of parking spaces required; 3321.05(B) (1; 2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.23(b)(d), Minimum side yard permitted; 3333.24, Rear yard; and 3333.26, Height district; of the Columbus City Codes, is hereby granted for the property located at **1124 NORTH FOURTH STREET (43201)**, insofar as said sections prohibit an increased building height from 35 feet to up to 46 feet; a driveway width reduction from 20 feet to 18 feet; a reduced parking setback from 10 feet to 7 feet along East Fourth Avenue; a parking space reduction from 54 parking spaces to 46; reduced vision clearance triangles of 8 feet at the corner of East Fourth Avenue and the unnamed 15 foot alley, and 14 feet at the intersection of North Fourth Street and East Fourth Avenue; an increased maximum lot coverage from 50% to 64%; a reduced building setback from 40 feet to 14 feet along North Fourth Street, and from 14 feet to 7 feet along East Fourth Avenue; a reduced minimum side yard from 7.7 feet to 0 feet along the north property line; and a reduced rear yard from 25 % to 18%; said property being more particularly described as follows:

**1124 NORTH FOURTH STREET (43201)**, being 0.40± acres located at the northeast corner of North Fourth Street and East Fourth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4 and 5, Township 5, Range 22, Refugee Lands, being part of Lots 6-13 of Wakefield Hughes and Samuel's Subdivision of record in Plat Book 2, Page 220, part of Lots 1, 2, 8, 9, and 10 of Lizzie and Frederick Wheeldon's Subdivision of record in Plat Book 2, Page 212, part of Lots 29 -30 of Wm. G. Deshler's Amended Addition to Phelans Mount Pleasant Addition of record in Plat Book 1, Page 302 and all of the tracts conveyed to Damado 1 LLC of record in Instrument Number 201501160007225 and more particularly described as follows:

Beginning at the southwesterly corner of said Damado tracts, being in the southerly line of said Lot 11 and northeasterly right-of-way intersection of N. Fourth Street and E. 4<sup>th</sup> Avenue;

Thence N 08° 55' 30" W, along the westerly line of said Damado tracts and being the easterly right-of-way line of said N. Fourth Street, 183.7 feet± to the northwesterly corner of said Damado tracts, being in the northerly line of said Lot 6 and the southeasterly right-of-way intersection of said N. Fourth Street and E. Greenwood Avenue;

Thence S 87° 30' 00" E, along the northerly line of said Damado tracts, being the northerly line of said Lot 6 and Lot 13 and along the southerly right-of-way line of said E. greenwood Avenue, 65.6 feet± to the northeasterly corner of said Damado tracts, being the northeasterly corner of said Lot 13 and being the southwesterly right-of-way intersection of said E. Greenwood Avenue and a 15 foot Alley;

Thence S 09° 22' 00" E, along the easterly line of said Damado tracts, being the easterly line of said Lots 12 and 13 and being the westerly right-of-way line of said 15 foot Alley, 184.0 feet± to the southeasterly corner of said Damado tracts, being the southeasterly corner of said Lot 12 and being the northwesterly right-of-way intersection of said 15 foot Alley and said E. 4<sup>th</sup> Avenue;

Thence N87° 30' 00" W, along the southerly line of said Damado tracts, being the southerly line of said Lots 11 and 12 and being the northerly right-of-way line of said E. 4<sup>th</sup> Avenue, 97.1 feet± to the Point of Beginning. Containing 0.40± acre.

This exhibit was prepared on March 31, 2016 and is based on information obtained from the Franklin County Auditor's Office and Franklin County Recorder's Office and is not intended to be used for the transfer of land.

Advanced Civil Design, Inc.

**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 a 36-unit apartment building, or those uses permitted in the AR-3 Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**BUDD DAIRY 6**" dated June 10, 2016, 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 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.