Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	5/24/2017	**In control:**	Zoning Committee
On agenda:	6/12/2017	**Final action:**	6/14/2017
Title:	To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(D)(1), Building lines; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted; of the Columbus City Codes; for the property located at 1453 NORTH FOURTH STREET (43201), to permit a multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance # CV16-077).		
Sponsors:			
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Date	Ver.	Action By	Action	Result
6/14/2017	1	CITY CLERK	Attest	
6/13/2017	1	MAYOR	Signed	
6/12/2017	1	COUNCIL PRESIDENT	Signed	
6/12/2017	1	Zoning Committee	Approved	Pass
6/5/2017	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV16-077

APPLICANT: Arch City Development; c/o Nathan Sampson, Agent; 990 West Third Avenue; Columbus, OH 43212.

PROPOSED USE: Multi-unit residential development.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance No. 1438-2017; Z16-079) to the AR-1, Apartment Residential District. The applicant proposes a fourteen-unit apartment building and requests variances to increase building height and lot coverage, and to reduce the minimum number of parking spaces required from 21 to 15, vision clearance, building lines, maximum side yard required, and minimum side yard permitted. These reduced development standards are supportable because the proposed setbacks allow the buildings to be positioned closer to the street complementing the existing development pattern along the North Fourth Street corridor. Furthermore, the requested variances are reflective of recent residential infill development in urban neighborhoods.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(D)(1), Building lines; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted; of the Columbus City Codes; for the property located at **1453 NORTH FOURTH STREET (43201),** to permit a multi-unit residential development with

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reduced development standards in the AR-1, Apartment Residential District (Council Variance # CV16-077).

WHEREAS, by application # CV16-077, the owner of property at **1453 NORTH FOURTH STREET (43201),** is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes a building height of 40 feet in the H-35 height district; and

WHEREAS, Section 3312.49(C), Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 21 required parking spaces, while the applicant proposes to provide 15 parking spaces, amounting to a reduction in 6 required parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes a 6.5 foot right angle clear vision triangle at the intersection of North Fourth Street and East Fifth Avenue; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes a lot coverage of 55 percent; and

WHEREAS, Section 3333.18(D)(1), Building lines, requires a building line of no less than 10 feet along North Fourth Street and East Fifth Avenue, while the applicant proposes a reduced building line of 0 feet along both frontages; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the applicant proposes a reduced total side yard of 3 feet; and

WHEREAS, Section 3333.23(D), Minimum side yard permitted, requires the side yard to be equal to one-sixth of the height of the building where it exceeds two and one-half stories in height, or 6.7 feet for a 40 foot high building, while the applicant proposes a reduced minimum side yard of 3 feet; and

WHEREAS, the City Departments recommend approval because the variances are reflective of residential infill projects in urban neighborhoods and will allow the development to have compatible setbacks to the existing development pattern of the North Fourth Street corridor; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **1453 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, Height districts; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(D)(1),

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Building lines; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **1453 NORTH FOURTH STREET (43201),** insofar as said sections prohibit an increased building height from 35 feet to 40 feet; a parking space reduction from 21 spaces to 15 spaces; a decrease in clear vision triangle from 30 feet to 6.5 feet at the intersection of North Fourth Street and East Fifth Avenue; an increase in allowable lot coverage from 50 percent to 55 percent; a reduction in required building lines from 10 feet to 0 feet along North Fourth Street and East Fifth Avenue; a reduced maximum side yard required from 16 feet to 3 feet; and a reduced minimum side yard permitted from 6.7 feet to 3 feet; said property being more particularly described as follows:

1453 NORTH FOURTH STREET (43201), being 0.39± acres located at the southwest corner of North Fourth Street and East Fifth Avenue, and being more particularly described as follows:

Parcel I:

Parcel No. 010-025259-00
Street Address: 197 East Fifth Avenue, Columbus OH 43201

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

Being thirty-four and one-third (34 1/3) feet off the West side of Lot Number Four (4) of EDWIN AND ELIZABETH DOMONEY'S SUBDIVISION of Lot Number Thirty-one (31) of WILLIAM G. DESHLER'S AMENDED ADDITION of WILLIAM PHELAN'S MT. PLEASANT ADDITION to the City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 321, Recorder's Office, Franklin County, Ohio.

Prior Instrument: 200404160085690

Parcel II:

Parcel No. 010-030575-00
Street Address: Corner of East Fifth and North Fourth, Columbus OH 43201

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

Being a part of Lot No. 4 in the Edwin and Elizabeth Domoney's Subdivision of Lot No. 31, in William G. Deshler's Addition to William Phelan's Mount Pleasant Addition to said city, as said Lot No. 4 is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, page 321, Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin located at the southwest corner of Fifth Avenue and Fourth Street (formerly Lazelle Street) as the same are now established in said city; thence in a southerly direction along the West line of Fourth Street, as the same is now established, 122.25 feet to a stake; thence in a westerly direction and parallel to the south line of Fifth Avenue 63.66 2/3 feet to a stake; thence in a southerly direction parallel to the West line of said Lot No. 4, 53.25 feet, more or less, to a stake in the South line of said Lot No. 4; thence in a westerly direction along the South line of said lot, 5 feet to a stake located 34.33 feet East of the West line of said lot; thence in a northerly direction and parallel to the West line of said lot, 175.50 feet, more or less, to a stake in the South line of said Fifth Avenue, as the same is now established, located 34.33 feet East of the West line of said lot; thence in an easterly direction along the South line of Fifth Avenue, as now established, 68.66 feet to the place of beginning.

Prior Instrument References: 199804200092547 and 199804200092549

Parcel III:

Parcel No. 010-038136-00
Street Address: 1145 North Fourth Street, Columbus OH 43201

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

Being a part of Lot Number Four (4) in EDWIN AND ELIZABTEH DOMONEY'S SUBDIVISION of Lot Number Thirty-one (31) in William G. Deshler's Amended Addition to William Phelan's Mount Pleasant Addition to said City of Columbus, bounded and described as follows:

Commencing at a point in the East line of said Lot Four (4) (West line of Laxell now Fourth Street); thence westerly by a line parallel with the North line of said Lot 4, South line of Fifth Avenue, except 11 5/8 inches taken off for widening of Fourth Street, Sixty-three (63) feet and Eight (8) inches; thence southerly by a line parallel with the East line of said Lot Four (4)(West line of Fourth Street) about Fifty-three (53) feet and Two (2) inches to the South line of said Lot Four (4); thence eastward on the South line of said Lot Four (4), Sixty-three (63) and Eight (8) inches, except One and 39/100ths feet taken off for widening of Fourth Street (1.39 ft. per Inst. 198401090043882), to the southeast corner of said Lot; thence northward on the East line of said Lot Four (4) about Fifty-three (53) feet and Two (2) inches to the place of beginning.

Prior Instrument Reference: 200001120008400

Easements, restrictions, etc.: Subject to easements, conditions, and restrictions of record.

Being the same property conveyed to The New Victorians, a Corporation, organized under the laws of Ohio, by Deed from Marvin Glassman, a.k.a. Marvin L. Glassman and Amelia Glassman (the latter who executed only for the purpose of releasing dower), husband and wife, dated April 1, 1998, and recorded April 2, 1998 at 09:13 a.m. in Instrument Number 199804200092547 of the Franklin County Recorder’s Office in Columbus, Ohio; being the same property conveyed to The New Victorians, a Corporation, organized under the laws of Ohio, by Deed from Diane G. Witt and Robert Witt (the latter who executed only for the purpose of releasing dower), wife and husband, dated April 1, 1998, and recorded April 20, 1998 at 09:13 a.m. in Instrument Number 199804200092549 of the Franklin County Recorder’s Office in Columbus, Ohio; being the same property conveyed to by Deed from Frieda Kauffman, Deceased, by and through National City Bank, Executor of said decedent’s Estate, dated April 1, 1998, and recorded April 20, 1998 at 09:13 a.m. in Instrument Number 199804200092551 of the Franklin County Recorder’s Office in Columbus, Ohio; and being the same property conveyed to The New Victorians, a Corporation, organized under the laws of Ohio, by Deed from Nettie E. Baxton and Edgar B. Baxton (the latter who executed only for the purpose of releasing dower), wife and husband, dated April 15, 2004, and recorded April 16, 2004 at 2:12 p.m. in Instrument Number 200404160085690 of the Franklin County Recorder’s Office in Columbus, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a fourteen-unit apartment building, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SCHEMATIC DESIGN DRAWINGS FOR 4X5,**" signed by Nathan Sampson, Agent for the Applicant, dated May 15, 2017. The plans 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 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.