Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	11/19/2018	**In control:**	Zoning Committee
On agenda:	1/28/2019	**Final action:**	1/31/2019
Title:	To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.49 Minimum numbers of parking spaces required; 3312.21(A)(3), (B)(3), and (D)(2), Landscaping and screening; and 3332.21(D)(2), Building lines, of the Columbus City codes; for the property located at 2959 CLEVELAND AVENUE (43224), to permit a 45-unit apartment building with reduced development standards in the R-4, Residential District (Council Variance #CV18-085).		
Sponsors:			
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Code sections:			
Attachments:	1. ORD3301-2018_Attachments, 2. ORD3301-2018_Labels		

Date	Ver.	Action By	Action	Result
1/31/2019	1	CITY CLERK	Attest	
1/30/2019	1	MAYOR	Signed	
1/28/2019	1	COUNCIL PRESIDENT	Signed	
1/28/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
1/28/2019	1	Zoning Committee	Approved	Pass

Council Variance Application: CV18-085

APPLICANT: Homeport c/o Dave Perry; David Perry Company, Inc., 411 East Town Street, Floor 1; Columbus, Ohio 43215.

PROPOSED USE: Apartment building.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-4, Residential District, and is comprised of undeveloped parcels and several vacant residential buildings. The requested Council variance will permit the development of a 45-unit apartment building. A variance is necessary because the R-4, Residential District allows a maximum of four units in one building. In addition to the use variance, requested variances include modified parking lot landscaping and reductions to required setbacks and parking. The site is within the boundaries of the *North Linden Neighborhood Plan Amendment* (2014), which recommends “Neighborhood Mixed Use” at this location. The request is consistent with the existing development pattern in this neighborhood and is compatible with Plan guidelines. It should be noted that the Zoning Staff does not support the proposal as a Council variance application. Staff believes that multi-unit residential development of this density should be rezoned to an appropriate apartment residential zoning district and afforded the full review process applicable to rezoning applications, including a public hearing and review by the Development Commission. For that reason, this ordinance is conditioned on a follow-up rezoning to an appropriate zoning designation within one year of its effective date.

To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.49 Minimum numbers of parking spaces required; 3312.21(A)(3), (B)(3), and (D)(2), Landscaping and screening; and 3332.21(D)(2), Building lines, of the Columbus City codes; for the property located at **2959 CLEVELAND AVENUE (43224),** to permit a 45-unit apartment building with reduced development standards in the R-4, Residential District (Council Variance #CV18-085).

WHEREAS, by application #CV18-085, the owner of the property at **2959 CLEVELAND AVENUE (43224),** is requesting a Variance to permit a 45-unit apartment building with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district, allows a maximum of four units in one building, while the applicant proposes to build a 45-unit apartment building; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 68 spaces total for 45 apartment units, while the applicant proposes 46 parking spaces; and

WHEREAS, Section 3312.21(A)(3), Landscaping and screening, requires shade trees for interior landscaping to be contained in tree islands within the parking lot, while the applicant proposes no tree islands, and to place the required trees on the perimeter of the parking lot; and

WHEREAS, Section 3312.21(B)(3) and (D)(1), Landscaping and screening, requires perimeter landscaping to be 5 feet in height for the purpose of screening residential property within 80 feet of a parking lot and requires a 4 foot wide landscaped area adjacent to residential zoning, while applicant proposes to provide screening at 3 feet in height and to reduce the landscaped strip along part of the south property line of the parking lot to zero feet with no landscaping in order to accomodate a sidewalk; and

WHEREAS, Section 3332.21(D)(2), Building lines, requires the Cleveland Avenue setback to be 20 feet by aligning it with an adjacent building, while the applicant proposes a 15-foot building line, net of 40 feet of right-of-way dedication from the centerline; and

WHEREAS, the North Linden Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area and is consistent with the “Neighborhood Mixed Use” and use recommendation and design guidelines of the *North Linden Neighborhood Plan Amendment*; 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 **2959 CLEVELAND AVENUE (43224),** in using said property as desired and; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.039, R-4, residential district; 3312.49 Minimum numbers of parking spaces required; 3312.21(A)(3), (B)(3), and (D)(2), Landscaping and screening; and 3332.21(D)(2), Building lines, of the Columbus City codes; for the property located at **2959 CLEVELAND**

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AVENUE (43224), insofar as said sections prohibit a 45-unit apartment building in the R-4, Residential District; with a parking space reduction from 68 required spaces to 46 spaces; parking lot shade trees to be placed on the perimeter of the parking lot instead of within the interior; reduced parking lot screening height from five feet to three feet; no parking lot screening on a portion of the south property line; and the building line to be established at 15 feet; said property being more particularly described as follows:

2959 CLEVELAND AVENUE (43224), being 1.23± acres located at the southwest corner of Cleveland Avenue and Eddystone Avenue, and being more particularly described as follows:

Known as Parcel Numbers: 010-070877, 010-070893, 010-070895, 010-076498, and 010-186401, and addressed as 2959 Cleveland Avenue Columbus, OH 43224, and being more particularly described as follows: Situated in the State of Ohio, County of Franklin and in the City of Columbus and being described as follows:

PARCEL 1

Being the parts of Parcel Numbers one and two of Miles B. Loretta and Beatrice M. Loretta's Land acquired by a deed of record in Deed Book 3279, Page 160, Franklin County Ohio Recorder's Office; being further bounded and described as follows:

From an iron pin found at the southeast corner of the said Parcel Number Two (being also at the northeast corner of Lot Number eight in "Crest Linden" addition of record in Plat Book 10, Page 66 in the records of the said County, Thence North 3° 30' 00" east 53.79 feet along the west line of Cleveland Avenue to an iron pin set at the true point of beginning;

From the said point of beginning, North 86° 30' 00" west 112.34 feet to an iron pin set;

Thence North 3° 30' 00" east 53.72 feet along a new line to an iron pin set;

Thence South 86° 30' 00" east 142.24 feet passing an iron pin set at the west line of Cleveland Avenue at 112.24 feet to a point on the centerline of the said Cleveland Avenue; Thence South 3° 30' 00" west 38.55 feet along the centerline of said Cleveland Avenue to a point;

Thence North 86° 25' 38" west to a point on the west line of said Cleveland Avenue, 30.00 feet;

Thence South 3° 30' 00" west 15.21 feet along the west line of said Cleveland Avenue to the point of beginning containing 7,187.5 square feet or 0.165 acres of land.

Parcel No.: 010-186401
Street Address: 2953 Cleveland Avenue, Columbus, Ohio 43224

PARCEL 2

Being the parts of Parcel Numbers one and two of Miles B. Loretta and Beatrice M. Loretta's Land acquired by a deed of record in Deed Book 3279, Page 160, Franklin County Ohio Recorder's Office; being further bounded and described as follows:

From an iron pin found at the southeast corner of the said Parcel number two (being also at the northeast corner of the said Lot Number eight in "Crest Linden" addition of record in Plat Book 10, Page 66 in the records of the said county), thence North 86° 25' 38" west 112.24 feet along the south line of said parcel iron pin set at the true point of beginning:

From the said point of beginning North 86° 25' 38" west 43.85 feet (passing an iron pin found at the northwest corner of the said Lot Number 8 at 27.80 feet) to an iron pin found at the southeast corner of Columbia Gas Company's land (Deed Book 2295, Page 453);

Thence North 3° 31’ 37” east 15.94 feet along the east line of the said Columbia Gas Company’s land to an iron pin found;

Thence North 86° 57’ 40” west 14.00 feet along the north line of the said Columbia Gas Company’s land to an iron pin found on the east line of City of Columbus 2.889 acre tract (Deed Book 1810, Page 224);

Thence North 3° 22’ 52” east 53.30 feet to an iron pin found; Thence south 85° 33’ 11” east 10.00 feet to an iron pin found; Thence north 3° 34’ 10” east 160.66 feet along the said City of Columbus land to an iron pin set on the south line of “Eddystone Place” addition (Plat Book 21, Page 12, in the records of the said County);

Thence South 86° 43’ 00” east along the south line of the said addition (passing an iron pin found on the west line of Cleveland Avenue at 160.00 feet) 190 feet to a point of the centerline of the said Cleveland Avenue;

Thence South 3° 30’ 00” west 123.00 feet along the centerline of said Cleveland Avenue to a point;

Thence North 86° 30’ 00” west 142.24 feet (passing an iron pin set on the west line of Cleveland Avenue at 30.00 feet) to an iron pin set;

Thence South 3° 30’ 00” west (passing an iron pin set on line at 53.72 feet) 107.37 feet to the point of beginning, containing 28,972.5 square feet or 0.6651 acre of land.

Parcel No.: 010-076498
Street Address: 2967 Cleveland Avenue, Columbus, Ohio 43224

PARCEL 3

Situated in the State of Ohio, County of Franklin, City of Columbus, and being Lot Number Twenty-two (22) in Eddystone Place Subdivision, as in numbered, delineated, and recorded in Plat Book 21, Page 12, Recorder’s Office, Franklin County, Ohio.

Parcel No.: 010-070877
Street Address: 2983 Cleveland Avenue, Columbus, Ohio 43224

PARCEL 4

Situated in the State of Ohio, County of Franklin, City of Columbus, and being Lot No. Twenty-three (23) in Eddystone Place Subdivision, as numbered, delineated, and recorded in Plat Book 21, Page 12, Recorder’s Office, Franklin County, Ohio.

Parcel No.: 010-070893
Street Address: 2979 Cleveland Avenue, Columbus, Ohio 43224

PARCEL 5

Situated in the State of Ohio, County of Franklin, City of Columbus, and being Lot No. Twenty-four (24) in Eddystone Place Subdivision, as numbered, delineated, and recorded in Plat Book 21, Page 12, Recorder’s Office, Franklin County, Ohio.

Parcel No.: 010-070895
Street Address: 2975 Cleveland Avenue, Columbus, Ohio 43224

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a 45-unit apartment building, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance is further conditioned upon the applicant rezoning the property to an appropriate zoning district and obtaining the necessary variances within one year of the effective date of this ordinance.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.