



## Legislation Details (With Text)

**File #:** 0501-2019      **Version:** 1

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

**File created:** 2/6/2019      **In control:** Zoning Committee

**On agenda:** 2/25/2019      **Final action:** 2/28/2019

**Title:** To grant a Variance from the provisions of Sections 3333.18, 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 1640 EAST MOUND STREET (43205), to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District (Council Variance #CV18-080).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0501-2019\_Attachements, 2. ORD0501-2019\_Labels

Date	Ver.	Action By	Action	Result
2/28/2019	1	ACTING CITY CLERK	Attest	
2/27/2019	1	MAYOR	Signed	
2/25/2019	1	COUNCIL PRESIDENT	Signed	
2/25/2019	1	Zoning Committee	Waive the 2nd Reading	Pass
2/25/2019	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV18-080**

**APPLICANT:** Juliet Bullock; 1182 Wyandotte Road; Columbus, OH 43212.

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

**NEAR EAST AREA 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 #0500-2019; Z18-060) to the AR-2, Apartment Residential District. The applicant proposes splitting the existing lot into two parcels (Subarea A and Subarea B). The existing historic structure on Subarea A will be repurposed into a 22-unit apartment building. Subarea B will be developed with a new 12-unit apartment building. Variances for building setback lines, and maximum and minimum side yards are included in this request. These reduced development standards are supportable because they will conform the existing building in Subarea A, and allow the building in Subarea B to be positioned closer to the street thereby complementing the existing development pattern along the Mound 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 3333.18, 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 **1640 EAST MOUND STREET (43205)**, to permit a multi-unit residential development with reduced development standards in the AR-2,

Apartment Residential District (Council Variance #CV18-080).

**WHEREAS**, by application #CV18-080, the owner of property at **1640 EAST MOUND STREET (43205)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of no less than 10 feet along both East Mound Street and Seymour Avenue, while the applicant proposes a reduced building line of 0 feet along both frontages, in both Subarea A and Subarea B, due to the existing retaining walls and stairs; 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 10 feet for Subarea A and 5.32 feet for Subarea B; and

**WHEREAS**, Section 3333.23, 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 5.83 feet for a 29 foot high building, while the applicant proposes a reduced minimum side yard of 5.32 feet along the western property line of Subarea B; and

**WHEREAS**, the Near East Area Commission recommends approval of this request with the condition that the marble in the existing bath/shower room be repurposed for kitchen, vanities and restroom usages; and

**WHEREAS**, the City Departments recommend approval because the variances are reflective of residential infill projects in urban neighborhoods. The request will conform existing development on the site and allow the proposed development to have compatible setbacks to existing buildings along Mound Street; 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 **1640 EAST MOUND STREET (43205)**, 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 3333.18, 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 **1640 EAST MOUND STREET (43205)**, insofar as said sections prohibit reduced building lines from 10 feet to 0 feet along the East Mound Street and Seymour Avenue frontages in both Subarea A and Subarea B; a reduced maximum side yard required from 16 feet to 10 feet in Subarea A and 5.32 feet in Subarea B; and a reduced minimum side yard permitted from 5.83 feet to 5.32 feet along the western property line of Subarea B; said property being more particularly described as follows:

**1640 EAST MOUND STREET (43205)**, being 0.81± acres located at the northwest corner of East Mound Street and Seymour Avenue, and being more particularly described as follows:

SUBAREA A:

Being 0.542 acres out of that 0.804 acre (by Survey) tract of land conveyed to Hammer Out Homes, Inc. in Instrument Number (I.N.) 201805090061769, said tract consisting of portions of: lot numbers 6-12 in Armstrong and Sloss Subdivision (of record in Plat Book 7, Page 152), vacated McAllister Street (25 feet wide, Ord. No. 1383-55, 11-25-1955), a vacated alley (15 feet wide, County Commissioners Journal Vol. 12, Page 562, 09-23-1905) and a portion of lot number 100 in Linen Place Addition (of record in Plat Book 5, Page 125) located in the City of Columbus, County of Franklin, State of Ohio; said 0.542 acres being more particularly described as:

Commencing, for reference at a rebar set at the southeasterly corner of said lot 11, also being the southeasterly corner of said Armstrong and Sloss subdivision, being the intersection of the northerly right-of-way line of E. Mound Street (60') and the westerly right-of-way line of Seymour Avenue (57'); thence, North 88° 10' 57" West, with said northerly right-of-way line and with the southerly line of said lot 11, a distance of 106.99 feet to a rebar set at the TRUE PLACE OF BEGINNING;

Thence, from said TRUE PLACE OF BEGINNING, North 88° 10' 57" West, with said northerly right-of-way line, with the southerly line of said lot 11, crossing the terminus of said vacated alley and with a portion of said Lot 100, a distance of 107.54 feet to a ¾-inch iron pin found at the southwesterly corner of said 0.804 acres,

Thence, North 03° 55' 58" East, with an easterly line of said 0.804 acres and with a westerly line of that of that tract of land conveyed to Rock of Faith Baptist Church in O.R. 17289, Pg. J15, a distance of 185.33 feet to a railroad spike found;

Thence, North 88° 10' 57" West, with a southerly line of said 0.804 acres, with a northerly line of said Rock of Faith tract (north lines of: Lots 98, 99 and a portion of said Lot 100) and with the southerly line of said vacated McAllister Street, a distance of 84.33 feet to a 4-inch iron post (cut off at base) found, the same being the northwest corner of said Lot 98;

Thence, North 03° 55' 58" East, with an easterly line of said 0.804 acres and with the westerly terminus of said McAllister Street, passing a 4-inch iron post found (cut off at base) at a distance of 23.76 feet, a total distance of 25.09 feet to the northwesterly corner of said 0.804 acres, the same being the southeasterly corner of Lot 3 and the southwesterly corner of Lot 4 in said Linen Place Addition;

Thence, South 88° 10' 57" East, with a northerly line of said 0.804 acres, with the southerly lines of Lots 4 and 5 in said Linen Place Addition, with a southerly line of Lot 1 in said Armstrong & Sloss Subdivision, crossing said 15 foot wide vacated alley, with a portion of Lot 5 in said Armstrong & Sloss Subdivision and with a southerly line of that 0.911 acre tract of land conveyed to the Rock of Faith Baptist Church in O.R. 3302, Pg. D15, a distance of 175.74 feet to a railroad spike found at the northeasterly corner of said 0.814 acres;

Thence, South 01° 46' 31" West, with an easterly line of said 0.804 acres and with a westerly line of said 0.911 acres, a distance of 100.84 feet to a railroad spike found at a southerly corner of said 0.911 acres;

Thence, South 88° 10' 57" East, with a northerly line of said 0.804 acres and with a southerly line of said 0.911 acres, a distance of 16.47 feet to a rebar set;

Thence, South 01° 46' 34" West, crossing a portion of said 0.804 acres, a distance of 65.02 feet to a rebar set;

Thence, North 88° 13' 26" West, crossing a portion of said 0.804 acres, a distance of 7.54 feet to a rebar set;

Thence, South 02° 42' 16" West, crossing a portion of said 0.804 acres, a distance of 44.42 feet to the TRUE PLACE OF BEGINNING.

Containing 0.542 acres of land. Being out of Auditor's Parcel #'s 010-028139.

SUBAREA B:

Being 0.262 acres out of that 0.804 acre (by Survey) tract of land conveyed to Hammer Out Homes, Inc. in Instrument Number (LN.) 201805090061769, said tract consisting of portions of lot numbers 9-11 in Armstrong and Sloss Subdivision, of record in Plat Book 7, Page 152, located in the City of Columbus, County of Franklin, State of Ohio; said 0.262 acres being more particularly described as:

Beginning at a rebar set at the southeasterly corner of said lot 11, also being the southeasterly corner of said Armstrong and Sloss subdivision, being the intersection of the northerly right-of-way line of E. Mound Street (60') and the westerly right-of-way line of Seymour Avenue (57'); thence, North 88° 10' 57" West, with said northerly right-of-way line and with the southerly line of said lot 11, a distance of 106.99 feet to a rebar set;

Thence, North 02° 42' 16" East, crossing a portion of said 0.804 acres, a distance of 44.42 feet to a rebar set;

Thence, South 88° 13' 26" East, crossing a portion of said 0.804 acres, a distance of 7.54 feet to a rebar set;

Thence, North 01° 46' 34" East, crossing a portion of said 0.804 acres, a distance of 65.02 feet to a railroad spike found at a northerly corner of said 0.804 acres, the same being a southerly corner of that tract of land conveyed to the Rock of Faith Baptist Church in O.R. 3302, Pg. D1S, being in the northerly line of said lot 9 and in the southerly line of lot 8 in said Armstrong and Sloss subdivision;

Thence, South 88° 10' 57" East, with a northerly line of said 0.804 acres, with the northerly line of said lot 9, with the southerly line of said Rock of Faith tract and with the southerly line of said lot 8, a distance of 103.50 feet to a rebar set at a northeasterly corner of said 0.804 acres, the same being a southerly corner of said Rock of Faith tract, being the northeasterly corner of said lot 9 and the southeasterly corner of said lot 8 in said Armstrong and Sloss subdivision;

Thence, South 04° 16' 19" West, with an easterly line of said 0.804 acres, with the easterly lines of said lot numbers 9-11 and with the westerly right-of-way line of said Seymour Avenue, a distance of 109.54 feet to the TRUE PLACE OF BEGINNING. Containing 0.262 acres of land. Being out of Auditor's Parcel #'s 010-028139.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a 22-unit apartment building on Subarea A, and a 12-unit apartment building on Subarea B, or those uses permitted in the AR-2, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**PROPOSED SITE PLAN**," signed by Juliet Bullock, Architect, dated January 27, 2019. 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 providing building elevations for review by the Planning Division for the apartment building on Subarea B prior to submitting for site compliance approval on that subarea.

**SECTION 5.** That this ordinance is further conditioned on the following: Marble within the existing building on Subarea A shall be repurposed for use within kitchens and bathrooms in the proposed development.

**SECTION 6.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.