City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Details (With Text)

File #:	2751-2019 **Version:** 2		
Type:	Ordinance	**Status:**	Passed
File created:	10/16/2019	**In control:**	Zoning Committee
On agenda:	12/16/2019	**Final action:**	12/18/2019
Title:	To grant a Variance from the provisions of Sections 3349.03, Permitted uses; 3312.49(C), Minimum numbers of parking spaces required; 3349.04(a)(b)(c), Height, area and yard regulations; 3371.01(F)(1-3), P-1 private parking district; and 3371.02(C)(2), Building lines in residential and apartment residential districts, of the Columbus City Codes; for the property located at 1551 BRYDEN RD. (43205), to permit a 165-unit apartment building and up to 25,000 square feet of specified non-residential uses with reduced development standards in the I, Institutional District and P-1, Private Parking District, and to repeal Ordinance #2901-90, passed December 10, 1990 (Council Variance #CV19-074).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD2751-2019_Attachments_Amended.pdf, 2. ORD2751-2019_Attachments, 3. ORD2751-2019_Labels		

Date	Ver.	Action By	Action	Result
12/18/2019	2	CITY CLERK	Attest	
12/17/2019	2	MAYOR	Signed	
12/16/2019	2	COUNCIL PRESIDENT	Signed	
12/16/2019	1	Zoning Committee	Approved as Amended	Pass
12/16/2019	1	Zoning Committee	Amended as submitted to the Clerk	Pass
12/9/2019	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV19-074

APPLICANT: Bryden Management, LLC; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval ~~(incomplete)~~.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a former hospital and consists of one parcel in the I, Institutional District, and nine parcels on the P-1, Private Parking District. The site is subject to Ordinance #2901-90 (CV90-1063), passed December 10, 1990, which permits a mixed-use development consisting of housing for the elderly and limited non-residential uses with reduced development standards. The requested Council variance is necessary because the elderly housing component of this development has been eliminated, and the building now functions as a 165-unit apartment building with 25,000 square feet of limited commercial uses. This request updates the permitted uses, and parking reduction required for the mix of uses at this location, and maintains the reduced

development standards previously granted. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain specific land use recommendations for this location, but it does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. The request is supportable because it preserves existing housing stock and mixed-use development of a historic former hospital building. The applicant will maintain existing fencing between parking areas and residentially zoned properties. **Additionally, the reduction in parking from 348 required spaces to 137 provided spaces is supportable based on the review of the parking study conducted by the Applicant. There is a reasonable expectation that parking demand for commercial space would be significantly lower than the 100 spaces accounted for in the calculated requirement due to use limitations. The on-site parking lot could accommodate increased parking demand without pushing on-street parking occupancies above 80% in most cases.**

To grant a Variance from the provisions of Sections 3349.03, Permitted uses; 3312.49(C), Minimum numbers of parking spaces required; 3349.04(a)(b)(c), Height, area and yard regulations; 3371.01(F)(1-3), P-1 private parking district; and 3371.02(C)(2), Building lines in residential and apartment residential districts, of the Columbus City Codes; for the property located at **1551 BRYDEN RD. (43205)**, to permit a 165-unit apartment building and up to 25,000 square feet of specified non-residential uses with reduced development standards in the I, Institutional District and P-1, Private Parking District, and to repeal Ordinance #2901-90, passed December 10, 1990 (Council Variance #CV19-074).

WHEREAS, by application #CV19-074, the owner of the property at **1551 BRYDEN RD. (43205)**, is requesting a Variance to permit a 165-unit apartment building and up to 25,000 square feet of specified non-residential uses with reduced development standards in the I, Institutional District and P-1, Private Parking District; and

WHEREAS, Section 3349.03, Permitted uses, does not permit multi-unit residential development or commercial and storage uses, while the applicant proposes a 165-unit apartment building and to maintain commercial support uses for on-site dwellings, office uses unrelated to the apartment uses, and storage as a principle use within an area no larger than 25,000 square feet, with said commercial and storage being permitted on the ground floor only and being specifically a barber shop, beauty salon, financial institution office or automatic teller machine, pharmacy, dry cleaner (depot only), and storage space for hospital, medical clinic, and office uses; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 248 spaces for a 165-unit apartment building, plus 1 parking space per 250 square feet of retail for 25,000 square feet, for a total of 100 spaces, a grand total of 348 spaces for this mixed use development, while applicants proposes 8 spaces on the site and 129 spaces on the applicant's off-site parking areas zoned in the P-1, Private Parking District, for a total of 137 provided spaces; and

WHEREAS, Section 3349.04(a)(b)(c), Height, area and yard regulations, requires that all structures at the minimum building line shall not exceed 35 feet in height, requires lot coverage that does not exceed 60 percent, requires a front setback of 50 feet from street right-of-way, requires a minimum side yard of 20 feet on each side of a building, and requires a minimum rear yard of 50 feet, while the applicant proposes to maintain a building height of 55 feet, increased lot coverage of 80 percent, reduced front setback of 37 feet from Bryden Road and 10 feet from Kelton Avenue, reduced eastern side yard area of zero feet, reduced western side yard of 10 feet, and provide no rear yard; and

WHEREAS, Section 3371.01(f)(1-3), P-1 private parking district, requires a landscaped buffer strip containing a wall, fence, hedge and/or other plant material where contiguous to a residential or apartment residential district, while the applicant proposes to maintain no landscaped buffer strip in the same areas where applicant's P-1, Private Parking District lots are contagious to a residential district, but will maintain the existing fencing; and

WHEREAS, Section 3371.02(C)(2), Building lines in residential and apartment residential districts, requires a building setback line of 50 feet along Bryden Road and Kelton Avenue, and 25 feet along East Rich Street, while the applicant proposes to maintain a reduced setback of 35 feet along Bryden Road, 10 feet along Kelton Avenue, and 10 feet for the western 226 feet of frontage along East Rich Street, and to reduce building lines for internal lot lines to 0 feet; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval ~~(incomplete)~~; and

WHEREAS, City Departments recommend approval of the requested variances which will maintain a mixed-use development in a historic former hospital building, and will preserve existing housing stock in the neighborhood. **Additionally, a parking study was conducted by the Applicant and reviewed by the Department of Public Service resulting in support for the requested parking reduction**; 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 **1551 BRYDEN RD. (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 is hereby granted from the provisions of Sections 3349.03, Permitted uses; 3312.49(C), Minimum numbers of parking spaces required; 3349.04(a)(b)(c), Height, area and yard regulations; 3371.01(F)(1-3), P-1 private parking district; and 3371.02(C)(2), Building lines in residential and apartment residential districts, of the Columbus City Codes; for the property located at **1551 BRYDEN RD. (43205)**, insofar as said sections prohibit a 165-unit apartment building and specified non-residential uses of up to 25,000 square feet in the I, Institutional District; a reduction in the required number of parking spaces from 348 to 137 spaces; increased building height of 55 feet from 35 feet; increased lot coverage of 80 percent from 60 percent; reduced front setback from 50 feet to 37 feet along Bryden Road and from 50 feet to 10 feet along Kelton Avenue; reduced minimum side yard of 0 feet, and 10 feet along the eastern and western property lines respectively; no rear yard provided; maintain no landscaped buffer strip between P-1, Private Parking District and residential district properties; and maintain a reduced building line in the P-1, Private Parking District from 50 feet to 35 feet and 10 feet along Bryden Road and Kelton Avenue respectively, and from 25 feet to 10 feet for the western 226 feet of the East Rich Street frontage; and said property being more particularly described as follows:

1551 BRYDEN RD. (43205), being 2.56± acres located at the southeast corner of Bryden Road and Kelton Avenue, and being more particularly described as follows:

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

Tract 1 (1555 Bryden Road): Being Lot Numbers One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9) of A. A. VOGEL'S SUBDIVISION of Lot Number Twenty (20) of a subdivision of apart of half section number twenty-two (22), Township Number Five (5), Range Twenty-two (22), Refugee Lands, made by the Commissioners in partition in the case of Belle M. Miller v. Eliza L. Joyce, et al., in the Common Pleas Court of Franklin County, Ohio in Case No. 14555. Appearance Docket R.R., page Twenty (20), to which reference is here made for a more particular description of said Lot Number Twenty (20), as the same is delineated and designated on the plat thereof marked Exhibit "B" in the return of the Commissioners in said cause. Said plat of said A.A. Vogel Subdivision of Lot Number Twenty (20) is recorded in Plat Book Number Four (4), page forty-nine (49) of record of Plats of Franklin County, Ohio and the first alley south of Bryden Road between Kelton Avenue and the first alley east of Kelton Avenue,

which was vacated by Ordinance No. 23254 on April 4, 1907.
Description of parking lot parcels:

Tract 2 (1579 Bryden Road): Being Lot Number One (1) HANSBERGER AND ADELSBERGER'S SUBDIVISION of Lot Number Nine (9) of Belle N. Miller v. Elizabeth L. Joyce partition of one-half Section 22, Township 5, Range 18, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record of Plat Book 7, page 422, Recorder's Office, Franklin County, Ohio.

Tract 3 (374 Kelton Avenue): Being part of Half Section 22, Township 5, Range 18, Refugee Lands, and being lot Number 20 of Lyman W. Rose Heirs Parcels plat, bounded and described as follows:
Beginning at a point in the east line of Rose Avenue, 473.50 feet north of the north line of Main Street, which point is 77.50 feet north of an iron pin in the east line of Rose Avenue; thence northerly along the east line of Rose Avenue 33.50 feet; thence easterly on a line parallel with a north line of Main Street, 110 feet to the west line of an alley; thence southerly along the west line of said alley 33.50 feet; thence westerly 110 feet on a line parallel with the north line of Main Street to the place of beginning.

Tract 4 (376 Kelton Avenue): Being Lot Number Twenty-one (21) of ROSE'S HEIRS' SUBDIVISION, as said lot is numbered and delineated on the Auditor's Plat, of record in the Auditor's Office, Franklin County, Ohio, and bounded as follows: Beginning at a point in the east line of Rose Avenue, 42 feet northerly of an iron pin distance 396 feet northerly from the north line of Main Street; thence northerly along the east line of Rose Avenue, 33½ feet to a point; thence easterly and parallel with north line of Main Street 110 feet in the west line of a 15 foot alley; thence southerly and parallel with the east line of Rose Avenue. 33½ feet to a point; thence westerly and parallel with the north line of Main Street, 110 feet to the place of beginning.

Tract 5 (1550 Rich Street): Being Thirty-three (33) feet off of the West Side of the following described property. Being part of Half Section 22, Township 5, Range 22, Refugee Lands, being at the intersection of the north line of E. Rich Street with the west line of a 10 foot alley adjoining the premises of the late Lyman W. Rose, deceased on the East; thence northerly with west line of said alley 174 feet to a point in said West line; thence westerly parallel with the North line of Main Street to the East line of an alley 15 feet wide; thence southerly along the East line of and alley 174 feet; thence easterly parallel with North line of Main Street to the place of beginning; said premises embracing Lot Numbers 13, 14, 15 and 16 and 32 feet off the North Side of Parcel Number 12 as delineated upon the plat of subdivision of land of the late Lyman W. Rose, deceased, contained in Volume 5, page 275 of the records of subdivisions in the Auditor's Office of Franklin County, Ohio.

Tract 6 (1580 Tiffin Street): Being 3.28 feet off the west side of Lot Number Nineteen (19) HANSBERGER and ADELSBERGER'S SUBDIVISION of Lot Number Nine (9) of Thomas Miller's Heirs Subdivision of part of half Section Number 22, Township Number 5, Range 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record of Plat Book 7, page 422, Recorder's Office, Franklin County, Ohio.

Tract 7 (1574 Tiffin Street): Being Lot Number Twenty (20) HANSBERGER and ADELSBERGER'S SUBDIVISION of Lot No. 9 of Thomas Miller's Heirs Subdivision, of part of Half Section No. 22, Township No. 5, Range 22, Refugee Lands, to said city, as the same is numbered and delineated upon the recorded plat thereof, of record of Plat Book 7, page 422, Recorder's Office, Franklin County, Ohio.
Tract 8 (1570 Tiffin Street):
Being Lot Number Twenty-one (21) HANSBERGER and ADELSBERGER'S SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record of Plat Book 7, page 422, Recorder's Office, Franklin County, Ohio.

Tract 9 (1566-1566 1/2 East Rich Street): Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus. Being a portion of the west part of Lot No. 8, of a subdivision of part of Half Section 22, Township 5, Range 22, Refugee Lands, made by the Commissioners in partition in the case of Belle M. Miller v. Eliza L. Joyce, et al., C.R. 96, page 315, Common Please Court, Franklin County, Ohio, and bounded and described as follows: Beginning at the southwest corner of said Lot No. 8, thence easterly along the south line of said lot 31.27 feet to the southwest corner of a

portion of said lot conveyed to Aaron B. Clark; thence northerly parallel with the west line of said lot, 150 feet to a point in the north line of said lot; thence westerly along said north line to the northwest corner of said lot; thence southerly along the west line of said lot to the place of beginning.

Tract 10 (1558 East Rich Street): Being part of Half Section 22, Township 5, Range 22, Refugee Lands, beginning at the intersection of the north line of East Rich Street, with the west line of an Eighteen (18) foot alley bounding the premises of the late Lyman W. Rose, deceased, on the East; thence northerly with west line of said alley, one hundred and seventy-four (174) feet to a point in said west line; thence westerly parallel with the north line of Main Street to the east line of an alley fifteen (15) feet wide; thence southerly along the east line of said alley one hundred and seventy-four (174) feet; thence easterly parallel with the north line of Main Street to the place of beginning. Said premises embracing Lots Nos. 13, 14, 15 and 16 and Thirty-two (32) feet off the North side (of Parcel No. 12, as delineated upon the plat of Subdivision) of land of the late Lyman W. Rose, deceased, contained in Volume 5, page 275 of the Record of Subdivisions in the Auditor's Office of Franklin County, Ohio except thirty-three (33) feet off the west side of the above-described premises.

Property Address: 1551 Bryden Rd., Columbus, OH 43205

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 165-unit apartment building, with up to 25,000 square feet of limited commercial and storage uses, and parking, or those uses permitted in the I, Intuitional District and P-1, Private Parking District.

SECTION 3. That this ordinance is further conditioned on the non-residential uses permitted in this development be limited to the following: barber shop, beauty salon, financial institution office or automatic teller machine, pharmacy, dry cleaner (depot only), and storage space for hospital, medical clinic, and office uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. That Ordinance #2901-90, passed December 10, 1990, be and is hereby repealed.

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