



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 2/26/2020 **In control:** Zoning Committee

On agenda: 3/16/2020 **Final action:** 3/19/2020

Title: To grant a variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3356.11, C-4 District setback lines, of the Columbus City codes, for the property located 1427 N. GRANT AVE. (43201), to permit single-unit dwellings with reduced building setbacks in the C-4, Commercial District (Council Variance #CV19-123).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0578-2020.Attachments, 2. ORD0578-2020.Labels

Date	Ver.	Action By	Action	Result
3/19/2020	1	ACTING CITY CLERK	Attest	
3/18/2020	1	MAYOR	Signed	
3/16/2020	1	COUNCIL PRESIDENT	Signed	
3/16/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
3/16/2020	1	Zoning Committee	Approved	Pass

Council Variance Application: CV19-123

APPLICANT: Weinland Park Development, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Single-unit dwellings.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of seven parcels and is developed with a commercial building in the C-4, Commercial District. The applicant is seeking to redevelop the site with single-unit dwellings. The Weinland Park neighborhood is seeing substantial residential development with both new construction and remodeling of existing structures that have been made possible through Council variances (Ordinance #'s 0347-2010, 0345-2013, 1372-2017, and 1780-2017). A Council variance is necessary because the C-4, Commercial District does not permit single-unit dwellings. A variance to reduce the setback lines are also included in this request. The site is within the boundaries of the University Planning Overlay and the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses for this location. The proposed development is compatible with the development pattern of the surrounding neighborhood and consistent with the land use recommendations of the *University District Plan*. The ordinance is conditioned on this site as well as all property within the Grant Park Redevelopment being rezoned to appropriate residential districts upon issuance of an approved Site Compliance Plan or Subdivision Plan for the last undeveloped area of the development, or six years from the date of Columbus City Council passage of this ordinance, whichever occurs first.

To grant a variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3356.11, C-4 District setback lines, of the Columbus City codes, for the property located **1427 N. GRANT AVE. (43201)**, to permit single-unit dwellings with reduced building setbacks in the C-4, Commercial District (Council Variance #CV19-123).

WHEREAS, by application #CV19-123, the owner of property at **1427 N. GRANT AVE. (43201)**, is requesting a Council variance to permit single-unit dwellings with reduced building setbacks in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwellings only when above certain commercial uses, while the applicant proposes to construct single-unit dwellings; and

WHEREAS, Section 3356.11, C-4 District setback lines, requires a building setback line of 25 feet along North Grant Avenue and East Eighth Avenue, while applicant proposes a building setback line of 10 feet, and the setback of an open porch being a minimum of 4 feet; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal would permit single-unit dwellings that are compatible with the development pattern of the surrounding neighborhood consistent with the land use recommendations of the *University District Plan*; and

WHEREAS, a follow-up rezoning application will be filed at a later date to establish an appropriate base zoning district for the properties to be developed pursuant to this Council variance; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **1427 N. GRANT AVE. (43201)**, in using said property as desired;

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

SECTION 1. That a Variance from the provisions Sections 3356.03, C-4 permitted uses; and 3356.11, C-4 District setback lines, of the Columbus City codes, is hereby granted for the property located at **1427 N. GRANT AVE. (43201)**, insofar as said sections prohibit single-unit dwellings in the C-4, Commercial District, with reduced building setback lines from 25 feet to 10 feet and the setback of an open porch being a minimum of 4 feet; said property being more particularly described as follows:

1427 N. GRANT AVE. (43201), being 0.56± acres located on the west side of North Grant Avenue, 100± feet south of North Ninth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Quarter Township 4, Township 1, Range 18, United States Military Lands, being all of Lots 22 through 27, inclusive, and part of the east-west 16' alley west of Grant Avenue, all as delineated in Anna M. Erb and Joseph Erb's Subdivision, as recorded in Plat Book 4 Page 151, with Lots 22 and 23 as conveyed to Weinland Park Development, LLC in Instrument Number 201310070169784,

Lot 24 as conveyed to Weinland Park Development, LLC as Parcel 2 in Instrument Number 200810080150639, Lot 25 as conveyed to Grant Park Homes LLC in Instrument Number 201909240124759, Lot 26 as conveyed to Weinland Park Development, LLC as Parcel 3 in Instrument Number 200810080150639, part of said 16' alley as conveyed to Weinland Park Development, LLC in Instrument Number 201801050002482, and Lot 27 as conveyed to Weinland Park Development, LLC in Instrument Number 201709270134728, all records being of the Recorder's Office, Franklin County, Ohio, unless otherwise noted and being more particularly bounded and described as follows:

Commencing at a mag nail found, being on the intersection of the southerly right-of-way line of E. 8th Avenue (50') as dedicated in Plat Book 4, Page 151 and the westerly right-of-way line of Grant Avenue (R/W Varies) as dedicated in Plat Book 4, Page 151;

Thence across said E. 8th Avenue and along the westerly right-of-way line of said Grant Avenue, North 03°13'00" East, 255.38 feet to a point, being on the northeasterly corner of Lot 28 of said Anna M. Erb and Joseph Erb's Subdivision, as conveyed to George Charles Manning III in Instrument Number 201909040113610, also being the southeasterly corner of said Lot 27, said iron pin being the TRUE POINT OF BEGINNING for the parcel herein described:

Thence along the northerly line of said Lot 28 and the southerly line of said Lot 27, North 86°33'29" West, 105.00 feet to a point, being on the easterly line of a north-south 16' alley as dedicated in said Anna M. Erb and Joseph Erb's Subdivision;

Thence along the easterly line of said north-south 16' alley and the westerly lines of said Lots 22 through 27 and the westerly line of said east-west 16' alley, North 03°13'00" East, 232.03 feet to a point, being the northwesterly corner of said Lot 22 and the southwesterly corner of Lot 21 of said Anna M. Erb and Joseph Erb's Subdivision, as conveyed to American Legion Malcolm D. Jeffery Post 465 in Instrument Number 200208080195003;

Thence along the southerly line of said Lot 21 and the northerly line of said Lot 22, South 86°33'29" East, 105.00 feet to a point, being on the westerly line of said Grant Avenue and also being the northeasterly corner of said Lot 22 and the southeasterly corner of said Lot 21;

Thence along the easterly lines of said Lots 22 through 27 and the easterly line of said east-west 16' alley and the westerly line of said Grant Avenue, South 03°13'00" West, 232.03 feet to a point, said iron pin being the POINT OF BEGINNING, containing 0.559 acres, more or less.

This description is based on records and a field survey by E.P. Ferris and Associates in 2019 and is intended to be used for zoning purposes only.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with 8 single-unit dwelling lots with minimum lot widths of 29 feet and minimum side yards of 3 feet, or those uses permitted in the C-4, Commercial District.

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

SECTION 4. That this ordinance is further conditioned upon applicant filing and completing through action by Columbus City Council a rezoning application upon issuance of an approved Site Compliance Plan or Subdivision Plan for the last undeveloped area of the Grant Park Redevelopment, or six years from the date of Columbus City Council passage of this ordinance, whichever occurs first.

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