



## Legislation Details (With Text)

**File #:** 1620-2020      **Version:** 1

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

**File created:** 7/1/2020      **In control:** Zoning Committee

**On agenda:** 7/20/2020      **Final action:** 7/23/2020

**Title:** To grant a Variance from the provisions of Sections 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1573 E. LIVINGSTON AVE. (43205), to permit reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District (Council Variance #CV20-023).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1620-2020.Attachments, 2. ORD1620-2020.Labels

Date	Ver.	Action By	Action	Result
7/23/2020	1	CITY CLERK	Attest	
7/22/2020	1	MAYOR	Signed	
7/20/2020	1	COUNCIL PRESIDENT	Signed	
7/20/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
7/20/2020	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV20-023**

**APPLICANT:** Woda Cooper Companies, Inc.; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor; Columbus, OH 43215.

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

**LIVINGSTON AVENUE 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 #1619-2020; Z20-021) to the AR-3, Apartment Residential and CPD, Commercial Planned Development districts to allow a 45-unit senior housing apartment building and parking lot. Variances for the apartment building are requested to increase lot coverage, and to reduce the required number of parking spaces from 68 to 37, vision clearance, building lines, maximum and minimum side yards, and rear yard. Staff finds the requested variances to be supportable as they are consistent with other recent similar urban in-fill residential developments, will result in the preservation of an existing contributing building, and will add to the traditional and established development pattern along East Livingston Avenue, as recommended by the *Near Southside Plan* (2011).

To grant a Variance from the provisions of Sections 3312.49, Minimum numbers of parking spaces required; 3321.05(B)

(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1573 E. LIVINGSTON AVE. (43205)**, to permit reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District (Council Variance #CV20-023).

**WHEREAS**, by application #CV20-023, the owner of property at **1573 E. LIVINGSTON AVE. (43205)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per apartment unit for a total of 68 required parking spaces for up to 45 units, while the applicant proposes zero on-site parking spaces, subject to 37 spaces being provided on Parcel # 010-080524, located to the west, across Geers Avenue; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet at street intersections, while the applicant proposes to reduce the 30-foot clear vision triangle at the intersection of East Livingston Avenue and Geers Avenue to 13 feet; 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 an increased maximum lot coverage of 64 percent; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of 25 feet along Geers Avenue and of 10 feet along East Livingston Avenue, while the applicant proposes building lines of 2 feet along Geers Avenue and of 0 feet along East Livingston Avenue; 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% of the width of the lot, while the applicant proposes a maximum side yard of 2± feet where 16 feet is required; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes 0 feet along the eastern property line for the building and 2 feet along the western property line for the dumpster; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard of 25% of lot area, while the applicant proposes a rear yard of 14% of the lot area; and

**WHEREAS**, the Livingston Avenue Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances will allow a residential development that is consistent with the land use recommendations of the *Near Southside Plan*. Additionally, the proposed development would result in the preservation of an existing contributing building, and will add to the traditional and established development pattern along East Livingston Avenue; and

**WHEREAS**, said 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 **1573 E. LIVINGSTON AVE. (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 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1573 E. LIVINGSTON AVE. (43205)**, insofar as said sections prohibit a parking space reduction from 68 parking spaces to zero on site spaces, subject to 37 off-site spaces being provided in the parking lot located on Parcel #010-080524; a reduction in the required 30-foot clear vision triangle at the intersection of East Livingston Avenue and Geers Avenue to 13 feet; an increased lot coverage from 50 to 64 percent; reduced building lines from 25 feet to 2 feet along Geers Avenue and from 10 feet to zero feet along East Livingston Avenue; reduced maximum side yard from 16 feet to 2 feet; reduced minimum side yards from 5 feet to zero feet along the eastern property line for the building and 2 feet along the western property line for the dumpster; and reduced rear yard from 25% to 14% of lot area; said property being more particularly described as follows:

**1573 E. LIVINGSTON AVE. (43205)**, being 0.71± acres located at the southwest corner of East Livingston Avenue and Geers Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half Section 32, Township 5, Range 22, Refugee Lands, being all of Lots 26, 27, 28, 29, and 30 of The Driving Park Addition, as recorded in Plat Book 18, Page 47, being all of Lot 1, and part of Lots 2 and 3 of Lenox Addition, as recorded in Plat Book 7, Page 282, said Lots being described in a deed to Thomas C. Smith, of record in Instrument Number 201207250106810, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being more particularly described and bounded as follows:

BEGINNING at a MAG nail set at the intersection of the existing south right-of-way line for Livingston Avenue and existing east right-of-way line for Geers Avenue, both as established by said Plat Book 18, Page 47, said MAG nail set being the northwest corner of said Smith tract and the northwest corner of said Lot 26;

Thence South 86 degrees 03 minutes 28 seconds East, along the existing south right-of-way line for Livingston Avenue, along a north line of said Smith tract and the north line of said Lots 26, 27, 28, 29, 30, 1 and 2, a distance of 196.88 feet to a point at the northeast corner of said Smith tract, being the northwest corner of that tract described in a deed to Harvey H. Alton Sr. Lodge (I.B.P.O.E. of W.)

Improved Benevolent Protective Order of Elks of the World, of record in Official Record 18320 B11, (reference an iron pipe being North 04 degrees 46 minutes 22 seconds East at a distance of 0.23 feet);

Thence South 04 degrees 04 minutes 44 seconds West, along an east line of said Smith tract, and along a west line of said Alton Lodge tract, a distance of 80.00 feet to a point;

Thence South 86 degrees 03 minutes 28 seconds East, along a north line of said Smith tract, and along a south line of said Alton Lodge tract, a distance of 10.00 feet to a point;

Thence South 04 degrees 04 minutes 44 seconds West, along an east line of said Smith tract, and along a west line of said Alton Lodge tract, a distance of 80.00 feet to an iron pin set on the existing north right-of-way line of an unnamed public alley, established by said Plat Book 7, Page 282, and being on the south line of said Lot 3, said iron pin set being the southeast corner of said Smith tract, and being the southwest corner of said Alton Lodge tract;

Thence North 86 degrees 03 minutes 28 seconds West, along the existing north right-of-way line for said alley, along the south line of said Smith tract, and along the south line of said Lots 3, 2 and 1, a distance of 69.96 feet to an iron pin set at an angle point in the north right-of-way line for said unnamed public alley, said iron pin set being the southwest corner of

said Lot 1, and being the southeast corner of said Lot 30;

Thence North 76 degrees 31 minutes 07 seconds West, continuing along the existing north right-of-way line for said alley, as established by said Plat Book 18, Page 47, continuing along the south line of said Smith tract, and along the south line of said Lots 30, 29, 28, 27, and 26, a distance of 138.79 feet to a MAG nail set on the existing east right-of-way line for Geers Avenue, said MAG nail set being the southwest corner of said Smith tract and the southwest corner of said Lot 26;

Thence North 04 degrees 04 minutes 44 seconds East, along the existing east right-of-way line for Geers Avenue, along the west line of said Smith tract and the west line of said Lot 26, a distance of 137.00 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 0.705 acres, being all of Franklin County Auditor's Parcel Number 010-080525;

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development, or those uses permitted in the AR-3, Apartment Residential District.

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

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