# Legislation Details (With Text)

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| **File #:** | 0741-2021 **Version:** 1 | | |
| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 3/17/2021 | **In control:** | Zoning Committee |
| **On agenda:** | 4/5/2021 | **Final action:** | 4/9/2021 |
| **Title:** | To grant a Variance from the provisions of Sections 3321.07(B), Landscaping; 3325.901(A), Density; 3325.903(A)(B), Landscaped Area and Treatment; 3325.905(A), Maximum Lot Coverage; 3325.907, Parking; 3325.909(A)(B), Building Lines; 3325.911(C), Building Separation and Size; 3325.913(1)(B), Maximum Floor Area Ratio (FAR); and 3325.915(A)(B), Height, of the Columbus City Codes; for the property located at 88 E. 9TH AVE. (43201), to permit reduced development standards for an apartment building in the AR-3, Apartment Residential District (Council Variance #CV20-101). | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. ORD0741-2021_Attachments, 2. ORD0741-2021_Labels | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 4/9/2021 | 1 | CITY CLERK | Attest | |
| 4/8/2021 | 1 | MAYOR | Signed | |
| 4/5/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 4/5/2021 | 1 | Zoning Committee | Approved | Pass |
| 3/29/2021 | 1 | Columbus City Council | Read for the First Time | |

**Council Variance Application: CV20-101**

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

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

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY IMPACT DISTRICT REVIEW BOARD 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 #0740-2021; Z20-086) to the AR-3, Apartment Residential District. The applicant proposes a 143-unit apartment building and is requesting variances for residential trees, density, landscaping area and treatment, lot coverage, a parking space reduction from 434 to 143 spaces, building lines, building size, maximum floor area ratio (FAR), and building height. Staff finds the requested variances to be supportable as they will allow multi-unit residential development that is consistent with high-density residential development directly west and south of this site, and with the *University District Plan's* recommendation for "Higher Intensity Residential" land uses at this location. A parking study was required and has been approved by the Division of Parking Services resulting in staff support for the parking reduction variance. Additionally, the proposed apartment building is subject to design approval from the University Impact District Review Board.



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To grant a Variance from the provisions of Sections 3321.07(B), Landscaping; 3325.901(A), Density; 3325.903(A)(B), Landscaped Area and Treatment; 3325.905(A), Maximum Lot Coverage; 3325.907, Parking; 3325.909(A)(B), Building Lines; 3325.911(C), Building Separation and Size; 3325.913(1)(B), Maximum Floor Area Ratio (FAR); and 3325.915(A)(B), Height, of the Columbus City Codes; for the property located at **88 E. 9TH AVE. (43201)**, to permit reduced development standards for an apartment building in the AR-3, Apartment Residential District (Council Variance #CV20-101).

**WHEREAS,** by application #CV20-101, the owner of property at **88 E. 9TH AVE. (43201)**, is requesting a Council variance to permit reduced development standards for an apartment building in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 15 trees for 143 dwelling units located in the AR-3 district, while the applicant proposes zero trees; and

**WHEREAS**, Section 3325.901(A), Density, requires no more than one dwelling unit per 700 square feet of lot area, while the applicant proposes reduced lot area per dwelling unit of 366 square feet; and

**WHEREAS,** Section 3325.903(A)(B), Landscaped Area and Treatment, requires at least five percent of the lot area located behind the most rear portion of the principal residential building be planted with grass and/or other live vegetation, and removal of existing ten inch caliper or greater trees within the building footprint or parking area shall be replaced by two shade trees on the lot, while the applicant proposes no such landscaped area and no replacement shade trees; and

**WHEREAS,** 3325.905(A), Maximum Lot Coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 30 percent of the lot area, while the applicant proposes an increased lot coverage of 92 percent; and

**WHEREAS,** Section 3325.907(A), Parking, requires 434 parking spaces for 143 dwelling units, while the applicant proposes 143 provided parking spaces; and

**WHEREAS**, Section 3325.909(A)(B), Building lines, requires a building line of 6.5 feet along East Ninth Avenue based on the average building line of the nearest building on each side of the subject site and a setback from the rear lot line of two feet, while the applicant proposes reduced building lines of two feet from East Ninth Avenue, and one foot from the rear lot line, as depicted on the submitted site plan; and

**WHEREAS,** Section 3325.911(C), Building Separation and Size, requires that no building shall exceed 10,200 square feet of calculated floor area, while the applicant proposes a building with calculated floor area of 228,292± square feet; and

**WHEREAS,** Section 3325.913(1)(B), Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.80 FAR, while the applicant proposes an increased FAR of 3.33; and

**WHEREAS,** Section 3325.915(A)(B), Height, limits building height to 40 feet in the University District Zoning Overlay, and requires certain height limits for the front principal cornice/eave of a building, while the applicant proposes a maximum building height of 65 feet; and

**WHEREAS,** the University Area Commission recommends approval, and

**WHEREAS,** the University Impact District Review Board recommends approval, and



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**WHEREAS,** the City Departments recommend approval because the variances will allow a multi-unit residential development that is consistent with the University District Plan's land use recommendation and with high density residential development directly west and south of the subject site. Additionally, a parking study has been approved by the Division of Parking Services while the final building design will required approval from the University Impact District Review Board; 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 **88 E. 9TH AVE. (43201)**, 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 3321.07(B), Landscaping; 3325.901(A), Density; 3325.903 (A)(B), Landscaped Area and Treatment; 3325.905(A), Maximum Lot Coverage; 3325.907, Parking; 3325.909(A)(B), Building Lines; 3325.911(C), Building Separation and Size; 3325.913(1)(B), Maximum Floor Area Ratio (FAR); and 3325.915(A)(B), Height, of the Columbus City Codes, is hereby granted for the property located at **88 E. 9TH AVE. (43201)**, insofar as said sections prohibit a decrease in residential trees provided from 15 to 0; increase in density from 700 square feet to 366 square feet per dwelling unit; a reduction in landscaping area behind the rear portion of the building from five percent to zero percent with no replacement shade trees for any existing tree of 10 inch caliper or more being removed from the site; increase in maximum lot coverage from 30 percent to 92 percent; reduction in parking from 434 required spaces to 143 provided spaces; reduction in the required building line from 6.5 feet to two feet from East Ninth Avenue, and from two feet to one foot from the rear lot line; increase in building size from 10,200 square feet to 228,292± square feet; increase in the maximum floor area ratio (FAR) from 0.8 to 3.33; and increased building height from 40 feet to 65 feet, said property being more particularly described as follows:

**88 E. 9TH AVE. (43201)**, being 1.20± acres located at the northwest corner of East Ninth Avenue and Section Alley, and being more particularly described as follows:

LEGAL DESCRIPTION 1.2± ACRE:

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Quarter Township 3, Township 1, Range 18, United States Military Lands, being all of the east-west alley (11') as acquired by Ordinance 37033, dated April 5, 1926, as delineated in Fisher's North High Street Addition in Plat Book 2, Page 194, being all of Lot 5 as delineated in South Campus Gateway, of record in Plat Book 103, Page 58, as conveyed to Sliver, LTD. in Instrument Number 201710110142001 (0.026 acre tract, 0.051 acre tract, 0.028 acre tract, and 0.039 acre tract), being part of the north south alley (20') as delineated in said South Campus Gateway, being part of Lot 38, all of Lot 42, and all of Lot 43 of Fisher's North High St. Addition, of record in Plat Book 2, Page 194, as conveyed to Michael Hassey, Trustee of the Hassey Family Preservation Trust Dated May 31, 2016, in Instrument Number 201607180091694 ( Lot 42), and as conveyed to Community Housing Network, Inc. in Official Record Volume 15880, Page G05 (Lot 43), and as conveyed to Sliver, LTD. in Instrument Number 201905280062083 (Lot 38), also being all of Lot 1, Lot 2, and Lot 3 and part of Lot 4, Lot 5, and Lot 6 of Josephine Walsh Administratrix Subdivision of Lots 34, 35, 36, 37, 39, 40, and 41, and 10 feet off from the West Side of Lot 38 of said Fishers North High Street Addition, of record in Volume 52 of the Complete Record of Probate Court of Franklin County, Ohio, at Page 487, in Case No. 14793, Josephine Walsh, Administratrix vs.


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Francis B. Hord, et al., as conveyed to Michael Hassey, Trustee of the Hassey Family Preservation Trust Dated May 31, 2016, in Instrument Number 201607180091694 (Lot 1, Lot 2, and the east half of Lot 3), as conveyed to 84 E Ninth, LLC in Instrument Number 200803050033696 (west half of Lot 3), as conveyed to Sliver, LTD. in Instrument Number 201705220068208 (Lot 4), and as conveyed to Sliver, LTD. in Instrument Number 201808150109811 (Lot 5 and Lot 6), all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the southeasterly corner of said Lot 43, also being the intersection of the westerly line of Section Alley (18') right-of-way (as acquired by Ordinance 37033, dated April 5, 1926) and the northerly right-of-way line of East Ninth Avenue (60'), both as delineated in said Plat Book 2, Page 194;

Thence along the northerly right-of-way line of said East Ninth Avenue, along the southerly lines of said Lot 6, Lot 5, Lot 4, Lot 38, Lot 3, Lot 2, Lot 1, Lot 42, and Lot 43, North 86°53'16" West, 277.12 feet to a point, being the southeasterly corner of Lot 4 of said South Campus Gateway, as conveyed to the Board of Trustees of the Ohio State University in Instrument Number 200312300405732;

Thence along the easterly line of said Lot 4 of said South Campus Gateway, being the westerly line of the remainder of said Lot 6 of said Josephine Walsh's Administratrix Subdivision, North 03°06'44" East, 93.63 feet to a point;

Thence along the southerly line of said Lot 4 of said South Campus Gateway, across said Lot 4 through 6, inclusive, of said Josephine Walsh's Administratrix Subdivision, South 86°53'16" East, 56.89 feet to a point, being on the westerly line of said Lot 38 and being a southeasterly corner of said Lot 4 of said South Campus Gateway;

Thence along the easterly line of said Lot 4 of said South Campus Gateway, along the westerly line of said Lot 38, North 03°06'44" East, 79.43 feet to a point, being the northwesterly corner of said Lot 38, a northeasterly corner of said Lot 4 of said South Campus Gateway, and being on the southerly line of said east-west alley;

Thence along the northerly line of said Lot 4 of said South Campus Gateway, along the southerly line of said east-west alley, and along the southerly line of said north-south alley, North 86°14'39" West, 25.57 feet to a point;

Thence along the centerline of said north-south alley, North 03°45'52" East, 37.58 feet to a point;
Thence across said north-south alley, along the northerly line of said Lot 5 of said South Campus Gateway and the southerly line of East Tenth Avenue (20') as delineated in Plat Book 3, Page 50, South 86°15'23" East, 245.38 feet to a point, being the northeasterly corner of said Lot 5 of said South Campus Gateway, and being the intersection of the southerly right-of-way line of said East Tenth Avenue and the westerly right-of-way line of said Section Alley;

Thence along the easterly line of said Lot 5 of said South Campus Gateway, along the easterly terminus of said east-west alley, along the easterly line of said Lot 43, and along the westerly line of said Section Alley, South 03°06'44" West, 208.22 feet to the POINT OF BEGINNING, containing 1.2 acres, more or less.

Known as: 88 E. 9th Ave., Columbus, Ohio 43201.

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

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING SITE PLAN**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated February 19, 2021. The plan 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 obtaining all applicable permits and a

Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on street trees being provided in the East Ninth Avenue frontage right of way. Number and spacing of said trees shall be determined during final site compliance review and as required by the University Impact District Review Board (UIDRB).

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.