Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	6/29/2021	**In control:**	Zoning Committee
On agenda:	7/19/2021	**Final action:**	7/22/2021
Title:	To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(E)(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at 199 S. OHIO AVE. (43205), to permit an eleven-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV20-109).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1866-2021.Attachments, 2. ORD1866-2021.Labels		

Date	Ver.	Action By	Action	Result
7/22/2021	1	CITY CLERK	Attest	
7/20/2021	1	MAYOR	Signed	
7/19/2021	1	COUNCIL PRESIDENT	Signed	
7/19/2021	1	Zoning Committee	Approved	Pass
7/12/2021	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV20-109

APPLICANT: OBrien Company, LLC; 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.

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 request to the AR-1, Apartment Residential District (Ordinance #1865-2021; Z20-094) for a new multi-unit residential development. The requested Council variance proposes an 11-unit development consisting of nine townhouse units and a two dwelling units above a detached multi-car garage (31.42 du/ac). Standards variances are requested for reduced vision clearance, building line, and perimeter yard requirements, and to increase lot coverage. Perimeter landscaping as requested by Planning Division staff to mitigate reduced setbacks is provided on the site plan committed to with this proposal. The site is located within the boundaries of the *Near East Area Plan* (2005), which supports the development of new infill housing that contributes to a walkable and diverse neighborhood, compatible with existing architecture in the area and with the Plan's housing design guidelines. Staff supports the proposal as it is compatible with surrounding residential uses and architecture, and is consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(E)(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **199 S. OHIO AVE. (43205)**, to permit an eleven -unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV20-109).

WHEREAS, by application #CV20-109, the owner of property at **199 S. OHIO AVE. (43205)**, is requesting a Council variance to permit eleven residential units with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits an arrangement of a two-unit dwelling, a four-unit dwelling, and a five-unit apartment building on the same lot, while the applicant proposes such an arrangement as demonstrated on the submitted site plan; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30-foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes a 23-foot right angle clear vision triangle at the southeast corner of South Ohio Avenue and Franklin Avenue; 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 a lot coverage of 62 percent of the southern parcel; and

WHEREAS, Section 3333.18(E)(F), Building lines, requires a building line of no less than 18 feet along the public streets that abut the subject site, while the applicant proposes reduced building lines from 18 feet to 8 feet along South Ohio Avenue and to 10 feet along Franklin Avenue, as demonstrated on the submitted site plan; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 13.5 feet, while the applicant proposes reduced perimeter yards from 13.5 feet to 5 feet along the west property line and to 1 foot along the south property line, as demonstrated on the submitted site plan; and

WHEREAS, the Near East Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will permit an multi-unit residential development that is compatible with surrounding residential uses and architecture, and is consistent with recent urban infill development projects that have been approved in this neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 roads, 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 **199 S. OHIO AVE. (43205)**, in using said property as desired, now therefore:

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

SECTION 1. That variances from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential

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district use; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18(E)(F), Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; are hereby granted for the property located at **199 S. OHIO AVE. (43205)**, insofar as said sections prohibit the arrangement of a two-unit dwelling, a four-unit dwelling, and a five-unit apartment building on the same lot, with a reduction in the clear vision triangle at the southeast corner of South Ohio Avenue and Franklin Avenue from 30 feet to 23 feet; an increase in maximum lot coverage from 50 percent to 62 percent; reduced building lines from 18 feet to 8 feet along South Ohio Avenue and to 10 feet along Franklin Avenue; and reduced perimeter yards from 13.5 feet to 5 feet along the west property line and to 1 foot along the south property line, said property being more particularly described as follows:

199 S. OHIO AVE. (43205), being 0.35± acres located at the southwest corner of South Ohio Avenue and Franklin 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 23, Township 5, Range 22, Refugee Lands, being all of Lots 174, 175 and 176 of 2nd Amended Plat of Hoffman and McGrew's Addition, recorded in Plat Book 2, Page 200, said lots being described in deeds to Sallie D. Gibson of record in Instrument Number 200207010161006, Instrument Number 200207010161007 and Instrument Number 200207010161009, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Franklin Avenue (50 feet wide - public) and the existing west right-of-way line for Ohio Avenue (60 feet wide - public), being the northeast corner of said Lot 174;

Thence South 03 degrees 48 minutes 51 seconds West, along the existing west right-of-way line for Ohio Avenue and along the east line of said Lot 174, a distance of 135.30 feet to the intersection of the existing west right-of-way line for Ohio Avenue and the existing north right-of-way line for Gustavus Lane (16 feet wide - public), being the southeast corner of said Lot 174;

Thence North 86 degrees 30 minutes 52 seconds West, along the existing north right-of-way line for Gustavus Lane and along the south line of said Lots 174, 175 and 176, a distance of 113.10 feet to the southwest corner of said Lot 176, being the southeast corner of Lot 177, said Lot 177 being described in a deed to Anthony Perry, et al., of record in Instrument Number 201611220161160;

Thence North 03 degrees 49 minutes 41 seconds East, along the west line of said Lot 176 and along the east line of said Lot 177, a distance of 134.74 feet to the northwest corner of said Lot 176, being the northeast corner of said Lot 177 and being on the existing south right-of-way line for Franklin Avenue;

Thence South 86 degrees 47 minutes 54 seconds East, along the existing south right-of-way line for Franklin Avenue and along the north line of said Lots 176, 175 and 174, a distance of 113.08 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 0.351 acres, of which:

0.116 acres is located within Franklin County Auditor's parcel number 010-047274,

0.118 acres is located within Franklin County Auditor's parcel number 010-039125,

0.117 acres is located within Franklin County Auditor's parcel number 010-026567.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with an arrangement of a two-unit dwelling, a four-unit dwelling, and a five-unit apartment building on the same lot, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with

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the exhibit titled, "**ZONING EXHIBIT FOR 199 S. OHIO AVENUE**," dated June 22, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 adjustments to the plans shall be subject to review and approval 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 shall take effect and be in force from and after the earliest period allowed by law.

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