



Legislation Details (With Text)

File #: 1963-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/8/2021 **In control:** Zoning Committee

On agenda: 7/26/2021 **Final action:** 7/28/2021

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; and 3333.09, Area Requirements, of the Columbus City Codes; for the property located at 737-739 E. WHITTIER ST. (43201), to permit three two-unit dwellings with reduced lot width in the AR-1, Apartment Residential District (Council Variance #CV21-031).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#1963-2021_Attachments, 2. ORD#1963-2021_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/28/2021 | 1 | CITY CLERK | Attest | |
| 7/27/2021 | 1 | MAYOR | Signed | |
| 7/26/2021 | 1 | Zoning Committee | Approved | Pass |
| 7/26/2021 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/19/2021 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV21-031

APPLICANT: Central Ohio Community Improvement Corporation; c/o Jordan Henderson, Agent; Healthy Rental Homes VII LCC; P.O. Box 77499; Columbus, OH 43207.

PROPOSED USE: Three two-unit dwellings.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel previously developed with a seven-unit townhouse and a mixed-use building zoned in the AR-1, Apartment Residential District. The requested Council variance will permit redevelopment of the site with three two-unit dwellings, each on its own lot. A Council variance is necessary because the AR-1, Apartment Residential District only permits a two-unit dwelling when the lot meets specific platting and area district exception criteria (CC 3333.055). The request includes a variance to reduce the required lot width for each parcel from 50 feet to 45 feet. The property is within the boundaries of the *Near Southside Plan* (2011), which recommends "Medium Density Mixed Residential" (6-10 du/ac) and "Mixed Use (Neighborhood)" land uses for this location. The Plan also includes adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. Staff supports the proposed density due to the inclusion of C2P2 Design Guidelines, including the provision of street trees, high quality building materials, and a commitment to building elevations. The proposal is compatible with the development pattern of the neighborhood and will not introduce incompatible uses to the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use;

and 3333.09, Area Requirements, of the Columbus City Codes; for the property located at **737-739 E. WHITTIER ST. (43201)**, to permit three two-unit dwellings with reduced lot width in the AR-1, Apartment Residential District (Council Variance #CV21-031).

WHEREAS, by application #CV21-031, the owner of the property at **737-739 E. WHITTIER ST. (43201)**, is requesting a Variance to permit three two-unit dwellings, each on its own parcel, with reduced lot width in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit single-unit or two-unit dwellings on parcels that do not meet the platting exception criteria contained in CC 3333.055, while the applicant proposes a two-unit dwelling on each of three proposed parcels; and

WHEREAS, Section 3333.09, Area Requirements, requires that no building shall be erected or altered on a lot with a width of less than 50 feet, while the applicant proposes lot widths of 45 feet for the three proposed parcels; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow a two-unit dwelling development that incorporates high quality building materials and sufficient street trees, and is compatible with the development pattern of the neighborhood as recommended by the *Near Southside Plan* and C2P2 Design Guidelines; 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 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 **737-739 E. WHITTIER ST. (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 is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; and 3333.09, Area Requirements, of the Columbus City Codes; for the property located at **737-739 E. WHITTIER ST. (43201)**, insofar as said sections prohibit two-unit dwellings in the AR-1, Apartment Residential District, with reduced lot widths from 50 feet to 45 feet; said property being more particularly described as follows:

737-739 E. WHITTIER ST. (43201), being 0.34± acres located at the southwest corner of East Whittier Street and Heyl Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, all of Lots 6, 7, 8 and 9 of Roth Deibel's Subdivision, as shown and delineated in Plat Book 10, Page 170, and being conveyed to Central Ohio Community Improvement Corporation, by deeds of record in Instrument Numbers 201711160162378, 201711160162379, 201711160162380 and 201712050170960, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning, at a rebar set, as the southwesterly intersection of East Whittier Street (60 feet wide, F.K.A. Schiller Street, P.B. 7, Pg. 494) and Heyl Avenue (30 feet wide, P.B. 3, Pg. 107), and the northeasterly corner of said Lot 9;

Thence South 03°48'20" West, a distance of 107.90 feet, along the easterly line of said Lot 9 and the westerly line of said Heyl Avenue, to a P.K. nail found, at the southeasterly corner of said Lot 9, and the northwesterly intersection of said Heyl Avenue and a 15 feet wide alley (P.B. 10, Pg. 170);

Thence North 86°12'39" West, a distance of 135.00 feet, along the southerly lines of said Lots 9, 8, 7, and 6. And the northerly line of said alley, to a rebar set, at the southwesterly corner of said Lot 6, and the southeasterly corner of Lot 5 of said Roth and Deibel's Subdivision, being conveyed to John R. Addison, by deed of record in Official Record 28456A14;

Thence North 03°48'20" East, a distance of 108.94 feet, along the line common to said Lots 5 and 6, to a 3/8 inch rebar found, at the northerly common corner of said Lots 5, and 6, and on the southerly line of said East Whittier Street;

Thence South 85°46'09" East, a distance of 135.00 feet, along the northerly lines of said Lots 6, 7, 8 and 9, and the southerly line of said East Whittier Street, to the Point of Beginning, containing 0.336 acres more or less of which 0.037 acres being in Parcel No. 010-096209, 0.043 acres being in Parcel No. 010-027354, 0.036 acres being in Parcel No. 010-026751, 0.042 acres being in Parcel No. 010-027747, and being subject to all easement, restrictions and rights-of-way of record.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS). Said bearings originated from a field traverse which was referenced to said Coordinate System by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The portion of the southerly line of East Whittier Street, having a bearing of South 85°46'09" East and monumented as shown hereon, is designated the "basis of bearing" for this description.

All rebar set are 5/8 inch DIA. 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in January of 2019 and July of 2019.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two-unit dwellings in accordance with the submitted site plan, 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 the site plan titled, "**ARCHITECTURAL SITE PLAN**," and elevations titled "**EXTERIOR ELEVATIONS**," both dated June 25, 2021, and signed by Jordan Henderson, Agent for the Applicant. The plans 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 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 upon the applicant obtaining all applicable permits and Certificates 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.