Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	5/26/2022	**In control:**	Zoning Committee
On agenda:	6/13/2022	**Final action:**	6/16/2022
Title:	To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district use; 3325.231, Setback Requirements; 3325.241(D), Building Design Standards; 3325.261, Landscaping and Screening; 3325.281(A), Parking and Circulation; 3332.14 R-2F, Area district requirements; 3332.25(B), Maximum side yards required; 3332.26(C)(2), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 21 E. ARCADIA AVE. (43202), to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #2980-2017, passed November 20, 2017 (Council Variance #CV22-016).		
Sponsors:			
Indexes:			
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Attachments:	1. ORD1592-2022_Attachments, 2. ORD1592-2022_Labels		

Date	Ver.	Action By	Action	Result
6/16/2022	1	CITY CLERK	Attest	
6/15/2022	1	MAYOR	Signed	
6/13/2022	1	COUNCIL PRESIDENT	Signed	
6/13/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
6/13/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
6/13/2022	1	Zoning Committee	Approved	Pass
6/6/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-016

APPLICANT: 21 East, LLC; c/o Dave Perry, Agent; Dave 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: Two single-unit dwellings on one lot.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with two vacant utility buildings in the R-2F, Residential District. The site is subject to both the University District Zoning Overlay (UDZO) and Ordinance #2980-2017 (CV17-054), which permitted the site to be repurposed for two single-unit dwellings in accordance with a registered site plan. The requested Council variance maintains all previously approved variances, while updating the parking and circulation arrangement and site plan. Staff is supportive of the requested

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variances and submitted site plan as they result in the adaptive reuse of the existing vacant buildings on site, and will not add incompatible uses to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district use; 3325.231, Setback Requirements; 3325.241(D), Building Design Standards; 3325.261, Landscaping and Screening; 3325.281(A), Parking and Circulation; 3332.14 R-2F, Area district requirements; 3332.25(B), Maximum side yards required; 3332.26(C)(2), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **21 E. ARCADIA AVE. (43202),** to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #2980-2017, passed November 20, 2017 (Council Variance #CV22-016).

WHEREAS, by application #CV22-016, the owner of property at **21 E. ARCADIA AVE. (43202),** is requesting a Council variance to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district use, permits one single or one two-unit dwelling, while the applicant proposes to repurpose two existing utility buildings into separate single-unit dwellings on the same lot; and

WHEREAS, Section 3325.231, Setback Requirements, prohibits parking between a principle building and street right-of-way line, and requires that area to be maintained as landscaped areas, while the applicant proposes four parking spaces and the maneuvering area to be located between the principle building and the street right-of-way line; and

WHEREAS, Section 3325.241(D), Building Design Standards, requires that for each primary building frontage, at least 60 percent of the area between the height of two feet and ten feet above grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four feet; and that for a secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten feet, while the applicant proposes to maintain the existing building façade of the western building with zero percent window glass, and include window glass on the building façade of the eastern building totaling less than 60 percent; and

WHEREAS, Section 3325.261, Landscaping and Screening, requires parking lot screening and landscaping for all uses in the Neighborhood Commercial subarea, and prohibits walls or fences higher than four feet, while the applicant proposes no landscaping and screening for the proposed parking spaces, and an eight foot tall fence along Grau Alley; and

WHEREAS, Section 3325.281(A), Parking and Circulation, prohibits parking, stacking, and circulation aisles between a principle building and the street right-of-way line, while the applicant proposes four parking spaces and the maneuvering area to be located between the principal building and the street right-of-way line; and

WHEREAS, Section 3332.14 R-2F, Area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less 6,000 square feet in area, while the applicant proposes to maintain lot area of 10,000 square feet or 5,000 square feet per dwelling unit; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot, or 15.75 feet, while the applicant proposes to maintain a reduced maximum side yard of 6± feet; and

WHEREAS, Section 3332.26(C)(2), Minimum side yard permitted, requires a minimum side yard of no less than five feet on lots that are 40 feet wide or more in the R-2F, Residential District, while the applicant proposes to maintain a minimum side yard of 2.5 feet along the east property line, and 3.5 feet along the western property line for the existing buildings; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the lot area for each dwelling, while the applicant proposes to maintain no rear yard for either dwelling; and

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WHEREAS, the University Area Commission recommends approval; and

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

WHEREAS, City Departments recommend approval because the two dwelling units are appropriate for the site and area, and the requested variances are reflective of the adaptive reuse of the existing vacant buildings on the property; 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 **21 E. ARCADIA AVE. (43202),** 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 3332.037, R-2F, Residential district use; 3325.231, Setback Requirements; 3325.241(D), Building Design Standards; 3325.261, Landscaping and Screening; 3325.281(A), Parking and Circulation; 3332.14 R-2F, Area district requirements; 3332.25(B), Maximum side yards required; 3332.26(C)(2), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **21 E. ARCADIA AVE. (43202),** insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District; with four parking spaces and the maneuvering area located between the primary building and the street right-of-way; less than 60 percent window glass on each building frontages; no landscaping and screening of on-site parking spaces with an 8 foot tall fence along the southern property line; four parking spaces and associated maneuvering area between the primary building and the street right-of-way; a reduced area district requirement for each dwelling from 6,000 to 5,000 square feet; a reduced maximum side yard from 15.75 to 6± feet; a reduced minimum side yard from 5 to 2.5 feet along the east property line, and 3.5 feet along the west property line; and no rear yard or either dwelling-unit; said property being more particularly described as follows:

21 E. ARCADIA AVE. (43202), being 0.23± acres located on the south side of East Arcadia Avenue, 130± feet east of North High Street, and being more particularly described as follows:

Tract I:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lot Number Nineteen (19) in George Williams' amended subdivision of his Northwood Heights Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 270, Recorder's Office, Franklin County, Ohio.

Together with any and all interest the grantor(s) may have in that portion of right of way as vacated by the City of Columbus by Ordinance No. 33173.

Tract II:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

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Being 26.26 feet off of the east end of Lots Numbered Sixteen (16), Seventeen (17) and Eighteen (18) in George Williams Northwood Heights Addition, as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 2, Page 270, Recorder's Office, Franklin County, Ohio.

Property Parcel: 010-066662
Property Address: 21 East Arcadia Avenue, Columbus, Ohio 43202

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**ARCADIA RESIDENCE**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated April 26, 2022. 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 shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. That Ordinance #2980-2017, passed November 20, 2017, be and is hereby repealed.

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