Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	4/27/2023	**In control:**	Zoning Committee
On agenda:	5/15/2023	**Final action:**	5/18/2023
Title:	To grant Variances from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1)&(B)(2), Vision clearance; 3321.07(B), Landscaping; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24 Rear yard, of the Columbus City Codes; for the property located at 1264 E. MAIN ST. (43205), to permit reduced development standards for a residential development in the AR-O, Apartment Office District (Council Variance #CV22-160).		
Sponsors:			
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Attachments:	1. ORD1332-2023_Attachments, 2. ORD1332-2023_Labels		

Date	Ver.	Action By	Action	Result
5/18/2023	1	CITY CLERK	Attest	
5/17/2023	1	MAYOR	Signed	
5/15/2023	1	COUNCIL PRESIDENT	Signed	
5/15/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
5/15/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/15/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/15/2023	1	Zoning Committee	Approved	Pass

Council Variance Application: CV22-160

APPLICANT: Jianshen Cai; 4698 Trabue Road; Columbus, OH 43228.

PROPOSED USE: 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 (Ordinance #1331-2023; Z22-100) to the AR-O, Apartment-Office District. The requested Council variance will permit the development of a seven-unit apartment building with variances to building setbacks, lot coverage, vision clearance, yards, residential tree, and a parking reduction from 11 required spaces to 7 provided spaces. Staff supports the request as the applicant has committed to developing the site in accordance with the submitted site plan and building elevations. Additionally, the requested variance will permit a residential development that is consistent with scale and mix of uses along this portion of East Main Street.

To grant Variances from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; 3321.05 (A)(1) and (B)(2), Vision clearance; 3321.07(B), Landscaping; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24 Rear yard, of the Columbus City Codes; for the property located at **1264 E. MAIN ST. (43205)**, to permit reduced development standards for a residential development in the AR-O, Apartment Office District (Council Variance #CV22-160).

WHEREAS, by application #CV22-160, the owner of property at **1264 E. MAIN ST. (43205)**, is requesting a Council variance to permit multi-unit residential developed with reduced development standards for a residential development in the AR-O, Apartment Office District; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces, requires 1.5 parking spaces per dwelling unit for a total of eleven (11) spaces for a seven-unit apartment building, while the applicant proposes a seven (7) parking spaces for a ratio of one (1) per dwelling unit; and

WHEREAS, Sections 3321.05(A)(1)(B)(2), Vision clearance, requires clear vision triangles of ten (10) feet at the intersection of a parking lot entrance and the street right-of-way, and thirty (30) feet on residential lots at the intersections of two (2) public streets, while the applicant proposes to eliminate both clear vision triangles; and

WHEREAS, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of one (1) tree for seven (7) proposed dwelling units, while the applicant proposes zero (0) trees; and

WHEREAS, Section 3333.15, Basis of computing area, limits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes an increased maximum lot coverage of ninety (90) percent for the proposed building; and

WHEREAS, Section 3333.18, Building lines, requires building setbacks of twenty-five (25) feet and ten (10) feet from Linwood Avenue and East Main Street, respectively, while the applicant proposes building setback lines of zero (0) feet along both frontages;

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to reduce the required side yards to zero (0) feet; and

WHEREAS, Section 3333.24, Rear yard; requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes to eliminate the rear yard; and

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

WHEREAS, the City Departments recommend approval because the requested variances are consistent with similar infill developments in urban neighborhoods and reflect existing conditions; 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 **1264 E. MAIN ST. (43205)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A)(1) and (B)(2), Vision clearance; 3321.07(B), Landscaping; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24 Rear yard, of the Columbus City Codes; for the property located at **1264 E. MAIN ST. (43205),** insofar as said sections prohibit a reduction of the required number of parking spaces from eleven (11) spaces to seven (7) spaces; the elimination of clear vision triangles; a reduction of the number of required dwelling unit trees from one (1) to zero (0); an increase in lot coverage from fifty (50) percent to ninety (90) percent; a reduction in the required building setbacks from twenty-five (25) feet along Linwood Avenue to ten (10) feet and from ten (10) feet along East Main Street to zero (0) feet; a reduction of the minimum side yard from five (5) feet to zero (0) feet; and to eliminate the required rear yeard, said property being more particularly described as follows:

1264 E. MAIN ST. (43205), being 0.09± acres located at the northwest corner of East Main Street and Linwood Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section
23, Township 5, Range 22, Refugee Lands, and being part of that 0.13 acre (tax) tract of land as described in a deed to 1252 E. Main LLC, of record in Instrument Number 201911080149471, all records referenced herein being to those located in the Recorder's Office, Franklin County, Ohio, and being 0.094 acre more particularly described as follows:

Beginning at a 5/8 inch outside diameter rebar found 3 inches deep (bent west) at the southeast corner of said 0.13 acre tract, at the southwest corner of that tract of land as described in a deed to the City of Columbus, of record in Deed Book 336, Page 491, at the intersection of the northerly right-of-way line of East Main Street (80 foot width) and the westerly right-of-way line of Linwood Avenue (40 foot width), and being the TRUE PLACE OF BEGINNING of the herein described 0.094 acre tract;

Thence North 88°14'38" West, along the southerly line of said 0.13 acre tract and said northerly right-of-way line, a distance of 90.41 feet to an iron pin set;

Thence North 1°45'54" East, through said 0.13 acre tract with a new division line, a distance of 45.00 feet to an iron pin set in the northerly line of said 0.13 acre tract, in the southerly line of that 0.14 acre (tax) tract of land as described in a deed to Dustin W. West and Jennifer L. Munson, of record in Instrument Number 201705050060906;

Thence South 88°14'06" East, along the common line between said 0.13 and 0.14 acre tracts, a distance of 92.07 feet to an iron pin set at the northeast corner of said 0.13 acre tract, the southeast corner of said 0.14 acre tract, in the westerly line of said City of Columbus tract, in the westerly right-of-way line of said Linwood Avenue;

Thence South 3°52'47" West, along the easterly line of said 0.13 acre tract, the westerly line of said City of Columbus tract and said westerly right-of-way line, a distance of 45.02 feet to the TRUE PLACE OF BEGINNING, containing 0.094 acre of land.

Bearings herein are based on North 88°14'38" West for the northerly right-of-way line of East Main Street per a VRS GPS survey, State Plane Grid, Ohio South Zone, NAD 83, 2011 adjustment.
Iron pins set consist of a 5/8 inch outside diameter rebar, 30 inches long with a plastic I.D. cap stamped "Lomano 7711".

This description was prepared by Westerville Land Surveying, LLC, based on the results of an actual field survey in June and December, 2020.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a seven-unit apartment building, or those uses permitted in the AR-O, Apartment Office District.

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

the site plan titled, "**SITE PLAN**," and building elevations titled, "**BUILDING ELEVATIONS SHEETS 1-4**," signed by Jianshen Cai, Applicant, dated April 5, 2023. 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.

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