



## Legislation Details (With Text)

**File #:** 1402-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/5/2023      **In control:** Zoning Committee

**On agenda:** 5/22/2023      **Final action:** 5/24/2023

**Title:** To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1205 CHESAPEAKE AVE. (43212), to permit reduced development standards in the AR-3, Apartment Residential District, and to repeal Ordinance #3016-2021 (CV21-071), passed December 13, 2021 (Council Variance #CV21-071A).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1402-2023\_Attachments

Date	Ver.	Action By	Action	Result
5/24/2023	1	CITY CLERK	Attest	
5/23/2023	1	MAYOR	Signed	
5/22/2023	1	COUNCIL PRESIDENT	Signed	
5/22/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/22/2023	1	Zoning Committee	Approved	Pass
5/22/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/15/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV21-071A**

Ordinance #3016-2021 (CV21-071), passed December 13, 2021, a concurrent Council variance to Ordinance #3015-2021 (Z21-054), included variances for reduced development standards in the AR-3, Apartment Residential District for a multi-unit residential development. This ordinance updates the variances requested because the overall development site, after annexation into the city, contains parcels with different taxing districts, and therefore cannot be combined into one parcel. This has resulted in the addition of a variance to the minimum number of parking spaces required per parcel, noting that the overall required parking for the development will be met. Modifications to the previously-approved variances for maneuvering, parking space, building coverage, and rear yard are also included. Staff supports the modified variances as they are the direct result of the applicant's inability to combine parcels, and the site plan previously committed to with Ordinance #3016-2021 remains unchanged.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

**5TH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking

space; 3312.49(C), Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1205 CHESAPEAKE AVE. (43212)**, to permit reduced development standards in the AR-3, Apartment Residential District, and to repeal Ordinance #3016-2021 (CV21-071), passed December 13, 2021 (Council Variance #CV21-071A).

**WHEREAS**, Ordinance #3016-2021 (CV21-071), passed December 13, 2021, permitted reduced development standards in the AR-3, Apartment Residential District at **1205 CHESAPEAKE AVE. (43212)**, and

**WHEREAS**, this ordinance will replace Ordinance #3016-2021 by updating the variances to the AR-3, Apartment Residential District required for this development; and

**WHEREAS**, Section 3309.14, Height districts, requires any portion of a building in the AR-3, Apartment Residential District to not exceed 60 feet in the sixty (60) foot height district, while the applicant proposes a building height of 70 feet; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area on the lot where the parking spaces are located, which cannot include an abutting parking space, while the applicant proposes to allow maneuvering over parking spaces for 31 pairs of stacked spaces, subject to each pair of stacked spaces being assigned to the same dwelling unit, and proposes maneuvering over interior parcel lines with the total required maneuvering area being provided; and

**WHEREAS**, Section 3312.29, Parking space, only allows stacked parking spaces to be counted as required spaces for single- and two-unit dwellings, while the applicant proposes 31 pairs of stacked spaces to be counted toward the total number of required parking spaces, subject to each pair of stacked spaces being assigned to the same dwelling unit, and proposes parking spaces that are divided by interior parcel lines, but with the overall parking space meeting the required dimensions; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 192 parking spaces for a multi-unit residential development containing 128 apartment units, while the applicant proposes to waive the number of parking spaces required for individual parcels with the overall site meeting the minimum number of parking spaces required; and

**WHEREAS**, Section 3333.15, Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 66 percent of the entire site, and to waive the 50 percent limitation for each individual parcel; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of 25 feet along Chesapeake Avenue, while the applicant proposes a reduced building line of 10 feet along Chesapeake Avenue; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 5 percent for the entire site, and to waive the 25 percent rear yard requirement for each individual parcel; and

**WHEREAS**, the City Departments recommend approval; and

**WHEREAS**, the as the 5<sup>th</sup> by Northwest Area Commission recommend approval; 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 **1205 CHESAPEAKE AVE. (43212)**, 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 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1205 CHESAPEAKE AVE. (43212)**, insofar as said sections prohibit an increased building height from 60 feet to 70 feet; with maneuvering over parking spaces for 31 pairs of stacked spaces and through internal parcel lines, but with overall maneuvering dimensions being met; 31 pairs of stacked parking spaces to count as required spaces and parking spaces divided by internal parcel lines, but with the overall parking space meeting required dimensions; increased lot coverage from 50 percent to 66 percent for the overall site, and no maximum lot coverage per parcel; reduced building line from 25 feet to 10 feet along Chesapeake Avenue; and reduced rear yard from 25 percent to 5 percent for the overall site with no required rear yard per parcel; said property being more particularly described as follows:

**1205 CHESAPEAKE AVE. (43212)**, being 1.47± acres located on the south side of Chesapeake Avenue, 330± feet east of Northwest Boulevard and being more particularly described as follows:

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

Being Lot Number Fifteen (15), in JOHN M. PUGH'S SUBDIVISION, of 32 acres of land off of the east end of the Domigan Farm in Clinton Township, Franklin County, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 324, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-087471-00

Being Lot Number Ten (10) in JOHN M. PUGH'S SUBDIVISION, of 32 acres of land off of the east end of the Domigan Farm in Clinton Township, Franklin County, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 324, Recorder's Office, Franklin County, Ohio.

Parcel Nos. 130-011779-00 and 130-005495-00.

Known as: 1205 Chesapeake Ave., Columbus, Ohio 43212.

**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 plan titled, "**ILLUSTRATIVE PLAN**," signed by Eric Zartman, Attorney for the Applicant, and dated May 3, 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 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.

**SECTION 6.** That Ordinance #3016-2021 (CV21-071), passed December 13, 2021, be and is hereby repealed.