



Legislation Text

File #: 1644-2014, **Version:** 2

Council Variance Application: CV14-020

APPLICANT: Royal Tallow Holdings, LTD; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit or attached single-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Part of the undeveloped site was platted (Harrison Park, Plat Book 106, Page 56) and was rezoned to the AR-2, Apartment Residential District (Z04-026), and is subject to companion Council Variance Ordinance No. 2760-2012 (CV04-009). Approximately 0.137± acres of the site is zoned M, Manufacturing District, and due to a proposed land swap with the City of Columbus Recreation and Parks Department to enable reorganization of Harrison Park facilities, the development site will have a different boundary than anticipated with the subdivision plat, the AR-2 District and the companion Council Variance. The proposed development will consist of eight (8) three-unit dwellings, which may be subdivided into attached dwellings, which is less than the thirty-six units permitted on the 0.751± acre AR-2 area described in Z04-026/CV04-009. The request includes variances for vision clearance, area requirements, lot coverage, fronting, setbacks, and yard standards which are supported because they are consistent with the development standards approved with CV04-009. The site falls within the boundaries of the *Harrison West Plan* (2005), which calls for mixed density residential development on the site.

To grant a Variance from the provisions of Sections 3333.025, AR-2, apartment residential district use; 3363.01, M-manufacturing districts; 3321.05(A), Vision clearance; Section 3333.09, Area requirements; 3333.15, Basis of computing area; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23(a), Minimum side yard permitted; 3333.24, Rear yard; 3333.255, Perimeter yard; and 3363.27(b)(1)(2), Height and area regulations, of the Columbus City Codes; for the property located at **575 WEST SECOND AVENUE (43201)**, to permit a twenty-four unit residential development comprised of eight (8) three-unit dwellings or attached single-unit dwellings with reduced development standards in the AR-2, Apartment Residential and M, Manufacturing Districts **and to declare an emergency** (Council Variance # CV14-020).

WHEREAS, by application No. CV14-020, the owner of property at **575 WEST SECOND AVENUE (43201)**, is requesting a Council Variance to permit a twenty-four unit residential development comprised of eight (8) three-unit dwellings with reduced development standards in the AR-2, Apartment Residential and M, Manufacturing Districts; and

WHEREAS, Section 3333.025, AR-2, apartment residential district use, permits the proposed development as a multiple dwelling development (eight (8) three-unit dwellings), but doesn't permit attached single-unit dwellings if the site is platted to establish lots for the sale of individual dwelling units and the applicant may plat the dwelling units for individual sale; and

WHEREAS, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while 0.137± acre of the site is zoned M, Manufacturing District due to a land swap with Recreation and Parks Department, and portions of certain dwelling units will be located in the area zoned M; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten (10) foot clear vision triangle at the intersection of a

driveway and the right-of-way, while applicant proposes a seven (7) foot clear vision triangle along West Second Avenue, as shown on the site plan; and

WHEREAS, Section 3333.09, Area requirements, requires a minimum lot width of fifty (50) feet in the AR-2, Apartment Residential District, while the parcel complies with the 50 foot minimum lot width if developed as a multiple dwelling development, but if platted as attached dwelling units, the individual unit lot width may be reduced to a minimum width of eighteen (18) feet; and

WHEREAS, Section 3333.15, Basis of computing area, requires a maximum lot coverage of fifty (50) percent, while the applicant proposes a maximum lot coverage of sixty (60) percent as a multiple dwelling development and of one hundred (100) percent if the development is platted as attached dwelling units; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, and the proposed development meets this requirement as a multiple dwelling development, but the applicant may plat individual dwelling units to be on separate lots and the west dwelling units would not have street frontage; and

WHEREAS, Section 3333.18, Building lines, requires the building line to be twenty-five (25) feet from West Second Avenue and Harrison Park Place, while the applicant proposes building lines of five (5) feet along West Second Avenue, and two (2) feet along Harrison Park Place; and

WHEREAS, Section 3333.22, Maximum side yard required, requires the sum of the widths of each side yard to equal 20% of the lot width, subject to a maximum of sixteen (16) feet, while the applicant proposes reduced maximum side yards of between zero (0) feet and 3.5 feet if the development is platted as attached dwelling units; and

WHEREAS, Section 3333.23(a), Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes reduced minimum side yards of between zero (0) feet and 3.5 feet if the development is platted as attached dwelling units; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes reduced rear yards of zero (0) percent if the development is platted as attached dwelling units; and

WHEREAS, Section 3333.255, Perimeter yard, requires a 25-foot wide perimeter yard for a multiple dwelling development, while the applicant proposes perimeter yard of two (2) feet along the south and west property lines; and

WHEREAS, Section 3363.27(b)(1)(2), Height and area regulations, requires the building line to be twenty-five (25) feet from public streets and residentially-zoned property, while the applicant proposes a building line of five (5) feet along West Second Avenue; and

WHEREAS, City Departments recommend approval because the request is consistent with the land use recommendations of the *Harrison West Plan* (2005), and the established development pattern in the neighborhood. In addition, the proposal allows twelve less units than what was anticipated for this site, and will allow the Recreation and Parks Department to reorganize the facilities at Harrison Park; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **575 WEST SECOND AVENUE (43201)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of 3333.025, AR-2, apartment residential district use; 3363.01, M-manufacturing districts; 3321.05(A), Vision clearance; Section 3333.09, Area requirements; 3333.15, Basis of computing area; 3333.16, Fronting on a public street; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23(a), Minimum side yard permitted; 3333.24, Rear yard; 3333.255, Perimeter yard; and 3363.27(b)(1)(2), Height and area regulations, of the Columbus City Codes, is hereby granted for the property located at **575 WEST SECOND AVENUE (43201)**, insofar as said sections prohibit attached single-unit dwellings in the AR-2 District; with portions of dwelling units in the M District; a reduced clear vision triangle along West Second Avenue of seven (7) feet; an increased maximum lot coverage of sixty (60) percent as a multiple dwelling development and of one hundred (100) percent if the development is platted as attached dwelling units; no frontage on a public street for the west dwelling units if the development is platted as attached dwelling units; building lines of five (5) feet along West Second Avenue, and two (2) feet along Harrison Park Place; reduced maximum and minimum side yards of between zero (0) feet and 3.5 feet if the development is platted as attached dwelling units; no rear yards if the development is platted as attached dwelling units; and a reduced perimeter yard of two (2) feet along the south and west property lines; said property being more particularly described as follows:

575 WEST SECOND AVENUE (43201), being 0.80± acres located at the southwest corner of West Second Avenue and Harrison Park Place, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 6, Township 5, Range 22, Refugee Lands, being part of a 0.647 acre tract conveyed to Royal Tallow Holdings, Ltd as described in Instrument Number 201106270079568, part a 1.048 acre tract conveyed to City of Columbus as described in Instrument Number 200712270220304, part of Reserve “B” and Reserve “C of Harrison Park as recorded in Plat Book 108 Page 56 conveyed to City of Columbus as described in Instrument Number 200712310221600, all of a 0.0002 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 201007120087258, and all of a 0.104 acre tract conveyed to Royal Tallow Holdings, Ltd. as described in Instrument Number 201007120087257, all references being those of record in the Franklin County, Ohio Recorder’s Office and being more particularly described as follows:

Commencing at a 1” rebar at the intersection of the centerline of Second Avenue (60’) and Harrison Park Place (60’);

thence westerly, along the centerline of Second Avenue, North 86° 35’ 35” West, 30.00 feet;

thence southerly, leaving the centerline of Second Avenue, South 02° 43’ 27” West, 30.00 feet to the intersection of the southerly right-of-way line of Second Avenue and the westerly right-of-way line of Harrison Park Place, being the northeast corner of said 0.647 acre tract, and being the **TRUE POINT OF BEGINNING**;

thence southerly, with the westerly right-of-way line of Harrison Park Place and the east line of said 0.647 acre tract, South 02° 43’ 27” West, 266.6 feet;

thence westerly, crossing said 0.647 acre tract and said Reserve “B” and Reserve “C”, North 87° 16’ 33” West, 122.5 feet;

thence northerly, crossing said Reserve “B” and said 1.048 acre tract, North 02° 43’ 27” East, 268.1 feet to the north line

of said 1.048 acre tract and being in the southerly right-of-way line of Second Avenue;

thence easterly, with the southerly right-of-way line of Second Avenue, the north line of said 1.048 acre tract, the north line of said 0.104 acre tract, and the north line of said 0.647 acre tract, South 86° 35' 35" East, 122.5 feet to the **TRUE POINT OF BEGINNING**, containing approximately 0.8 acres and encompasses parcel numbers: 010-289375, 010-279407, 010-053575, 010-279411, 010-279412

Subject to all legal rights-of-way and/or easements, if any, of previous record.

This description was prepared by Matthew E. Ferris, Registered Surveyor No. 8230, of E.P. Ferris & Associates, Inc. on March 31, 2014.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a twenty-four unit residential development in accordance with the submitted Site Plan, comprised of either eight (8) three-unit dwellings as a multiple dwelling development or as attached single-unit dwellings, or those uses permitted in the underlying AR-2, Apartment Residential and M, Manufacturing Districts, respectively.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**HARRISON PARK PLACE DEVELOPMENT**," drawn by E.P. Ferris & Associates, Inc., dated June 18, 2014, and signed by 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 Plan 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 Certificates of Occupancy for the proposed uses.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.