



Legislation Text

File #: 0676-2017, **Version:** 1

Council Variance Application: CV16-050

APPLICANT: DEV Real Estate-Design-Consulting; c/o Jonathan Barnes, Agent; Jonathan Barnes Architecture and Design; 243 North Fifth Street, Suite 200; Columbus, OH 43215; and David Hodge, Atty.; Underhill and Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a 0.52± acre parcel developed with one single-unit dwelling zoned in the R-2F, Residential District. The applicant proposes to demolish the existing dwelling, and construct two five-unit apartment buildings on the same lot, resulting in a 19.23 dwelling-unit per acre density. A Council variance is necessary because the existing zoning district only permits one single-unit or two-unit dwelling per lot, and for a parcel of this size, three two-unit dwellings could be constructed on the property if the lot was split. Variances for vision clearance, area district requirements, lot coverage, fronting, building lines, maximum side yards required, minimum side yard permitted, and rear yard are included in this request. The site is within the planning area of the *South Side Plan* (2014), which recommends medium-high density (10-16 du/acre) land uses at this location. Somewhat higher densities are supportable provided a high quality design that can mitigate potential adverse impacts on existing development in the area. City Staff believes the proposed setbacks, building width and varied roof heights will provide compatibility with surrounding residential uses. Additionally, the proposal will not add incompatible or intrusive uses to the area, and is reflective of recent urban residential infill projects.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3321.05(B)(1), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(B), Basis of computing area; 3332.19, Fronting; 3332.21 (D), Building lines; 3332.25(B), Maximum side yards required; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **601 SOUTH NINTH STREET (43206)**, to permit two five-unit apartment buildings on the same lot with reduced development standards in the R-2F, Residential District (Council Variance # CV16-050).

WHEREAS, by application #CV16-050, the owner of the property at **601 SOUTH NINTH STREET (43206)**, is requesting a Variance to permit two five-unit apartment buildings on the same lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential District use, permits up to two units within one dwelling on one lot, while the applicant proposes to construct two five-unit apartment buildings on the same lot; and

WHEREAS, Section 3321.05(B)(1), Vision clearance, requires a ten-foot vision clearance triangle at the northwest corner of South Ninth Street and South Lane, while the applicant proposes to encroach into the vision clearance triangle as shown on the site plan; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires 3,000 square feet per dwelling unit for a two-

story two-unit dwelling, while the applicant proposes two five-unit apartment buildings on one lot that contains 22,500± square feet which equals 2,250± square feet per dwelling unit; and

WHEREAS, Section 3332.18(B), Basis of computing area, requires that a building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes 52± percent lot coverage; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes the western apartment building to front on an alley; and

WHEREAS, Section 3332.21(D), Building lines, requires a minimum distance from the street property line of ten feet along South Ninth Street, while the applicant proposes reduced building lines of zero feet along South Ninth Street; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be a maximum of sixteen feet, while the applicant proposes a maximum side yard of zero feet; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.75 feet for a building with a maximum height of 34.5 feet, while the applicant proposes a minimum side yard of zero feet along the north and south property lines; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes a rear yard of zero percent; and

WHEREAS, this variance will permit two five-unit apartment buildings on the same lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, the Columbus South Side Area Commission approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow two five-unit apartment buildings that include specific design elements to mitigate adverse impacts on the surrounding development pattern while also increasing the proposal's compatibility with adjacent residential land uses, as specified in the *South Side Plan*; 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 **601 SOUTH NINTH STREET (43206)**, 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 3332.037, R-2F, Residential District; 3321.05(B)(1), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(B), Basis of computing area; 3332.19, Fronting; 3332.21(D), Building lines; 3332.25(B); Maximum side yards required; 3332.26(F), Minimum side

yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **601 SOUTH NINTH STREET (43206)**, insofar as said sections prohibit two five-unit apartment buildings on the same lot in the R-2F, Residential District, with encroachment into the vision clearance triangle at the intersection of South Ninth Street and South Lane; 2,250± square feet of lot area per dwelling unit where 3,000 square feet is required; increased lot coverage from 50 to 52± percent; no frontage on a public street for the western apartment building; a reduction in building lines from ten feet to zero feet along South Ninth Street; a reduction in maximum side yard from sixteen feet to zero feet; a reduction in the minimum side yard from 5.75 feet to zero feet along both the north and south property lines; and a reduction in rear yard from 25 to zero percent; said property being more particularly described as follows:

601 SOUTH NINTH STREET (43206), being 0.52± acres located on the west side of South Ninth Street, 50± feet south of Jackson Street, and being more particularly described as follows:

Situated in the County of Franklin and in the City of Columbus and bounded and described as follows:

Being in Lots Sixteen (16), Seventeen (17) and Eighteen (18) of James Bryden's Second Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in DEED BOOK 38, page 275, Recorder's Office, Franklin County, Ohio.

Parcel: 010-049752

Address: 601 South Ninth Street, Columbus, OH 43206

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

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**," and elevations titled "**PROPOSED ELEVATIONS SHEETS 1 AND 2**" dated February 17, 2017, drawn by Jonathan Barnes Architecture and Design, and signed by David Hodge, Attorney 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.