



Legislation Text

File #: 0755-2017, **Version:** 1

Council Variance Application: CV16-072

APPLICANT: Elsey Partners; c/o Michael T. Shannon and Eric Zartman, Attys.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Property management office within a rooming house development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of one parcel zoned in the AR-4, Apartment Residential District that is developed with three apartment buildings. The requested Council variance will permit redevelopment of the site with a five-story, 258-suite rooming house containing a 450 square-foot property management office with reduced development standards. A Council variance is necessary because the proposed office, which may serve off-site customers, is not permitted in a residential district. Variances to increase occupant density, maximum lot coverage, building separation and size, maximum floor area ratio, building height, and to reduce the setback requirements and maximum side yard are included in this request. A parking space reduction of 92 required parking spaces has also been incorporated into this request. The site is situated within the University Planning Overlay, and is within the planning area of the *University District Plan* (2015), which recommends "Regional Mixed Use" land uses for this location. The University Planning Overlay is undergoing revision into the University District Zoning Overlay (UDZO), and the proposed development meets the intensity, parking, and height requirements of the UDZO provisions. Staff supports this request because it is consistent with applicable land use recommendations and guidelines, will not add incompatible uses to the neighborhood, and will provide additional student housing options within close proximity to the university.

To grant a Variance from the provisions of Sections 3333.035, AR-4 apartment residential district use; 3333.22, Maximum side yard; 3333.24, Rear yard; 3372.561(B), Density; 3372.563, Maximum lot coverage; 3372.564, Parking; 3372.565(A)(1), Building line; 3372.566(C), Building separation and size; 3372.567(A)(1)(b), Maximum floor area; and 3372.568, Height, of the Columbus City Codes; for the property located at **200 WEST NORWICH (43201)**, to allow a five-story rooming house containing a property management office with reduced development standards in the AR-4, Apartment Residential District (Council Variance # CV16-072).

WHEREAS, by application # CV16-072, the owner of property at **200 WEST NORWICH AVENUE (43201)**, is requesting a Council Variance to allow a five-story rooming house containing a property management office with reduced development standards in the AR-4, Apartment Residential District; and

WHEREAS, Section 3333.035, AR-4 apartment residential district use, only permits a property management office for on-site tenants, while the applicant proposes a property management office that may serve customers who live off-site; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted, while the applicant proposes a total side yard of 13 feet; 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 25 percent of the total lot area, while the applicant proposes a rear yard of 4 percent; and

WHEREAS, Section 3372.561(B), Density, requires that any new use of residence requiring a rooming house license shall house no more than 1 occupant for each 400 square feet of lot area which calculates to approximately 174 occupants, while the applicant proposes housing for 258 occupants; and

WHEREAS, Section 3372.563, Maximum lot coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 30 percent of the lot area, while the applicant proposes 68± percent lot coverage; and

WHEREAS, Section 3372.564 Parking, requires a minimum of 232 parking spaces, while the applicant proposes to provide 140 parking spaces; and

WHEREAS, Section 3372.565(A)(1), Building line, requires a minimum building line of the average of the building lines on adjacent lots, or 33.9± feet, while the applicant proposes a building line of 9.5± feet; and

WHEREAS, Section 3372.566(C), Building separation and size, requires that no building shall exceed 10,200 square feet of calculated floor area, while the applicant proposes 70,151± square feet of calculated floor area for the new building; and

WHEREAS, Section 3372.567(A)(1)(b), Maximum floor area, requires a maximum calculated floor area ratio (F.A.R.) of no greater than 0.80, while the applicant proposes a floor area ratio of 3.3 for the new building; and

WHEREAS, Section 3372.568, Height, requires that the mean between the cornice/eave and the highest roof point of a building shall be no higher than 35 feet from the finished grade line of the lot. Other than a chimney, no portion of a building shall be higher than 40 feet from the finished grade line of the lot, while the applicant proposes a total height of 60 feet for the new building; and

WHEREAS, the University Area Commission recommends disapproval; and

WHEREAS, City Departments recommend approval because the requested variances for this mixed use development are consistent with the land use recommendations of the *University District Plan*, and the provisions of the University District Zoning Overlay, which will soon be codified. The proposed development will not add incompatible uses, and will provide additional student housing options within close proximity to the university; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed new 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 **200 WEST NORWICH AVENUE (43201)**, in using said property as desired; and

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

SECTION 1. That a variance from the provisions of Sections 3333.035, AR-4 apartment residential district use; 3333.22, Maximum side yard; and 3333.24, Rear yard; 3372.561(B), Density; 3372.563, Maximum lot coverage; 3372.564, Parking; 3372.565(A)(1), Building line; 3372.566(C), Building separation and size; 3372.567(A)(1)(b), Maximum floor area; and 3372.568, Height, of the Columbus City Codes, is hereby granted for the property located at **200 WEST NORWICH AVENUE (43201)**, insofar as said sections prohibit a property management office for off-site properties in the AR-4, Apartment Residential District, with a reduced maximum side yard from 16 feet to 13 feet; a reduced rear yard from 25 percent to 4± percent; an increased density from 174 occupants to 258 occupants; an increased maximum lot coverage from 30 percent to 68± percent; a parking space reduction from 232 required spaces to 140 spaces; a reduced building line from 33.9± feet to 9.5± feet; increased calculated floor area from 10,200 square feet to 70,151± square feet; increased F.A.R. from 0.80 to 3.3; and increased building height from 35 feet to 60 feet; said property being more particularly described as follows:

200 WEST NORWICH (43201), being 0.49± acres located on the north side of West Norwich Avenue, Hunter Avenue, 385± feet east of Tuttle Park Place, and being more particularly described as follows:

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

Situated in the City of Columbus, County of Franklin, State of Ohio, being five feet off the westerly side of Lot 16, all of Lot number 17-20 and twenty-eight feet of Lot 21 (excepting two feet off the westerly side), all being in C.O. Hunter's Marvine Addition, a subdivision of record in Plat Book 5, Page 232, said lots and portion thereof being conveyed to H&W Realty II, LLC in Instrument Number (L.N.) 201007270095213 and being 0.489 acres, said 0.489 acres being more particularly described as:

Commencing for reference at a ¼ inch iron pipe found at the northwesterly corner of Lot 23 in said subdivision, said pipe also being the intersection of the southerly right-of-way of a 20' wide alley with the easterly right-of-way line of Turpis Avenue (50'), thence, South 86° 07' 30" East, with said southerly line, with the northerly line of said Lot 23, the northerly line of Lot 22 in said subdivision and with a portion of the northerly line of said Lot 21, a distance of 62.00 feet to rebar set in said southerly line, being also in the northerly line of said Lot 21, being the northeasterly corner of that tract of land conveyed to Capitol City Properties, LLC in O.R. 27367, Page H02, being the northwesterly corner of said H&W Realty II, LLC tract and being the TRUE PLACE OF BEGINNING.

Thence, from said TRUE PLACE OF BEGINNING, South 86° 07' 30" East with said southerly line, with the northerly lines of said Lots 21-17, with a portion of the northerly line of said Lot 16 and with the northerly line of said H&W Realty II < LLC tract, a distance of 153.00 feet to a rebar set in said southerly line, the same being in the northerly line of said Lot 16, being the northeasterly corner of said H&W Realty II, LLC tract and being the northwesterly corner of that tract of land conveyed to PALMN WICH, LLC in L.N. 201210090150917;

Thence South 03° 36' 31" West, with the westerly line of said PALMN WICH, LLC tract and with the easterly line of said H&W Realty II, LLC tract, a distance of 139.13 feet to a rebar set at the southwest corner of said PALMN WICH, LLC tract, the same being the southeasterly corner of said H&W Realty II, LLC tract and being in the northerly right-of-way line of Norwich Avenue (50');

Thence North 86° 07' 30" West, with said northerly line, with the southerly lines of said Lots 21-17, with a portion of the southerly line of said Lot 16 and with the southerly line of said H&W Realty II, LLC tract, a distance of 153.000 feet to a rebar set in said northerly line, the same being in the southerly line of said Lot 21, being the southeasterly corner of said Capitol City Properties tract and being the southwest corner of said H&W Realty II, LLC tract;

Thence North 03° 36' 31" East, with the easterly line of said Capitol City Properties tract and with the westerly line of said H&W Realty II, LLC tract, a distance of 139.13 feet to the TRUE PLACE OF BEGINNING.

Containing 0.489 acres of land. Being all of Auditor's Parcel #010-051674.

A SURVEY of this description is attached hereto and made part thereof.

Subject to all easements, restrictions, and rights-of-way of record.

All rebar's set are 5/8 inch, 30 inches long (w/ "B.L. SURVEYING, P.S. #7980 cap).

Bearings are based on North 86° 07' 30" West, given hereon for the northerly line of Norwich Avenue (50'), as derived from GPS observations, utilizing ODOT VRS and being based on the Ohio State Plane Coordinate System (South Zone), NAD '83 with a 2011 NSRS adjustment.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a property management office within a rooming house development with reduced development standards, or those uses permitted in the AR-4, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**SITE PLAN**," dated March 3, 2017, and floor plans titled "**FLOOR PLANS, A2-A4**," dated March 13, 2017, all drawn by Prime Design, and signed by Eric Zartman, 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 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.

SECTION 5. That this ordinance is further conditioned that tenants, employees, and guests of this facility would not be eligible for residential parking permits from the City of Columbus.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.