



## Legislation Text

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**File #:** 1664-2017, **Version:** 1

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### **Council Variance Application: CV17-022**

**APPLICANT:** Gallas-Zadech Development, LLC; c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**HISTORIC RESOURCES COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single undeveloped parcel zoned in the R-3, Residential District. The existing zoning is the result of a city-initiated downzoning of the neighborhood in 1993 (Z93-023A). A Council variance is necessary because the existing zoning district only permits single-unit dwellings, while the applicant proposes a fourteen-unit apartment building. Variances for reduced building lines and a reduced rear yard are included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location. The Plan does state that in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. City staff supports the proposed variances as the density and building placement is consistent with those found along this section of Bryden Road.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3332.21(C)(D), Building lines; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1080 BRYDEN ROAD (43205)**, to permit a fourteen-unit apartment building with reduced development standards in the R-3, Residential District (Council Variance # CV17-022).

**WHEREAS**, by application #CV17-022, the owner of the property at **1080 BRYDEN ROAD (43205)**, is requesting a Variance to permit a fourteen-unit apartment building with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a fourteen-unit apartment building; and

**WHEREAS**, Section 3332.21(C)(D), Building lines, requires the building setback lines along Bryden Road and South Ohio Avenue to be 30 feet, while the applicant proposes a building setback line of 24 feet along Bryden Road and 13 feet along South Ohio Avenue; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard totaling 6 percent of the total lot area; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, the Historic Resources Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow a fourteen-unit apartment building is consistent with the surrounding density and historic development pattern of this section of Bryden Road and will not add incompatible uses at this location; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **1080 BRYDEN ROAD (43205)**, 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 3332.035, R-3, Residential District; 3332.21(C)(D), Building lines; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1080 BRYDEN ROAD (43205)**, insofar as said sections prohibit a fourteen-unit apartment building in the R-3, Residential District, with a reduction in building lines from 30 feet along Bryden Road and South Ohio Avenue to 24 feet and 13 feet, respectively; and a reduction in rear yard from 25 percent to 6 percent; said property being more particularly described as follows:

**1080 BRYDEN ROAD (43205)**, being 0.62± acres located at the northwest corner of Bryden Road and South Ohio Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 118, 119, 120, and 121 in Hoffman and McGrew's Second Amended Addition as recorded in Plat Book 2, Page 200 as conveyed to Tersus Terra Energie, LLC in Instrument Number 201407290097573, and more particularly described as follows;

Beginning at the southeasterly corner of said Lot 118 at the right of way intersection of the northerly right of way line of Bryden Road (70' R/W) and westerly right of way line of Ohio Avenue (60' R/W), and being the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence with the northerly right of way line of Bryden Road and the south line of said Lots 118, 119, 120, and 121, N 90° 00' 00" W, 174.75+/- feet to the southwest corner of said Lot 121 and the southeast corner of Lot 122 in Hoffman and McGrew's Second Amended Addition as conveyed to Elizabeth W. Walborn in Instrument Number 201702280027780;

Thence with the west line of said Lot 121 and the east line of said Lot 122, N 00° 00' 00" E, 155.00+/- feet to the northwest corner of said Lot 121 and the northeast corner of said Lot 122, and being in the southerly right of way line of an Alley 16 feet wide;

Thence with the southerly right of way line of said Alley 16 feet wide and the north line of said Lots 118, 119, 120, and 121, N 90° 00' 00" E, 174.75+/- feet to the northeast corner of said Lot 118 and the right of way intersection of the westerly right of way line of Ohio Avenue and the southerly line of said Alley 16 feet;

Thence with the westerly right of way line of Ohio Avenue and the east line of said Lot 118, S 00° 00' 00" E, 155.00+/-

feet to the TRUE POINT OF BEGINNING, containing 0.62+/- acre more or less.

The above description was prepared by Advanced Civil Design Inc. and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

Parcel Number: 010-028450  
1080 Bryden Road, Columbus Ohio 43205

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a fourteen-unit apartment building in accordance with the submitted site plan, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING SITE PLAN**," dated June 8, 2017, drawn by Above Grade, LLC and signed by David B. Perry, Agent for the Applicant, and 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 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 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.