



Legislation Text

File #: 1780-2017, **Version:** 1

Council Variance Application: CV17-042

APPLICANT: Weinland Park Development, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Single-unit dwellings.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 0.59± acre site is developed with a vacant building in the C-4, Commercial District. The applicant is seeking to redevelop the site with single-unit dwellings. The Weinland Park neighborhood is seeing substantial residential development with both new construction and remodeling of existing structures that have been made possible through Council variances (Ordinance #'s 0347-2010, 0345-2013, and 1372-2017). A Council variance is necessary because the C-4, Commercial District does not permit ground floor residential uses. Variances for vision clearance and setback lines are also included in this request. The site is within the boundaries of the University Planning Overlay and the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses for this location. The proposed development is compatible with the development pattern of the surrounding neighborhood and consistent with the land use recommendations of the *University District Plan*.

To grant a variance from the provisions of Sections 3356.03, C-4 permitted uses; 3321.05, Vision clearance; and 3356.11, C-4 District setback lines, of the Columbus City codes, for the property located **1397 NORTH GRANT AVENUE (43201)**, to permit single-unit dwellings with reduced development standards in the C-4, Commercial District (Council Variance # CV17-042).

WHEREAS, by application # CV17-042, the owner of property at **1397 NORTH GRANT AVENUE (43201)**, is requesting a Council variance to permit single-unit dwellings with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwellings only above certain commercial uses, while the applicant proposes to construct single-unit dwellings; and

WHEREAS, Section 3321.05, Vision clearance, requires clear vision triangles of 30 feet at the intersection of two streets, while the applicant proposes a clear vision triangle of 5 feet at the northwest corner of North Grant Avenue and East Eighth Avenue; and

WHEREAS, Section 3356.11, C-4 District setback lines, requires a building setback line of 25 feet along North Grant Avenue and East Eighth Avenue, while applicant proposes a building setback line of two feet; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal would permit single-unit dwellings that are compatible with the development pattern of the surrounding neighborhood and consistent

with the land use recommendations of the *University District Plan*; and

WHEREAS, a follow-up rezoning application will be filed at a later date to establish an appropriate base zoning district for the properties to be developed pursuant to this Council variance; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **1397 NORTH GRANT AVENUE (43201)**, in using said property as desired;

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

SECTION 1. That a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3321.05, Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City codes, is hereby granted for the property located at **1397 NORTH GRANT AVENUE (43201)**, insofar as said sections prohibit single-unit dwellings, with reduced vision clearance triangles from 30 feet to 5 feet, and reduced building setback lines from 25 feet to two feet along North Grant Avenue and East Eighth Avenue; said property being more particularly described as follows:

1397 NORTH GRANT AVENUE (43201) being 0.59± acres located at the northwest corner of North Grant Avenue and East Eighth Avenue, and being more particularly described as follows:

PARCEL I

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

Being Lot Numbers 27, 28 and 31 in Anna M. Erb and Joseph M. Erb's Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

And, Lots 316 and 317 in the New Indianola Addition to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's office, Franklin County, Ohio; also described lots 29 and 30 in Anna M. Erb and Joseph M. Erb's Subdivision as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-024601

Street Address: 1397 North Grant Avenue, Columbus, OH

PARCEL II

Situated in the City of Columbus, County of Franklin, State of Ohio, to-wit:

Being Lot Number 32 of Anna M. Erb and Joseph M. Erb's Subdivision of part of Lot Numbers 5 and 7 of Stevenson Heirs Subdivision of Quarter Township 4, Township 1, Range 18, United States Military Lands as the same is numbered and delineated upon the recorded plat thereof recorded in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-029887

Street Address: 1385 N Grant Avenue, Columbus, OH

PARCEL III

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

Being Lot 33 in Anna M. Erb and Joseph M. Erb's Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-016248

Street Address: 1379 N Grant Avenue, Columbus, OH

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with single-unit dwellings with minimum lot widths of 28 feet and minimum side yards of 3 feet except along East Eighth Avenue frontage (2 feet), or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance is further conditioned upon applicant filing and completing through action by Columbus City Council a rezoning application upon issuance of an approved Site Compliance Plan or Subdivision Plan for the last undeveloped area of the Grant Park Redevelopment, or six (6) years from the date of Columbus City Council passage of this ordinance, whichever occurs first.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.