



## Legislation Text

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**File #:** 3184-2017, **Version:** 1

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### **Council Variance Application: CV17-063**

**APPLICANT:** Gallas Zadeh Development, LLC; c/o Dave Perry, Agent; David Perry Company, Inc. 411 East Town Street, 1st Floor; Columbus, OH 43215; and 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.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The undeveloped site is comprised of multiple parcels zoned in the R-3, Residential District. The applicant is seeking to construct an eight-unit apartment building and a single-unit dwelling, for a total of nine dwelling units (Subarea A). The applicant is also seeking to construct a four-unit dwelling and a six-unit apartment building, for a total of ten dwelling units (Subarea B). A Council variance is necessary because the R-3 district allows only single-unit dwellings on individual lots. The applicant also requests variances to building height, landscaping and screening, parking spaces, vision clearance, building lines, maximum side yard, and private garage height. While the *Near East Area Plan* (2005) does not include a specific land use recommendation for this location, it does recommend that housing types and density should be consistent with the housing types and densities found in the surrounding area. The Plan also includes housing design guidelines. The proposal is consistent with the Plan's design guidelines and generally consistent with densities found in the surrounding area.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3309.14, Height districts; 3312.21 (D), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.21(D)(E), Building lines; 3332.25, Maximum side yards required; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1112 OAK STREET (43205)**, to permit a multi-unit residential development with reduced development standards in the R-3, Residential District (Council Variance # CV17-063).

**WHEREAS**, by application #CV17-063, the owner of the property at **1112 OAK STREET (43205)**, is requesting a Variance to permit a multi-unit residential development with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, permits only single-unit dwellings on individual lots, while the applicant proposes to construct an eight-unit apartment building and a single-unit dwelling, for a total of nine dwelling units in Subarea A, and to construct a four-unit dwelling and a six-unit apartment building, for a total of ten dwelling units in Subarea B; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes a multi-unit residential development with an approximate height of 38 feet; and

**WHEREAS**, Section 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be five feet high, while the applicant proposes three foot high parking lot screening; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 15 parking spaces in Subarea B, while the applicant proposes a total of 14 parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each of the perpendicular sides adjacent to a street intersection, while the applicant proposes a clear vision triangle measuring 10 feet at the intersection of South Ohio Avenue and Oak Street for both Subareas A and B; and

**WHEREAS**, Section 3332.21(D)(E), Building lines, requires buildings to have a minimum setbacks of 10 feet along South Ohio Avenue and Oak Street for Subarea A, and 15 feet along Oak Street for Subarea B, while the applicant proposes setbacks of 5± feet along both streets for both subareas; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 16 feet, while the applicant proposes a maximum side yard of approximately 10± feet in Subarea A and 12± feet in Subarea B; and

**WHEREAS**, Section 3332.38(G), Private garage, requires a detached garage to be a maximum height of 15 feet, while the applicant proposes to increase the height of the detached garages in both subareas to 20 feet; and

**WHEREAS**, this variance will permit a multi-unit residential development with reduced development standards in the R-3, Residential District; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow a multi-unit residential development is consistent with the housing types and densities found in the area and will not add an incompatible or intrusive use; 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 **1112 OAK STREET (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; 3309.14, Height districts; 3312.21(D), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.21(D)(E), Building lines; 3332.25, Maximum side yards required; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1112 OAK STREET (43205)**, insofar as said sections prohibit multi-unit residential development in the R-3, Residential district, with an increased building height from 35 feet to 38 feet, reduced landscaping screening height from 5 feet to 3 feet; a parking space reduction from 15 to 14 on Subarea B; a reduced clear vision triangle from 30 feet to 10 feet at the intersection of South Ohio Avenue and Oak Street; reduced building lines from 10 feet along South Ohio Avenue and Oak Street on Subarea A, and 15 feet along Oak Street on Subarea B, to 5± feet along both streets on both subareas; a reduction in the maximum

side yard from 16 feet to 10± feet in Subarea A and 12± feet in Subarea B; and an increased detached garage height from 15 feet to 20± feet; said property being more particularly described as follows:

**1112 OAK STREET (43205)**, being 0.68± acres located at the northeast and northwest corners of East Oak Street and South Ohio Avenue, and being more particularly described as follows:

**0.337± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots 236, 237, and 238 in the Hoffman and McGrew's Second Addition as recorded in Plat Book 2, Page 200 as conveyed to 1102 Oak, LLC in Instrument Number 201412050162221;

Commencing at the southeast corner of said Lot 235, being the intersection of the westerly right of way line of Ohio Avenue (60' R/W) and the northerly right of way line of Oak Street (50' R/W);

Thence crossing Ohio Avenue, **S 86° 44' 05" E, 60.00 feet±** to the southwest corner of said Lot 236 and being the intersection of the easterly right of way line of Ohio Avenue and the northerly right of way line of Oak Street, and being the **TRUE POINT OF BEGINNING** for the land here in described as follows;

Thence with the west line of said Lot 236 and the easterly right of way line of Ohio Avenue, **N 03° 45' 07" E, 131.00 feet±** to the northwest corner of said Lot 236 and being the intersection of the easterly right of way of Ohio Avenue and the southerly right of way line of an Alley 16 feet wide;

Thence with the north line of said Lots 236, 237, and 238 and the southerly right of way line of said Alley 16 feet wide, **S 86° 44' 05" E, 111.99 feet±** to the northeast corner of said Lot 238 and the northwest corner of Lot 239 as conveyed to Oakland Management Associates, L.L.C. in Instrument Number 201011300162209;

Thence with the east line of said Lot 238 and the west line of said Lot 239, **S 03° 45' 07" W, 131.00 feet±** to the southeast corner of said Lot 238 and the southwest corner of said Lot 239, and being in the northerly right of way line of Oak Street;

Thence with the south line of said Lots 238, 237, and 236 and the northerly right of way line of Oak Street, **N 86° 44' 05" W, 111.99 feet±** to the **TRUE POINT OF BEGINNING**, containing **0.337± acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on August, 2017 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office.

**0.338± ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot 232 and part of Lots 233, 234, and 235 in the Hoffman and McGrew's Second Addition as recorded in Plat Book 2, Page 200 as conveyed to 1102 Oak, LLC in Instrument Number 201412050162221;

Beginning at the southeast corner of said Lot 235, being the intersection of the westerly right of way line of Ohio Avenue (60' R/W) and the northerly right of way line of Oak Street (50' R/W) and being the **TRUE POINT OF BEGINNING** for the land here in described as follows;

Thence with the south line of said Lots 235, 234, 233, and 232 and the northerly right of way line of Oak Street, **N 86° 44' 05" W, 148.00 feet±** to the southwest corner of said Lot 232 and the southeast corner of Lot 231 as conveyed to Peggy Ann Bozman in Instrument Number 200003300061524;

Thence with the west line of said Lot 232 and the east line of said Lot 231, **N 03° 45' 07" E, 131.00 feet±** to the

northwest corner of said Lot 232, the northeast corner of said Lot 231, and being in the southerly right of way line of an Alley 16 feet wide;

Thence with the north line of said Lot 232 and the southerly right of way line of said Alley 16 feet wide, **S 86° 44' 05" E, 37.00 feet±** to the northeast corner of said Lot 232 and the northwest corner of said Lot 233, and being the northwest corner of a tract as conveyed to Edward B. Hobbs and Krista R. Sparks, for their joint lives, remainder to the survivor of them in Instrument Number 201408180107641;

Thence with the east line of said Lot 232 and the west line of said Lot 233, **S 03° 45' 07" W, 42.00 feet±** to the southwest corner of said Edward B. Hobbs and Krista R. Sparks property and being an angle point in the north line of said 1102 Oak LLC property;

Thence with the north line of said 1102 Oak LLC property and the south line of said Edward B. Hobbs and Krista R. Sparks property across said Lots 233, 234, and 235, **S 86° 44' 05" E, 111.00 feet±** to the east line of said Lot 235, the westerly right of way line of Ohio Avenue, being the northeast corner of said 1102 Oak LLC property and the southeast corner of said Edward B. Hobbs and Krista R. Sparks property;

Thence with the east line of said Lot 235 and the westerly right of way line of Ohio Avenue, **S 03° 45' 07" W, 89.00 feet±** to the **TRUE POINT OF BEGINNING**, containing **0.338± acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on August, 2017 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development as shown on 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 VARIANCE PLAN FOR 1112 OAK STREET**," dated November 10, 2017 and signed by Dave 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.