



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0367-2018, **Version:** 1

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### **Council Variance Application: CV17-057**

**APPLICANT:** Dino Y. Smith and Stacia E. Williams; 6288 Alissa Lane; Columbus, OH 43213.

**PROPOSED USE:** A five-unit apartment building.

**NORTH CENTRAL AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant six-unit apartment building zoned in the C-4, Commercial District. The requested Council variance will permit conversion of the building into a five-unit apartment building with the addition of two parking spaces. The site is located within the boundaries of the *North Central Plan* (2002), which recommends single-unit residential uses for this location. Deviation from the Plan recommendation is supported due to the existing multi-unit residential use of the property, its underlying commercial zoning designation, and its location on two primary corridors. The request also includes variances for reduced parking from eight required spaces to four spaces, and for existing reduced parking and building setbacks. Staff finds the proposal to be compatible with the surrounding commercial and residential uses. Additional support of this proposal stems from the applicant reducing the number of dwelling units and providing more parking spaces.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3312.27(4), Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3356.11, C-4 district setback line, of the Columbus City codes; for the property located at **2129 EAST FIFTH AVENUE (43219)**, to permit a five-unit apartment building with reduced development standards in the C-4, Commercial District (Council Variance # CV17-057).

**WHEREAS**, by application # CV17-057, the owner of property at **2129 EAST FIFTH AVENUE (43219)**, is requesting a Council variance to permit a five-unit apartment building with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4, Permitted uses, does not permit ground-floor residential uses, while the applicant proposes to permit conversion of an existing six-unit apartment building into a five-unit apartment building; and

**WHEREAS**, Section 3312.27(4), Parking setback line, requires a parking setback of 10 feet from the street right-of-way line, while the applicant proposes to maintain the reduced parking setbacks along East Fifth Avenue and Sunbury Road of 0 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, totaling 8 spaces for 5 units, along with 2 bicycle spaces, while the applicant proposes 4 parking spaces, and will maintain 0 bicycle spaces; and

**WHEREAS**, Section 3356.11, C-4 district setback line, requires a building setback line that equals one-half of the right-of-way as denoted on the Columbus Thoroughfare Plan, or 60 feet along East Fifth Avenue and 30 feet along Sunbury Road, while applicant proposes to maintain building lines of approximately 18 feet from Sunbury Road, and 19 feet from East Fifth Avenue; and

**WHEREAS**, a site plan depicting the proposed improvements is included in the attachment file for this ordinance, but is conceptual only; and

**WHEREAS**, the North Central Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal does not introduce incompatible land uses to the area, reduces existing density, and increases the provided off-street parking; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 **2129 EAST FIFTH AVENUE (43219)**, in using said property as desired; now, therefore:

**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; 3312.27(4), Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3356.11, C-4 district setback line, of the City of Columbus codes, is hereby granted for the property located at **2129 EAST FIFTH AVENUE (43219)**, insofar as said sections prohibit a five-unit apartment building in the C-4, Commercial District; a parking setback reduction from 10 feet to 0 feet along East Fifth Avenue and Sunbury Road; a reduction in the number of required parking and bicycle spaces from 8 to 4, and from 2 to 0, respectively; and building line reductions from 60 feet to 19± feet along East Fifth Avenue, and from 30 feet to 18± feet along Sunbury Road; said property being more particularly described as follows:

**2129 EAST FIFTH AVENUE (43219)**, being 0.19± acres located at the southwest corner of East Fifth Avenue and Sunbury Road, and being more particularly described as follows:

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

Being Lot Number Fifty Eight (58) of Shepard Heights Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, page 63, Recorder's Office, Franklin County, Ohio.

**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:**

Situated in the County of Franklin in the State of Ohio and in the City of Columbus, being part of Lot 58 of the "Shepard Heights" Addition of record in Plat Book 18, page 63 (record references to those of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows: Commencing at an iron pin at the northeasterly corner of said Lot 58, being at the intersection of the southerly right-of-way line of E. Fifth Avenue and the northwesterly right-of-way line of Sunbury Road; thence westerly along the northerly line of said Lot 58, being the southerly right-of-way line of E. Fifth Avenue, North 86° 40' 00" West, 113.43 feet to an iron pipe set at the "True Point of Beginning; thence southwesterly through said Lot 58, South 37° 29' 00" West 55.02 feet to an iron pipe set in the line common to Lots 58 & 59 of said Addition; thence northwesterly along said common line to Lots 58 & 59 North 51° 41' 10" West, 22.82 feet to the westerly corner common to said Lots 58 & 59, being in the southeasterly line of a 16 foot alley; thence northeasterly along the northwesterly line of said Lot 58, being the southeasterly line of said 16 foot ally, North 38° 14' 40" East, 39.57

feet to the northwesterly corner of said lot 58, being at the intersection of said line with the southerly right-of-way line of said E. Fifth Avenue; thence easterly along the northerly line of said Lot 58 being the southerly right-of-way line of said E. Fifth Avenue, South  $86^{\circ} 40' 00''$  East, 26.94 feet to the point of beginning, containing 1,065 square feet of land, more or less, as surveyed and described in May of 1992, by Carl E. Turner, Jr., registered surveyor, 6702. Bearings are referenced to that meridian used for the platted bearings of Fifth Avenue (i.e. South  $86^{\circ} 40'$  East-see Plat Book 18, page 63). AND FURTHERING EXCEPTING THE FOLLOWING DESCRIBED PREMISES: Situated in the City of Columbus, County of Franklin, and in the Section Quarter Township 3, Town IN, Range 17W and being part of Lot No. 58 of Shepard Heights Subdivision as shown in Plat Book 18, page 63, Recorder's Office, Franklin County, Ohio, and bounded and described as follows: Beginning for reference at an iron pin found on the original N/B corner of Lot 57 of Shepard Heights and at the N/W corner of a vacated 16' alley, said pin being 29.54 feet right of Sta. 15+90.41; thence S  $03^{\circ} 20' 00''$  W. 0.46 feet to the south right-of-way line of Fifth Avenue 30.00 feet right of Sta. 15+90.41; thence with said south right-of-way line S.  $86^{\circ} 40' 00''$  E. 130.87 feet to a point 30.00 feet right of Sta. 17+21.28; being the principal place of beginning for the tract herein described; thence continuing with said right-of-way line S.  $86^{\circ} 40' 00''$  E. 10.00 feet to the intersection with the west right-of-way line of Sunbury Road 30.00 right of Sta. 17+3128; thence with the right-of-way line of Sunbury Road S.  $38^{\circ} 19' 00''$  W. 10.00 feet to a point 38.19 feet right of Sta. 17+25.55; thence N.  $24^{\circ} 10' 30''$  W. 9.24 feet to the place of beginning containing 41 square feet or 0.0009 acres, more or less. This description was prepared for a survey conducted by Columbus Engineering Consultants, Inc. in December 1992, calculated and written by Richard D. Marang P .S. 5882. Being a net take of 0.0009 acres out of Auditor's Parcel No. 010-081813 which contains 8,132 square feet or 0.187 acres.

Parcel No: 010-081813

Address: 2129 Sunbury Road, Columbus, Ohio

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a five-unit apartment building, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the applicant dedicating the necessary amount of right-of-way at the southwest corner of East Fifth Avenue and Sunbury Road as approved by the Department of Public Service prior to the approval of the final site compliance plan.

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