



Legislation Text

File #: 1580-2018, **Version:** 1

Council Variance Application: CV18-009

APPLICANT: Midnight Blue, 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: Mixed-use development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with an office building, formerly the Foley Gallery, in the AR-O, Apartment Office District. The requested Council variance will permit an apartment hotel (a bed and breakfast), commercial office, three-unit carriage house, and six-unit apartment building. A variance is necessary because the AR-O, Apartment Office District allows an office, an apartment house containing five or more dwelling units, and a dwelling containing three or four units, but does not permit apartment hotel use or two residential buildings on one lot except as an apartment complex which is comprised of two apartment houses. In addition to the use variance, requested variances include landscaping and screening, parking setback, minimum number of parking spaces required, dumpster area, vision clearance, fronting on a public street, building lines, and rear yard. The site is located within the Eighteenth and Broad Historic District and is within the planning area of the *Near East Area Plan* (2005). While the Plan does not include a specific land use recommendation for this site, it does recommend a mix of office and residential uses. The Planning Division views the proposal as supportive of the goals of the Plan of preserving and enhancing the Broad Street Historic District.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.21 (D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(A)(1),(B)(1), Vision clearance; 3333.16, Fronting on a public street; 3333.18 (D), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **973 EAST BROAD STREET (43205)**, to permit an apartment hotel (a bed and breakfast), commercial office, three-unit carriage house, and six-unit apartment building with reduced development standards in the AR-O, Apartment Office District (Council Variance # CV18-009).

WHEREAS, by application # CV18-009, the owner of the property at **973 EAST BROAD STREET (43205)**, is requesting a Variance to permit an apartment hotel (a bed and breakfast), commercial office, three-unit carriage house, and six-unit apartment building with reduced development standards in the AR-O, Apartment Office District; and

WHEREAS, Section 3333.04, Permitted uses in AR-O apartment office district, allows an apartment house containing five or more dwelling units and a dwelling containing three or four units, but does not permit apartment hotel use or two residential buildings on one lot except as an apartment complex, while the applicant proposes to convert the existing building into an apartment hotel with six rooms and a 450 square foot commercial office, build a three-unit carriage house, and build a six-unit apartment building; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially-zoned property within a landscaped area at least four feet in width, while the applicant proposes to not provide parking lot screening and to not provide a four foot landscaped area along the west property line of the parking area; and

WHEREAS, Section 3312.27(3), Parking setback line, requires the parking setback line to be 18.5 feet, while the applicant proposes to reduce the parking setback line to 6 feet along Hoffman Avenue; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, 1 parking space per 400 square feet of apartment hotel, and 1 parking space per 450 square feet of office, for a total of 16 required parking spaces, while the applicant proposes to provide 11 parking spaces; and

WHEREAS, Section 3321.01, Dumpster area, requires that a dumpster shall be located in a designated area that does not interfere with any aisle, driveway, parking space, loading space or other circulation area, while the applicant proposes that the dumpster be located behind a parking space without an independent access or maneuvering area which is to be serviced by private refuse hauler; and

WHEREAS, Sections 3321.05(A)(1),(B)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a driveway and the street right-of-way and 10 feet at the intersection of a street and alley, while the applicant proposes to reduce the clear vision triangle at the intersection of the parking lot driveway and Hoffman Avenue to 6 feet on the north side and 8 feet on the south side, and to reduce the clear vision triangle at intersection of Hoffman Avenue and East Capital Street to 7 feet; and

WHEREAS, Section 3333.16, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the three-unit carriage house; and

WHEREAS, Section 3333.18(D), Building lines, requires a building line of no less than 18.5 feet along Hoffman Avenue, while the applicant proposes a reduced building line of 3 feet; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a reduced rear yard as shown on the Site Plan; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances would permit an apartment hotel and residential development in character and scale with the dwellings in the surrounding neighborhood. The proposed development is consistent with the *Near East Area Plan*'s recommendations for a mix of office and residential 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 **973 EAST BROAD STREET (43205)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3312.21(D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(A)(1),(B)(1), Vision clearance; 3333.16, Fronting on a public street; 3333.18(D), Building lines; and 3333.24, Rear yard, of the Columbus City codes; for the property located at **973 EAST BROAD STREET (43205)**, insofar as said sections prohibit an apartment hotel, a 450 square foot commercial office, a three-unit carriage house, and a six-unit apartment building on one lot in the AR-O Apartment Office District; with no parking lot screening or landscaped area; a parking setback reduction from 18.5 feet along Hoffman Avenue to 6 feet; a parking space reduction from 16 required spaces to 11 provided spaces; a dumpster located behind a parking space without an independent access or maneuvering area which is to be serviced by private refuse hauler; a reduced clear vision triangle at the intersection of the parking lot driveway and Hoffman Avenue to 6 feet on the north side and 8 feet on the south side; a reduced clear vision triangle at the intersection of Hoffman Avenue and East Capital Street from 10 feet to 7 feet; no frontage on a public street for the three-unit carriage house; a reduced building line from 18.5 feet to 3 feet along Hoffman Avenue; and a reduced rear yard as shown on the Site Plan; said property being more particularly described as follows:

973 EAST BROAD STREET (43205), being 0.26± acres located at the southwest corner of East Broad Street and Hoffman Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot Number Three (3) and twenty-nine and one-half feet off of the east side of Lot Number two (2) of Walden and Hoffman's Broad Oak Place Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 80, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-057235

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 4,062± square foot apartment hotel with a 450 square foot commercial office, a three-unit dwelling carriage house, and a six-unit apartment building, all on one lot as depicted on the attached site plan, or those uses permitted in the AR-O, Apartment Office District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**937 E. BROAD STREET**," dated May 21, 2018 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 Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance is further conditioned on the applicant or owner providing the code required trees per dwelling unit which equates to one tree for nine dwelling units. The location of the tree will be determined during site compliance review.

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