



Legislation Text

File #: 1873-2018, **Version:** 1

Council Variance Application: CV18-010

APPLICANT: Avenue Partners; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

MILO GROGAN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance No. 1872-2018; Z18-009) to the L-AR-2, Limited Apartment Residential District for a multi-unit residential development with a maximum of 192 dwelling units. Variances to reduce the minimum number of parking spaces required, vision clearance, building lines, and perimeter yard are included in this request. These reduced development standards are supportable because the proposed setbacks allow the buildings to be positioned closer to the street complementing the established development pattern of the area. Furthermore, the requested variances are reflective of recent residential infill development in urban neighborhoods.

To grant a Variance from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; 3321.05 (B)(2), Vision clearance; 3333.18(A), Building lines; and 3333.25, Perimeter yard, of the Columbus City Codes; for the property located at **819 CLEVELAND AVENUE (43201)**, to permit a multi-unit residential development with reduced development standards in the L-AR-2, Limited Apartment Residential District (Council Variance # CV18-010).

WHEREAS, by application # CV18-010, the owner of property at **819 CLEVELAND AVENUE (43201)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the L-AR-2, Limited Apartment Residential District; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 288 required parking spaces, while the applicant proposes 227 total parking spaces, a reduction of 61 required parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to reduce the vision clearance triangle at the intersection of Cleveland Avenue and Reynolds Avenue to a 10 foot right angle triangle; and

WHEREAS, Section 3333.18(A), Building lines, requires a building line of no less than 60 feet along Cleveland Avenue and 20 feet along Reynold Avenue, while the applicant proposes a reduced building line of 2 feet along Cleveland Avenue and 10 feet along Reynolds Avenue, as shown on the site plan; and

WHEREAS, Section 3333.25, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards between 15 feet and 0 feet, with encroachment of structures and pavement for parking and driving aisles, as shown on the site plan; and

WHEREAS, the Milo Grogan Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the variances are reflective of residential infill development in urban neighborhoods and will allow the development to have compatible setbacks to the established development pattern of the area; and

WHEREAS, this 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 **819 CLEVELAND AVENUE (43201)**, 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 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.18(A), Building lines; and 3333.25, Perimeter yard of the Columbus City Codes, is hereby granted for the property located at **819 CLEVELAND AVENUE (43201)**, insofar as said section prohibits a reduced number of parking spaces required from 288 spaces to 227 spaces; a reduction of the clear vision triangle at the intersection of Cleveland Avenue and Reynolds Avenue from 30 feet to 10 feet; reduced building lines from 60 feet to 2 feet along Cleveland Avenue and 20 feet to 10 feet along Reynolds Avenue; and a reduced perimeter yard from 25 feet to between 15 and 0 feet with encroachment from structure and pavement; said property being more particularly described as follows:

819 CLEVELAND AVENUE (43201), being 5.4± acres located at the southwest corner of Cleveland Avenue and Reynolds Avenue, and being more particularly described as follows:

ZONING DESCRIPTION

5.2+/- ACRES

Situated in the State of Ohio, Franklin County, City of Columbus, Section 4, Township 5, Range 22, Refugee Lands, being portions of a acreage and all of Lots 1-2, and 31-44 of Terrace View Addition as shown on Plat Book 4 page 250, as conveyed to EJB Inc. in Official Record 13837 page E10, Deed Book 3280 page P 18, Deed Book 3439 page 352, Instrument No. 201006240079199, Deed Book 3439 page 352, Deed Book 3159 page 580, Deed Book 3162 page 611, Deed Book 3152 page 526, Deed Book 3160 page 699, Deed Book 3155 page 146, Deed Book 3242 page 143, Deed Book 3300 page 588, Deed Book 3397 page 116, Deed Book 3380 page 188, Deed Book 3320 page 362, Deed Book 3463 page 460, and Deed Book 3397 page 114, and a portion of Grant Avenue and alleys as vacated by the City of Columbus in Ordinance 209-82 and Ordinance 472-79, and being more particularly described as follows:

Beginning in the west line of Cleveland Avenue (60') at the northeast corner of said Lot 2 and the southeast corner of a portion of Lot 3 conveyed to the City of Columbus by Official Record 1504 page I14;

Thence, with the west line of said Cleveland Avenue, South 03° 26' 40" West, 45.7 feet to the southeast corner said Lot 1 and the northeast corner of a 0.0018 acre tract conveyed to City of Columbus by Official Record 33564, Page I07;

Thence, with the north line of said 0.0018 acre tract, North 86° 41' 11" West, 5.0 feet to the northeast corner of said 0.0018 acre tract;

Thence, with the west line of said 0.0018 acre tract and the west line of a 0.130 acre tract conveyed to State of Ohio by Official Record 16816 page B20, South 03° 27' 11" West, 123.9 feet;

Thence, continuing with said 0.130 acre tract, South 45° 05' 24" West a distance of 45.1 feet to the northeast corner of a 1.882 acre tract conveyed to State of Ohio by Instrument No. 199707170049041;

Thence, with the north line of said 1.882 acre tract North 87° 44' 51" West, 696.6 feet;

Thence continuing with the north line of said 1.882 acre tract with a curve to the right having a radius of 528.39 feet, an internal angle of 46° 56' 27", an arc length of 432.9 feet and the cord which bears North 63° 41' 53" West, 420.89 feet to the southwest corner of a 2.694 acre tract (Tract 2) conveyed to MYFLORI by Instrument Nos. 201301030001502, 201301030001503, 201301030001504, 201301030001505, 201301030001506, 201301030001507;

Thence, with the south line of said 2.694 acre tract, South 86° 24' 24" East, 373.0 feet to the centerline of and at the Western terminus of said vacated alley;

Thence, with the centerline of said vacated alley, South 86° 41' 11" East, 91.3 feet;

Thence, with the east line of said Lot 45 and its extension, North 03° 27' 11" East, 120.6 feet to the northwest corner of said Lot 45, the northeast corner of said Lot 44, and being in the south line of Reynolds Avenue (50');

Thence, with the south line of said Reynolds Avenue, South 86° 48' 38" East, 520.0 feet to a railroad spike set at the northeast corner of said Lot 30 and the northwest corner of a 15 foot alley;

Thence, with the east line of said Lot 30, South 03° 27' 11" West, 90.9 feet;

Thence, with the north line of said vacated alley, South 86° 41' 11" East, 15.0 feet;

Thence, with the east line of said 15 foot alley, North 03° 27' 11" East, 22.5 feet to the southwest corner of said Lot 3;

Thence, with the south line of said Lot 3 and the north line of said lot 2, South 86° 48' 38" East, 120.0 feet to the POINT OF BEGINNING, containing 5.2 acres more or less, and encompassing all of Parcel Nos. 010-000752, 010-014537, and 010-030456.

This description is based on Franklin County records and is intended for zoning purposes only and is not to be used for transfer of property.

ZONING DESCRIPTION

0.2 +/- ACRES

Situated in the State of Ohio, Franklin County, City of Columbus, Section 4, Township 5, Range 22 Refugee Lands, being part of Lot 3 of Terrace View Addition as shown on Plat Book 4 page 250 conveyed to EJB, Incorporated by Deed Book 3186 page 569 and all of Lots 4 and 5 of said subdivision conveyed to EJB, Incorporated by Official Record 1331 page D17, and being more particularly described as follows:

Beginning at the intersection of the west line of Cleveland Avenue (60') and the south line of Reynolds Avenue (50'), being at the northeast corner of Lot 5 of said Terrace View Addition;

Thence, with the west line of said Cleveland Avenue, South 03° 27' 11" West, 60.4 feet to the northeast corner of an 8 feet

strip of the south side of Lot 3 of said Terrace View Addition conveyed to the City of Columbus by Official Record 1504 page I14;

Thence, along the north line of said 8 feet strip through Lot 3, North 86° 48' 38" West a distance of 120.0 feet to the east line of a 15 foot alley;

Thence, with the east line of said 15 foot alley, North 03° 27' 11" East, 60.4 feet to the northwest corner of said Lot 5, and being in the south line of said Reynolds Avenue;

Thence, with the south line of said Reynolds Ave. and the north line of said Lot 5, South 86° 48' 38" East, 120.0 feet to the **POINT OF BEGINNING**, containing 0.2 acres more or less, and encompassing all of Parcel Nos. 010-009716, 010-014476, and 010-014477.

This description is based on Franklin County records and is intended for zoning purposes only and is not to be used for transfer of property.

Parcel Numbers: 010-000752, 010-014537, 010-030456, 010-009716, 010-014476, and 010-014477

Property Address: 819 Cleveland Avenue, Columbus, OH 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-AR-2, Limited Apartment Residential District, specified by Ordinance No. 1872-2018; Z18-009.

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**" drawn by E.P. Ferris & Associates, Inc., dated June 20, 2018, 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 plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

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 shall take effect and be in force from and after the earliest period allowed by law.