



Legislation Text

File #: 2072-2018, **Version:** 1

Council Variance Application: CV18-031

APPLICANT: The Wood Companies; c/o Michael T. Shannon and Eric Zartman, Attys.; 8000 Walton Parkway, Suite 260; Columbus, OH 43054.

PROPOSED USE: Multi-unit residential development.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three undeveloped parcels zoned in the C-4, Commercial District. The applicant previously received approval of a Council variance (Ordinance #1354-2014; CV14-005) to allow a 72-foot tall apartment building with a total of 42 dwelling units. This new request will allow for an increase in both building height to 81 feet and total number of dwelling units to 65. Variances to reduce the clear vision triangle and building setback line remain the same. The site is within the boundaries of the Short North Special Parking Area and will need to follow the necessary process for any parking deficiencies. There is no Council adopted plan for this area, but the increase in height and density are supportable because they are consistent with the surrounding development pattern along the North High Street corridor. The reduced development standards are also supportable because they allow for compatible design and placement of the building consistent with the urban character of the neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14, Height districts; 3321.05(B) (1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **33 EAST HUBBARD AVENUE (43201)**, to permit a 65-unit apartment building with reduced development standards in the C-4, Commercial District, and to repeal Ordinance #1354-2014, passed on June 23, 2014 (Council Variance # CV18-031).

WHEREAS, by application #CV18-031, the owner of the property at **33 EAST HUBBARD AVENUE (43201)**, is requesting a Variance to permit a 65-unit apartment building with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes a 65-unit apartment building with accessory residential uses on the first floor; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes a multi-story building not to exceed a height of 81 feet; and

WHEREAS, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles to be 10 feet on each of the perpendicular sides of a triangle at the southeast corner of East Hubbard Avenue and North Pearl Street, while the applicant proposes 0 foot building setbacks on East Hubbard Avenue and North Pearl Street, and therefore no clear vision triangle will be provided; and

WHEREAS, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 25 feet from the street

right-of-way, while the applicant proposes a 0 foot setback along East Hubbard Avenue; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed Council variance will allow for a 65-unit apartment building whose height and density is consistent with the existing development pattern along the North High Street corridor and with reduced development standards that will allow for similar design and building placement to rest of the surrounding urban neighborhood; 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 **33 EAST HUBBARD 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 is hereby granted from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14, Height districts; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **33 EAST HUBBARD AVENUE (43201)**, insofar as said sections prohibit a 65-unit apartment building in the C-4, Commercial District, with an increased building height of 81 feet; encroachment of the building into the clear vision triangle at the southeast corner of East Hubbard Avenue and North Pearl Street; and a zero foot building setback along East Hubbard Avenue; said property being more particularly described as follows:

33 EAST HUBBARD AVENUE (43201), being 0.27± acres located at the southeast corner of East Hubbard Avenue and North Pearl Street, and being more particularly described as follows:

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

Being the West one-half (1/2) of Lot Number Fifty-five (55) in WILLIAM A. GILL'S THIRD NORTH ADDITION, or subdivision of land, in said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 303, Recorder's Office, Franklin County, Ohio.

AS TO PROPERTY D (33 E HUBBARD AVENUE, COLUMBUS, OH 43215):

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

Being the East one-half (1/2) of Lot Number Fifty-five (55) in WILLIAM A. GILL'S THIRD NORTH ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 303, Recorder's Office, Franklin County, Ohio.

AS TO PROPERTY E (39 E HUBBARD AVENUE, COLUMBUS, OH 43215):

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

Being the West one-half (1/2) of Lot Number Fifty-six (56) in WILLIAM A. GILL'S THIRD NORTH ADDITION, to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 389, Recorder's Office, Franklin County, Ohio.

Known as Address: 33 East Hubbard Street, Columbus, OH 43201
Parcel Numbers: 010-010941, 010-029476 and 010-023191.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 65-unit apartment building, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**," dated June 22, 2018, and signed by Eric Zartman, 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 is further conditioned on the applicant combining tax parcels 010-029476, 010-023191 and 010-010941 into one parcel prior to site compliance review.

SECTION 6. That this ordinance is further conditioned on the following: The Developer will finalize agreements with the City of Columbus and the Italian Village Society, including any required easements, prior to final site compliance approval being granted for this project.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 8. That Ordinance #1354-2014, passed on June 23, 2014, be and is hereby repealed.