



City of Columbus

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90 West Broad Street
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Legislation Text

File #: 2100-2018, **Version:** 2

Council Variance Application: CV17-076

APPLICANT: 1199 Franklin Investments, LLC, et al.; 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 with off-site parking lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of four parcels that are developed with a vacant, mixed-use building and a parking lot/storage yard in the R-3, Residential District. In Subarea A, the applicant is seeking to convert the existing building into a mixed-use development consisting of up to 7,550 square feet of commercial space, 800 square feet of patio space, up to 15 dwelling units, and a parking garage. In Subarea B, the applicant is seeking to develop the site with an accessory parking lot for the mixed-use development in Subarea A. Variances to increase the lot coverage and to reduce the driveway width, landscaping and screening requirements, maneuvering, parking setback line, parking space size, number of required parking spaces (from 130 to 49), vision clearance, building lines, maximum and minimum side yard, and rear yard are included in this request. While the *Near East Area Plan* (2005) does not include a specific land use recommendation for this location, it does provide guidance on the development of new commercial (non-residential) uses within residential areas. Planning Staff has determined that the proposed uses and parking reduction are consistent with the Plan's recommendations, as the project will provide restoration and reuse of an historic building which has been used for commercial uses in the past, and the proposed parking reduction supports reuse of the historic building. The parking reduction is also supported by the Division of Traffic Management.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.13, Driveway; 3312.21(A) (2)(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27(3), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3321.07(B), Landscaping; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1199 FRANKLIN AVENUE (43205)** to permit a mixed-use development and an off-site parking lot with reduced development standards in the R-3, Residential District (Council Variance # CV17-076).

WHEREAS, by application # CV17-076, the owner of the property at **1199 FRANKLIN AVENUE (43205)**, is requesting a Variance to permit a mixed-use development and an off-site parking lot with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a mixed-use building comprised of 7,550± square feet of commercial space, 800± square feet of patio space, up to 15 dwelling units, and garage parking on Subarea A, and an accessory parking lot to serve

Subarea A on Subarea B; and

WHEREAS, Section 3312.13, Driveway, requires a driveway width of 20 feet, while the applicant proposes a driveway width of 12 feet on the south and west sides of the building on Subarea A; and

WHEREAS, Section 3312.21(A)(2)(B)(3), Landscaping and screening, requires that interior parking lot trees shall be planted in landscaped islands or peninsulas containing a minimum soil area of 145 square feet with a minimum radius of 4 feet per tree, and that screening be provided for parking lots located within 80 feet of residentially zoned property within a landscaped area at least 4 feet in width, while the applicant proposes to reduce the minimum soil area to 70 square feet with a radius of 3 feet in the landscaping island on the north side of the dumpsters, and to not provide perimeter screening other than with the islands and the Sherman Avenue parking setback landscaping on Subarea B, as shown on the Site Plan; and

WHEREAS, Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree parking spaces to be a minimum of 20 feet, while the applicant proposes a maneuvering area of 17.5 feet on Subarea A; and

WHEREAS, Section 3312.27(3), Parking setback line, requires the minimum parking setback line to be ten feet, while the applicant proposes to maintain a parking setback line of four feet along Sherman Avenue on Subarea B; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a rectangular area not less than 9 by 18 feet, while the applicant proposes a reduced width of 8 feet for the 5 enclosed parking spaces on Subarea A, as shown on the site plan; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment, 1 parking space per 150 square feet of patio space, and 1.5 parking spaces per dwelling unit, for a total of 130 parking spaces, while the applicant proposes to provide 15 spaces for Subarea A, subject to providing an off-site parking lot (Subarea B) with 34 spaces; and

WHEREAS, Section 3321.05(B)(1)(2), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a street and alley, and 30 feet at the intersection of two streets, while the applicant proposes on Subarea A to reduce the clear vision triangle at the intersection of the Sherman Avenue and Chapel Street to 0 feet, and the clear vision triangle at the intersection of Franklin Avenue and Sherman Avenue to 3 feet; and

WHEREAS, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 2 trees for 15 units on Subarea A, while the applicant proposes zero trees; and

WHEREAS, Section 3332.18(D), Basis of computing area, requires that the a residential building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes 90 percent lot coverage on Subarea A; and

WHEREAS, Section 3332.21, Building lines, requires a minimum building setback line of ten feet from Franklin Avenue and Sherman Avenue, while the applicant proposes to maintain the building setback line of approximately nine feet along Franklin Avenue and zero feet along Sherman Avenue for the existing building on Subarea A; 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, a maximum requirement of 16 feet, while the applicant proposes to maintain a maximum side yard of zero feet on Subarea A; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes no side yards on Subarea A and a minimum side yard of 3± feet from the north property line on Subarea B; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall

be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard on Subarea A; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance to allow a mixed-use development would restore an existing contributing structure which has been vacant for several years and will not add an incompatible use at this location; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **1199 FRANKLIN AVENUE (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; 3312.13, Driveway; 3312.21(A)(2)(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27(3), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3321.07(B), Landscaping; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1199 FRANKLIN AVENUE (43205)**, insofar as said sections prohibit a mixed-use building and accessory parking lot in the R-3, Residential District, with a reduced driveway width from 20 feet to 12 feet on Subarea A; reduced minimum soil area from 145 square feet to 70 square feet and reduced soil radius from four feet to three feet for the landscaping island on the north side of the dumpsters on Subarea B; no perimeter screening of the Subarea B parking except as shown on the site plan; reduced maneuvering area for parking spaces from 20 to 17.5 feet on Subarea A; a parking setback reduction from ten feet to four feet on Subarea B; reduced parking space width from 9 to 8 feet for five required parking spaces on Subarea A; a parking space reduction from 130 required parking spaces to 15 provided spaces on Subarea A, with 34 parking spaces being provided on Subarea B; a reduced clear vision triangle at the intersection of Sherman Avenue and Chapel Street from 10 feet to zero feet and a reduced clear vision triangle at the intersection of Franklin Avenue and Sherman Avenue from 30 feet to 3 feet on Subarea A; a reduction in shade trees planted on Subarea A from two to zero; increased lot coverage from 50 percent to 90 percent on Subarea A; a reduced building line from 10 feet to 9± feet along Franklin Avenue and 0 feet along Sherman Avenue on Subarea A; a reduction in maximum side yard from 16 feet to zero feet on Subarea A; reductions in the minimum side yard from 5 feet to zero feet on Subarea A, and to 3± feet along the north property line on Subarea B; and a reduction in rear yard from 25 percent to no rear yard provided on Subarea A; said property being more particularly described as follows:

1199 FRANKLIN AVENUE (43205), being 0.7± acres located on the northwest and southeast corners of Sherman Avenue and Gustavus Lane, and being more particularly described as follows:

Subarea A

Description of 0.373 acre tract of land
South of Franklin Avenue
West of Wilson Avenue
East of Champion Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, being lots 69-72 of Stewart & Jones Subdivision as recorded in Plat Book 2, Page 192, and being the tract of land conveyed to 1199 Franklin Investments, LLC as recorded in Instrument Number 201702270026984 (all references refer to records in the Franklin, County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at the intersection of the southerly right of way of Franklin Avenue (50' R/W) and the westerly right of way of Sherman Avenue (50' R/W) also being the northeasterly corner of lot 72 of said Stewart & Jones Subdivision being the Point of Beginning;

Thence South 3°41'59" West a distance of 125.00 feet, along the westerly right of way of said Sherman Avenue, to a point on the northerly line of a fifteen (15') alley and the southeasterly corner of said lot 72;

Thence North 86°47'23" West a distance of 130.00 feet, along the southerly line of said lots 69-72 and the northerly line of said alley, to a point at the southwesterly corner of said lot 69 and easterly line of a fourteen (14') alley;

Thence North 3°41'59" East a distance of 125.00 feet, along the westerly line of said lot 69 and easterly line of said fourteen (14') alley to a point on the southerly right of way of said Franklin Avenue and northwesterly corner of said lot 69;

Thence South 86°47'23" East a distance of 130.00 feet, along the southerly right of way of said Franklin Avenue and northerly lines of said lots 69-72, to the Point of beginning containing 0.373 acres more or less according to deeds and recorded plats of record compiled by Hockaden and Associates, Inc. in October of 2017.

Bearings are assumed.

Subarea B

Description of 0.322 acre tract of land
South of Franklin Avenue
West of Wilson Avenue
East of Champion Avenue

Situated in the State of Ohio, County of Franklin, City of Columbus, being lots 85-87 and formerly 20' alley of Stewart & Jones Subdivision as recorded in Plat Book 2, Page 192, and being the tract of land conveyed to 228 Sherman Investments, LLC as recorded in Instrument Number 201702270026985 and 201806180080549 (all references refer to records in the Franklin, County Recorder's Office, Ohio) and being more fully described as follows:

Beginning at the intersection of the southerly right of way of 15' alley (15' R/W) and the easterly right of way of Sherman Avenue (50' R/W) also being the northwesterly corner of lot 87 of said Stewart & Jones Subdivision being the Point of Beginning;

Thence South 86°47'23" East a distance of 156.00 feet, along the southerly right of way of said 15' alley, to a point on the easterly line of a formerly twenty (20') alley and the northwesterly corner of lot 82;

Thence South 3°41'59" West a distance of 90.00 feet, along the westerly line of lots 82-84 and the easterly line of formerly said (20') alley, to a point at the southwesterly corner of said lot 84;

Thence North 86°47'23" West a distance of 156.00 feet, along the southerly line of said lot 85 to a point on the easterly right of way of said Sherman Avenue and southwesterly corner of said lot 85;

Thence North 3°41'59" East a distance of 90.00 feet, along the easterly right of way of said Sherman Avenue and westerly lines of said lots 85-87, to the Point of beginning containing 0.322 acres more or less according to an actual field survey made by Hockaden and Associates, Inc. in October of 2017.

Bearings are assumed.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development consisting of up to 7,550 square feet of commercial space, up to 800 square feet of patio space, up to 15 dwelling units, and an accessory parking lot, 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 "**AVERY BUILDING RENOVATION**," dated July 6, 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 shall take effect and be in force from and after the earliest period allowed by law.