



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 2507-2018, Version: 1

Council Variance Application: CV18-042

APPLICANT: Buckeye Real Estate; 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: Mixed-residential development.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of five parcels developed with three two-unit dwellings and two four-unit dwellings in the AR-4, Apartment Residential District. The applicant is proposing to combine the five parcels into one parcel, retaining the three two-unit dwellings, converting the two four-unit dwellings into three-unit dwellings, and constructing one eight-unit apartment building along the south side of the property for a total of 20 dwelling units on one lot. A Council variance is necessary because the AR-4 district does not allow two-unit dwellings on a lot that was not separately owned and of record on January 14, 1959. Variances to parking requirements, lot coverage, parking lot area, building separation and size, maximum floor area ratio (FAR), fronting, and perimeter yard are included in this request. The site is within the boundaries of the *University District Plan* (2015), which recommends “higher-intensity residential” land uses at this location. The site is also within the boundaries of the University Impact District Review Board. While providing a higher maximum floor area ratio (FAR) than permitted at 0.87, the request preserves and enhances the unique design characteristics of the existing residences along East Eleventh Avenue, and is consistent with development pattern along this corridor.

To grant a Variance from the provisions of Sections 3333.035, AR-4 apartment residential district use; 3325.705, Supplemental Parking Requirements; 3325.905(A), Maximum Lot Coverage; 3325.907(A)(B), Parking; 3325.911(C), Building Separation and Size; 3325.913, Maximum Floor Area Ratio (FAR); 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **99 EAST ELEVENTH AVENUE (43201)**, to permit mixed-residential development with reduced development standards in the AR-4, Apartment Residential District (Council Variance # CV18-042).

WHEREAS, by application # CV18-042, the owner of the property at **99 EAST ELEVENTH AVENUE (43201)**, is requesting a Variance to permit three two-unit dwellings, two three-unit dwellings, and one eight-unit apartment building for a total of 20 dwelling units on one lot with reduced development standards in the AR-4, Apartment Residential District; and

WHEREAS, Section 3333.035, AR-4 apartment residential district use, prohibits two-unit dwellings on a lot that was not separately owned and of record on January 14, 1959, while the applicant proposes to retain three two-unit dwellings on a lot that will also be developed with two three-unit dwellings and an eight-unit apartment building (20 dwelling units total); and

WHEREAS, Section 3325.705, Supplemental Parking Requirements, prohibits parking or maneuvering in any required

side yard or required landscaped area or between any building and any public street, while the applicant proposes to pave part of the west perimeter yard for a driveway and surface parking; and

WHEREAS, 3325.905(A), Maximum Lot Coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 30 percent of the lot area, while the applicant proposes an increased lot coverage of 39 percent; and

WHEREAS, Section 3325.907(A)(B), Parking, requires that no more than 35 percent of any lot area shall be devoted to the parking and maneuvering of vehicles, and requires 66 parking spaces for 20 dwelling units, while the applicant proposes 43 percent of the lot area to be used for parking and maneuvering of vehicles, and provides 44 parking spaces for 20 dwelling units; and

WHEREAS, Section 3325.911(C), Building Separation and Size, requires that no building shall exceed 10,200 square feet of calculated floor area, while the applicant proposes a building with calculated floor area of 11,640 square feet; and

WHEREAS, Section 3325.913, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.60 FAR, while the applicant proposes an increased FAR of 0.87; and

WHEREAS, Section 3333.16, Fronting, requires all residential buildings to front upon a public street, while the applicant proposes the eight-unit dwelling will front a public alley; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 17.5 feet, while the applicant proposes reduced perimeter yards of two feet for the existing dwelling and zero feet for the parking lot along the east property line; zero feet for driveways and ten feet for the new eight-unit apartment building on the south side of the site; and zero to three feet for the parking lot and the existing dwelling, respectively, on the west side of the site, as depicted on the Site Plan; and

WHEREAS, the University Area Commission recommends approval of the requested variances, noting that when their recommendation was made, the proposal was for 22 dwelling units; and

WHEREAS, the University Impact District Review Board recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance, while providing a higher maximum floor area ratio (FAR) than permitted, preserves and enhances the unique design characteristics of the existing residences along East Eleventh Avenue, and is consistent with the *University District Plan's* land use recommendation of higher-intensity residential 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 **99 EAST ELEVENTH 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 3333.035, AR-4 apartment residential district use; 3325.705, Supplemental Parking Requirements; 3325.905(A), Maximum Lot Coverage; 3325.907(A)(B), Parking; 3325.911(C), Building Separation and Size; 3325.913, Maximum Floor Area Ratio (FAR); 3333.16, Fronting; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **99 EAST ELEVENTH AVENUE (43201)**, insofar as said sections prohibit three two-unit dwellings as part of a mixed-residential development with a total of 20 units on one parcel in the AR-4, Apartment Residential District, with pavement in part of the west perimeter yard for a driveway and surface parking; increased maximum lot coverage from 30 percent to 39 percent; increased building size from 10,200 square feet to 11,640 square feet of calculated floor area; increased lot area for parking and maneuvering of vehicles from 35 percent to 43 percent; a parking space reduction from 66 spaces to 44 spaces; increased maximum floor area ratio (FAR) from 0.6 to 0.87; an eight-unit apartment building without frontage on a public street; and a reduced perimeter yard from 17.5 feet to two feet for the existing dwelling and zero feet for the parking lot along the east property line, zero feet for driveways and ten feet for the new eight-unit apartment building on the south side of the site, and zero to three feet for the parking lot and the existing dwelling, respectively, on the west side of the site; and said property being more particularly described as follows:

99 EAST ELEVENTH AVENUE (43201), being 0.70± acres located on the south side of East Eleventh Avenue, 200 feet west of Indianola 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 Numbers Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), of Amos and Palmers Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 50, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a total of 20 dwelling units with reduced development standards as shown on the submitted site plan, or those uses permitted in the AR-4, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**NEW APARTMENTS, 95-113 EAST ELEVENTH AVENUE**" dated July 30, 2018, and signed by signed by David B. Perry, Agent for applicant, and Donald Plank, Attorney for 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.