



Legislation Text

File #: 1026-2019, **Version:** 1

Council Variance Application: CV18-092

APPLICANT: National Church Residences; c/o Matthew Bierlein, Agent; 2335 North Bank Drive; Columbus, OH 43220.

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1025-2019; Z18-068) to the AR-2, Apartment Residential District. The applicant proposes the construction of an 88-unit senior housing apartment building. A variance to reduce the minimum number of parking spaces required from 132 to 77 spaces is included in the request. The parking reduction variance is supportable because the nature of the development reflects parking numbers that account for residents that will not have private vehicles. Additional variances for increased building height and reduced building lines and minimum side yards are included and are also supportable because they help position the building farther to the east away from adjacent single-unit dwellings, closer to East Livingston Avenue, allowing for parking to be located in the rear.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49(C), Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.23(D), Minimum side yard permitted; of the Columbus City Codes; for the property located at **3341 EAST LIVINGSTON AVENUE (43227)**, to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District (Council Variance #CV18-092).

WHEREAS, by application #CV18-092, the owner of property at **3341 EAST LIVINGSTON AVENUE (43227)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District; and

WHEREAS, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes an apartment building with an approximate height of 42 feet; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit or 132 spaces for 88 apartment units, while the applicant proposes 0.875 parking spaces per dwelling unit or 77 total spaces; and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of no less than 60 feet from East Livingston Avenue, while the applicant proposes a reduced building setback line of 25 feet along the frontage; and

WHEREAS, Section 3333.23(D), Minimum side yard permitted, requires the minimum side yard to be no less than one-sixth of the height of the building (7 feet), while the applicant proposes a reduced minimum side yard of 4 feet for the new apartment building along the east property line; and

WHEREAS, the City Departments recommend approval because senior housing apartment development is appropriate for the site and area. The requested variances are reflective of development for residents without private vehicles, and to position the building father to the east away from adjacent single-unit dwellings, closer to East Livingston Avenue, allowing for parking to be located in the rear; 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 **3341 EAST LIVINGSTON AVENUE (43227)**, 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 3309.14, Height districts; 3312.49(C), Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.23(D), Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **3341 EAST LIVINGSTON AVENUE (43227)**, insofar as said sections prohibit an increased building height from 35 feet to 42 feet; with a parking space reduction from 132 required spaces to 77 provided spaces; a reduced building setback line from 60 feet to 25 feet along East Livingston Avenue; and a reduced minimum side yard from 7 feet to 4 feet along the east property line; said property being more particularly described as follows:

3341 EAST LIVINGSTON AVENUE (43227), being 2.58± acres located on the south side of East Livingston Avenue, 192± feet east of Barnett Road, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio; being part of the northeast quarter of Section 19, Township 12, Range 21, Refugee Lands; also being that 2.634 acre tract as conveyed to Heritage Day Health Centers as described in Instrument No. 200202120040113, Tract 2; being more particularly described as follows:

Commencing at a 1" iron pipe found at the intersection of the extended southerly right-of-way line of Livingston Avenue (70' right-of-way) and the extended westerly right-of-way line of Barnett Road (60' right-of-way); thence,

Along the extended southerly right-of-way line and then the southerly right-of-way line of Livingston Avenue, North 85° 53' 35" West, for a distance of two hundred two and twenty one-hundredths feet (202.20') to a 1" iron pipe found, said point being the northwesterly corner of a 3.092 acre tract as conveyed to Heritage Day Health Centers as described in Instrument No. 200202120040113, Tract 1; said point also being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Along a portion of an easterly line of said 2.634 acre tract, also being along a portion of a westerly line of said 3.092 acre tract, South 02° 24' 09" East, for a distance of twenty-five and forty-one one-hundredths feet (25.41') to an iron pin set; thence,

Along a new division line, South 04° 22' 31" West, for a distance of four hundred nineteen and fifty-seven one-hundredths feet (419.57') to a point along a northerly line of said 3.092 acre tract, said point also being along the southerly line of said 2.634 acre tract; thence,

Along a portion of the northerly line of said 3.092 acre tract, also being along a portion of the southerly line of said 2.634 acre tract, North 85° 18' 02" West, for a distance of two hundred fifty-three and four one-hundredths feet (253.04') to a 1" iron pipe found, said point being a northwesterly corner of said 3.092 acre tract, said point also being the southwesterly corner of said 2.634 acre tract, said point also being along the easterly line of Lot No. 38 of Liv-Moor Heights as recorded in Plat Book 26 Page 49; thence,

Along the westerly line of said 2.634 acre tract, also being along a portion of the easterly line of said Lot No. 38 and then along the easterly line of Lot No. 37 of said Liv-Moor Heights and then along the easterly line of Lot No. 36 of said Liv-Moor Heights and then along the easterly line of a 0.436 acre tract as conveyed to Geo-Graphics, Inc. as described in Instrument No. 199911190289639, North 04° 23' 00" East, for a distance of four hundred forty-two and twenty-one one-hundredths feet (442.21') to a 1" iron pipe found, said point being the northwesterly corner of said 2.634 acre tract, said point also being the northeasterly corner of said 0.436 acre tract, said point also being along the southerly right-of-way line of Livingston Avenue; thence,

Along the northerly line of said 2.634 acre tract, also being along the southerly right-of-way line of Livingston Avenue, South 85° 53' 35" East, for a distance of two hundred forty-nine and ninety-eight one-hundredths feet (249.98') to the point of beginning containing 2.575 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in August, 2009.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the southerly right-of-way line of Livingston Avenue being North 85° 53' 35" West, as determined by a VRS-GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation and station "FRANK 44".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an 88-unit apartment building, or those uses permitted in the AR-2, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**PRELIMINARY SITE PLAN**," signed by Matthew Bierlein, Agent for the Applicant, dated April 9, 2019. The plans 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 adjustment to the plan shall be reviewed and may be approved 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 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.