



Legislation Text

File #: 1780-2019, **Version:** 1

Council Variance Application: CV19-037

APPLICANT: Sheu Property Holdings; 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 residential development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels that are developed with single-unit dwellings in the R-3, Residential District. The requested Council variance will permit the construction of a six-unit apartment building (Subarea A) and three attached single-unit dwellings (Subareas B, C and D). A Council variance is required because the proposed six unit apartment building is not a permitted use of the R-3 district. Variances for parking lot screening, maneuvering, minimum number of parking spaces required, lot width, area district requirements, lot coverage, building lines, side yards, and rear yard are included in this request. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain specific land use recommendations for this location, but it does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Furthermore, the Plan recommends that existing housing stock be preserved, avoiding demolitions. While the existing structures will be removed, Staff believes they are not sufficiently structurally sound to warrant preservation in this case. Additionally, although rear yards are preferred for residential sites, staff recognizes that there is a common open space area for the building and that maneuverability limitations restrict options to the rear.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.21 (D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3, area district requirements; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **329 LOEFFLER AVE. (43205)**, to permit mixed residential development with reduced development standards in the R-3, Residential District (Council Variance #CV19-037). **(REPEALED BY ORD. 1922-2023 PASSED 7/10/2023) BA**

WHEREAS, by application #CV19-037, the owner of the property at **329 LOEFFLER AVE. (43205)**, is requesting a Variance to permit mixed residential development 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 six-unit apartment building in Subarea A in conjunction with single-unit dwellings in Subareas B, C, and D; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening from residentially zoned property be 5 feet in height, while the applicant proposes reduced parking lot screening height to 3 feet, in Subarea A, as

shown on the submitted site plan; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot including aisles or circulation areas, while the applicant proposes 2 feet of maneuvering area for the parking spaces provided on Subareas B, C, and D; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for multi-unit residential development, while the applicant proposes to reduce required parking from 9 spaces to 7 spaces in Subarea A; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes reduced lots widths of 26 feet (Subarea A), 22 feet (Subareas B and C), and 31.5 feet (Subarea D), as shown on the submitted site plan; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes single-unit dwellings on lots that contain 1,161 square feet (Subareas B and C) and a lot that contains 1,631 square feet (Subarea D); and

WHEREAS, Section 3332.18(D), Basis of computing area, requires that a building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes increased lot coverage of 80 percent (Subarea B), 81 percent (Subarea C), and 59 percent (Subarea D); and

WHEREAS, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than 10 feet, while the applicant proposes a minimum building line of 9 feet from Loeffler Avenue in Subarea A, and 5 feet from Loeffler Avenue in Subareas B, C, and D; and

WHEREAS, Section 3332.25, Maximum side yard permitted, requires the sum of the widths of each side yard to equal 20 percent of the lot width, or 5.2 feet in Subarea A, and 4.4 feet in Subareas B and C, while the applicant proposes 5 feet of maximum side yard in Subarea A, and 0 feet of maximum side yards in Subareas B and C, as shown on the submitted site plan; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.84 feet for a building with a maximum height of 35 feet, while the applicant proposes minimum side yards of 0 feet on the north side of Subarea A, on both sides of Subareas B and C, and on the north side of Subarea D, as shown on the submitted site plan; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes reduced rear yards of 20 percent in Subarea A, and 3 percent in Subareas B, C, and D; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variance, while the *Near East Area Plan* discourages demolition of existing structure, Staff believes they are not structurally sufficient to warrant preservation, additionally the limitations of the site restrict maneuverability leading to the common space behind the building; 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 **329 LOEFFLER AVE. (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; 3312.21 (D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3, area district requirements; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **329 LOEFFLER AVE. (43205)**, insofar as said sections prohibit a six-unit apartment building in the R-3, Residential District (Subarea A); reduced parking lot screening height from 5 feet to 3 feet in Subarea A; reduced maneuvering area from 20 feet to 2 feet for parking spaces in Subareas B, C and D; a reduction from 9 required parking spaces to 7 spaces in Subarea A; reduced lot widths of 26 feet for Subarea A, 22 feet for Subareas B and C, and 31.5 feet for Subarea D; reduced lot area per dwelling unit from 5,000 square feet to 1,161 square feet for Subareas B and C, and 1,631 square feet for Subarea D; an increased maximum lot coverage from 50 percent to 80 percent (Subarea B), 81 percent (Subarea C), and 59 percent (Subarea D); reduced building line from 10 feet to 9 feet along Loeffler Avenue in Subarea A, and 5 feet along Loeffler Avenue in Subareas B, C and D; reduced maximum side yards from 5.2 feet to 5 feet in Subarea A, and from 4.4 feet to 0 feet in Subareas B and C; reduced minimum side yard from 5.84 feet to 0 feet on the north side of Subarea A, on both sides of Subareas B and C, and on the north side of Subarea D; and a reduction in rear yard from 25 percent to 20 percent (Subarea A), and 3 percent (Subareas B, C and D); said property being more particularly described as follows:

329 LOEFFLER AVE. (43205), being 0.28± acres located at the southwest corner of Loeffler Avenue and Carrie Avenue, and being more particularly described as follows:

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

Being Lots #43, 44 and 45 of JAMES NELSON'S ADDITION to the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 2, Page 322, Recorder's Office, Franklin County, OH, and said plat record having been destroyed by fire, a re-survey of the plat of said addition now being of record in Plat Book 4, Page 166 in said Recorder's Office, Franklin County, Ohio.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on April 11, 2019 and is based on existing records from Franklin County Auditor's and Recorder's Office.

Property Address: 329 Loeffler Ave., Columbus, OH 43205

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a six-unit apartment building on Subarea A, and three single-unit dwelling on Subarea B, Subarea C, and Subarea D, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan drawing titled, "**SITE DEVELOPMENT PLAN**," dated June 13, 2019, drawn by Gunzelman Architects + Interiors, 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 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 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.