



Legislation Text

File #: 2975-2019, **Version:** 1

Council Variance Application: CV19-079

APPLICANT: Homeport; 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: Multi-unit residential development.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2974-2019; Z19-056) to the AR-2, Apartment Residential District. The site is to be developed with a 45-unit apartment building previously permitted by a Council variance (Ordinance #3301-2018; CV18-085). This Council variance will accommodate reduced development standards associated with the newly-established AR-2, Apartment Residential District. Variances for reduced parking lot landscaping and screening, reduced parking from 68 spaces to 46 spaces, and reduced building setback line along Cleveland Avenue are included in this request. Staff recognizes that these variances allow the development to contribute to the traditional and established building pattern of this urban corridor.

To grant a Variance from the provisions of Sections 3312.21(A)(3);(B)(3), Landscaping and screening; 3312.49 Minimum numbers of parking spaces required; and 3333.18(D)(2), Building lines, of the Columbus City Codes; for the property located at **2959 CLEVELAND AVE. (43224)**, to permit an apartment building with reduced development standards in the AR-2, Apartment Residential District, and to repeal Ordinance #3301-2018, passed December 8, 2018 (Council Variance #CV19-079).

WHEREAS, by application #CV19-079, the owner of property at **2959 CLEVELAND AVE. (43224)**, is requesting a Council variance to permit an apartment building with reduced development standards in the AR-2, Apartment Residential District; and

WHEREAS, Section 3312.21(A)(3);(B)(3), Landscaping and screening, requires shade trees for interior landscaping to be contained in tree islands within the parking lot, and requires perimeter landscaping to be 5 feet in height for the purpose of screening residential property within 80 feet of a parking lot, while the applicant proposes no tree islands, but will place the required trees on the perimeter of the parking lot, and to provide screening at 3 feet in height; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 68 spaces total for 45 apartment units, while the applicant proposes 46 parking spaces; and

WHEREAS, Section 3333.18(D)(2), Building lines, requires a building setback line of 20 feet along Cleveland Avenue by aligning it with an adjacent building, while the applicant proposes a building line of 15 feet, net of 40 feet of right-of-way dedication from the centerline; and

WHEREAS, North Linden Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances as they conform the existing multi-unit residential development. Staff recognizes that the variances contribute to the traditional and established urban building pattern along East Second Avenue; 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 **324 E. 2ND AVE. (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 from the provisions of Sections 3312.21(A)(3);(B)(3), Landscaping and screening; 3312.49 Minimum numbers of parking spaces required; and 3333.18(D)(2), Building lines, of the Columbus City Codes, is hereby granted for the property located at **2959 CLEVELAND AVE. (43224)**, insofar as said sections prohibit parking lot shade trees to be placed on the perimeter of the parking lot instead of within the interior; reduced parking lot screening height from five feet to three feet; a reduction in the number of required parking spaces from 68 to 46; and a reduced building setback line from 20 feet to 15 feet along Cleveland Avenue; said property being more particularly described as follows:

2959 CLEVELAND AVE. (43224), being 1.03± acres located at the southwest corner of Cleveland Avenue and Eddystone Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Section 1, Township 1, Range 18 United States Military Lands, being all of Lots 22 and 23 of Eddystone Place Subdivision, recorded in Plat Book volume 21, page 12, as conveyed to John E. Fralick by the deeds filed as Instrument Number 201509300137580 and 201309200161175, respectively, being all of Lot 24 of the said Eddystone Place Subdivision as conveyed to Darcy Brownfield by the deed filed as Instrument Number 201612200175077, being part of a 0.6651 acre tract conveyed to New Salem Baptist Church by the deed filed as Instrument Number 201009130118420, being part of a 0.1650 acre tract conveyed to the said New Salem Baptist Church by the deed filed as Instrument Number 201009130118420, (all records referenced herein are to the records of Franklin County, Ohio, unless otherwise stated), and being more particularly described as follows.

BEGINNING at the intersection of the existing southerly right-of-way line of Eddystone Avenue (60' R/W - Public) and the existing westerly right-of-way line of Cleveland Avenue (R/W width varies) and being the northeast corner of the said Lot 22;

Thence along the easterly line of said Lots 22, 23 and 24, also being the existing westerly right-of-way line of said Cleveland Avenue, also crossing through the said 0.6651 acre and 0.1650 acre tracts and along the proposed westerly right-of-way line of the said Cleveland Avenue, South 03 degrees 42 minutes 59 seconds West for a distance of 318.26 feet to a point on the southerly line of the said 0.1650 acre tract and being on the northerly line of a 0.205 acre tract conveyed to Khalifah A. Ilmi and Zahrah Omar by the deed filed as Instrument Number 200508090160403;

Thence along the southerly line of the said 0.1650 acre tract and being the northerly line of the said 0.205 acre tract, North 86 degrees 13 minutes 55 seconds West for a distance of 102.33 feet to a point at an angle point in the common

line;

Thence continuing along the last said common line, North 86 degrees 13 minutes 01 seconds West for a distance of 58.06 feet to a point at the southwest corner of the said 0.6651 acre tract, the northwest corner of the said 0.205 acre tract and being on the easterly line of a 2.889 acre tract conveyed to City of Columbus (aka Kenlawn Park) by the deed filed as Deed Book volume 1810, page 224;

Thence along the westerly line of the said 0.6651 acre tract and along the easterly line of the said 2.889 acre tract the following three (3) courses:

1. North 03 degrees 40 minutes 41 seconds East for a distance of 15.80 feet to a point;
2. South 84 degrees 21 minutes 57 seconds East for a distance of 10.24 feet to a point;
3. North 03 degrees 47 minutes 53 seconds East for a distance of 160.60 feet to a point at a northwest corner of the said 0.6651 acre tract, the northeast corner of the said 2.889 acre tract and being the southwest corner of a 20 foot wide Alley as shown on the plat of said Eddystone Place Subdivision;

Thence along the northerly line of the said 0.6651 acre tract and along the southerly line of the said 20 foot Alley, South 86 degrees 32 minutes 18 seconds East for a distance of 19.98 feet to a point at the southeast corner of the said 20 foot Alley and being at the southwest corner of the said Lot 24;

Thence along the easterly right-of-way line of the said 20 foot Alley and along the westerly lines of the said Lots 22, 23, and 24, North 03 degrees 48 minutes 42 seconds East for a distance of 141.38 feet to a point at the intersection of the said easterly right-of-way line of 20 foot Alley and the said southerly right-of-way line of Eddystone Avenue and being the northwest corner of the said Lot 22;

Thence along said southerly right-of-way line of Eddystone Avenue and the northerly line of the said Lot 22, South 86 degrees 32 minutes 18 seconds East for a distance of 129.72 feet to the POINT OF BEGINNING for this description.

The above description contains a total of 1.033 acres, of which:

- 0.137 acres are located within Franklin County Auditor's parcel number 010-070877 (entire parcel)
- 0.125 acres are located within Franklin County Auditor's parcel number 010-070893 (entire parcel)
- 0.159 acres are located within Franklin County Auditor's parcel number 010-070895 (entire parcel)
- 0.485 acres are located within Franklin County Auditor's parcel number 010-076491
- 0.126 acres are located within Franklin County Auditor's parcel number 010-186401

Bearing described herein are based on South 03 degrees 42 minutes 59 seconds West for the centerline of Cleveland Avenue, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description is intended for zoning purposes only.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment building containing up to 46 units, 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, "**ZONING VARIANCE SITE PLAN**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated October 23, 2019. 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 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.

SECTION 6. That Ordinance #3301-2018, passed December 8, 2018, be and is hereby repealed.