



City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 3147-2019, **Version:** 1

Council Variance Application: CV19-098

APPLICANT: Franklinton Development Association; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

PROPOSED USE: Ten-unit apartment building with off-site parking lot.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and comprised of three parcels, one of which is zoned AR-1, Apartment Residential District, and the others zoned R-2F, Residential District. The requested Council variance will allow a ten-unit apartment building in the AR-1 district and an 11-space parking lot serving the apartment building in the R-2F district. A variance is necessary because the R-2F district does not permit the proposed parking lot. Variances for increased density, and reduced landscaping, vision clearance, setbacks, and side and rear yards, with a parking space reduction from 15 required spaces to 4 provided on-site spaces (with the 16-space off-site parking lot being used for the apartment building) are included in the request. The site is within the planning area of the *West Franklinton Plan* (2014), which recommends Neighborhood Mixed Use for the AR-1 parcel and "Medium-High Density Residential" for the R-2F parcels. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal is consistent with the land use and site design recommendations of these documents, and will not add an incompatible use at this location.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.21(A)(B)(D), Landscaping and screening; 3312.27(3), Parking setback line; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3333.18(D)(2), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **931-937 W. TOWN ST. (43222)**, to permit a mixed-use development and an off-site parking lot with reduced development standards in the R-3, Residential District (Council Variance #CV19-098). **(AMENDED BY ORD. 0032-2020; PASSED 1/13/2019)**

WHEREAS, by application #CV19-098, the owner of the property at **931-937 W. TOWN ST. (43222)**, 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 3332.037, R-2F, residential district, does not permit a parking lot as a principal use, while the applicant proposes an 11-space parking lot on a separate parcel from the apartment building proposed in the AR-1, Apartment Residential District portion of the site; and

WHEREAS, Section 3312.21(A)(B)(D), 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; 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; and that headlight screening be provided along public streets within a landscaped area at least 4 feet in width, while the applicant proposes no tree islands in the parking lot but will instead provide the two

required parking lot trees in the rear yard of the apartment building site; no perimeter screening on the east side of the parking lot for a distance of 30 feet due to an existing fence on the neighboring property, with a privacy fence screening the balance of the parking lot but not within a 4-foot wide landscaped area; and headlight screening within the right-of-way of Hawkes Avenue subject to the approval of the Department of Public Service; and

WHEREAS, Section 3312.27(3), Parking setback line, requires the minimum parking setback line to be 25 feet, while the applicant proposes a parking setback line of 0 feet along Hawkes Avenue; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, for a total of 15 parking spaces for the proposed 10-unit apartment building, while the applicant proposes to reduce required parking to 4 spaces on the apartment building site, noting that the 11-space private parking lot will be used exclusively for the apartment building; 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 encroachment into the clear vision triangle at the intersection of Hawkes Avenue and Walnut Street with a parking space, and encroachment into the clear vision triangle at the intersection of West Town Street and Hawkes Avenue with a portion of the proposed apartment building, as shown on the site plan; 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 8.2 feet, while the applicant proposes a maximum side yard of zero feet for the proposed parking lot; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes no side yards for the proposed parking lot; and

WHEREAS, Section 3333.18(D)(2), Building lines, requires a building setback line of 12 feet along West Town Street by aligning it with an adjacent building; and a building setback line of 25 feet along Hawkes Avenue, while the applicant proposes a building line of 0 feet after right-of-way dedication from the centerline along West Town Street, and 14 feet along Hawkes Avenue; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes reduced side yards of 3.37 feet for the apartment building and 2 feet for the dumpster along the east property line; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of 20 percent for the apartment building; and

WHEREAS, the Franklinton Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow an apartment development that is consistent with the land use and design recommendations of the *West Franklinton Plan* and C2P2 Design Guidelines, 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 **931-937 W. TOWN ST. (43222)**, 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 3333.18(D)(2), Building lines, of the Columbus City Codes; for the property located at **931-937 W. TOWN ST. (43222)**, insofar as said sections prohibit a private parking lot in the R-2F, Residential District; with no tree islands in the parking lot but will instead provide the two required parking lot trees in the rear yard of the apartment building site; no perimeter screening on the east side of the parking lot for a distance of 30 feet from Walnut Street due to an existing fence on the neighboring property, with a privacy fence screening the balance of the parking lot, but not within a 4-foot wide landscaped area; headlight screening within the right-of-way of Hawkes Avenue subject to the approval of the Department of Public Service; a reduced parking setback line from 25 feet to 0 feet along Hawkes Avenue; a parking space reduction from 15 spaces to 4 spaces on the apartment building site, noting that the 11-space private parking lot will be used exclusively for the apartment building; encroachment into the 10 feet by 10 feet clear vision triangle at the intersection of Hawkes Avenue and Walnut Street with a parking space; encroachment into the 30 feet by 30 feet clear vision triangle at the intersection of West Town Street and Hawkes Avenue with a portion of the proposed apartment building; a reduced maximum side yard from 8.2 feet to 0 feet for the proposed parking lot; no side yards for the proposed parking lot where 5 feet is required; reduced building lines from 12 feet to 0 feet after right-of-way dedication from the centerline along West Town Street, and from 25 feet to 14 feet along Hawkes Avenue for the apartment building; reduced side yards from 5 feet to 3.37 feet for the apartment building and 2 feet for the dumpster along the east property line; and a reduced side yard from 25 percent to 20 percent for the apartment building said property being more particularly described as follows:

931-937 W. TOWN ST. (43222), being 0.44± acres located at the southeast corner of West Town Street and Hawkes Avenue, and being more particularly described as follows:

PARCEL ONE

Situated in the state of Ohio, county of Franklin, city of Columbus, and being Lot Numbers 57, 58, and 59 in B.F. Martin Western Addition, as numbered, delineated, and recorded in Plat Book 2, Page 214, Recorder's Office, Franklin County, Ohio; however, excepting from Lot Numbers 57 and 58 the following described real property:

Beginning at the southeast corner of Lot Number 57, which point is also the north line of a twenty foot (20') alley;

Thence in a westerly direction and with the southerly lines of Lot Numbers 57 and 58, a distance of 46.28 feet to a point in the south line of Lot Number 58;

Thence northerly and parallel to the lot line between Lot Numbers 57 and 58, a distance of 32 feet to a point in Lot No 58;

Thence easterly direction and parallel with the southerly lines of Lot Numbers 57 and 58, a distance of 8.65 feet to a point in Lot No 57, which point is 2.4 east of the west line of Lot Number 57;

Thence in a northerly direction and parallel to the lot line between Lot Numbers 57 and 58, a distance of 140.57 feet to a point in the north line of Lot Number 57 and being the southerly line of Town Street, which point is 2.4 feet east of the northwest corner of Lot Number 57;

Thence easterly direction and with the north line of Lot Number 57, a distance of 37.6 feet to the northwest corner of Lot Number 57;

Thence southerly and with the easterly line of Lot Number 57, a distance of 172.57 feet to the Place of Beginning.

Parcel Number: 010-053450;

Address: 931-937 W. Town St., Columbus, OH 43222

PARCEL TWO

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

Being part of Lots Numbers Sixty (60) and Sixty-One (61) in B.F. MARTIN'S WESTERN ADDITION, Plat Book 2, Page 214, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows;

Beginning at an iron pin set in the Southwest corner of said Lot 60,

Thence Easterly and along the South lines of said Lots 60 and 61, 41.16 feet to an iron pin set in the South line of said Lot 61, and the North line of West Rich Street,

Thence Northerly parallel with the West line of said Lot 60, 99.55 feet to an iron pin,

Thence Westerly parallel with the South lines of said Lots 61 and 60, 41.16 feet to an iron pic set in the East line of Hawkes Avenue and the West line of said Lot 60,

Thence Southerly and along the East line of said Hawkes Avenue and the West line of said Lot 60, 99.55 feet to the place of beginning; subject however to all easements of record.

Parcel Number: 010-075462-00

Address: 936 West Rich Street, Columbus, Ohio 43222

PARCEL THREE

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

Being the North Half of Lot Number Sixty (60) and Ten (10) feet off the entire West side of Lot Number Sixty-One (61), in B.F. MARTIN'S WESTERN ADDITION, as the same is numbered and delineated upon the recorded plat thereof, excepting therefrom, 99.5 feet off the South end thereof, or record in Plat Book 2, page 216, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-020300-00

Address: 202-204 Hawkes Avenue, Columbus, Ohio 43222

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 and private parking lot, or those uses permitted in the R-2F, Residential and AR-1, Apartment Residential districts.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**TOWN SQUARE STATION HAWKES AVENUE**," the landscape plan titled "**TOWN SQUARE STATION LANDSCAPE PLAN**," and the elevation drawing titled, "**TOWN SQUARE STATION APARTMENT BUILDING**," all dated November 25, 2019 and signed by Laura MacGregor Comek, Attorney for the Applicant. 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 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.