



Legislation Text

File #: 1288-2020, **Version:** 1

Council Variance Application: CV19-124

APPLICANT: Weinland Park Development, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Joseph M. Reidy, Atty.; Weinland Park Development, LLC; 842 North 4th Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

UNIVERSITY 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 #1287-2020; Z19-091) to the AR-2, Apartment Residential District to allow a multi-unit residential development containing a maximum of 66 dwelling units. The request includes variances to increase parking coverage, building size, floor area ratio, and height, and to reduce building lines and perimeter yard requirements, and contains a commitment to a site plan. The proposed use is consistent with the *University District Plan's* (2015) land use recommendation for higher intensity residential land uses, and the requested variances are consistent with other nearby urban residential infill developments.

To grant a Variance from the provisions of Sections 3325.907(A), Parking; 3325.909(A), Building Lines; 3325.911(C), Building Separation and Size; 3325.913, Maximum Floor Area Ratio (FAR); 3325.915(A)(B), Height; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1372 N. GRANT AVE. (43201)**, to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District (Council Variance #CV19-124).

WHEREAS, by application #CV19-124, the owner of property at **1372 N. GRANT AVE. (43201)**, is requesting a Council variance to permit an apartment building with reduced development standards in the AR-2, Apartment Residential District; and

WHEREAS, Section 3325.907(A), Parking, requires that no more than thirty-five (35) percent of any lot area shall be devoted to the parking and maneuvering of vehicles while the applicant proposes 40 percent of the lot area to be used for parking and maneuvering of vehicles; and

WHEREAS, Section 3325.909(A), Building lines, requires a building lines of 25 feet along North Grant Avenue and 18 feet along East 5th Avenue, while the applicant proposes reduced building lines of 4 feet along North Grant Avenue and 10 feet along East 5th Avenue; 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 20,500 square feet and 28,000 square feet for the building fronting North Grant Avenue and East Fifth Avenue, respectively; 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 0.63; and

WHEREAS, Section 3325.915(A)(B), Height, limits building height to 35 feet in the University District Zoning Overlay, and requires certain height limits for the front principal cornice/eave of a building, while the applicant proposes a maximum building height of 45 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduction to 0 feet along Cromartie Lane to provide a sidewalk, to 1 foot for a dumpster box, and to 10 feet along the east perimeter yard for a dumpster and parking lot pavement; and

WHEREAS, University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances will permit the development of an urban residential infill project that is consistent with the *University District Plan's* land use recommendation for higher intensity residential land uses; 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 **1372 N. GRANT 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 3325.907(A), Parking; 3325.909(A), Building Lines; 3325.911(C), Building Separation and Size; 3325.913, Maximum Floor Area Ratio (FAR); 3325.915(A)(B), Height; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **1372 N. GRANT AVE. (43201)**, insofar as said sections prohibit an increased lot area for parking and maneuvering of vehicles from 35 percent to 40 percent; a reduced building line from 25 feet to 4 feet along North Grant Avenue and from 18 feet to 10 feet along East 5th Avenue; increased building size from 10,200 square feet to 20,500 square feet of calculated floor area for the building fronting North Grant Avenue and 28,000 square feet for the building fronting East Fifth Avenue; increased maximum floor area ratio (FAR) from 0.6 to 0.63; increased height from 35 feet to 45 feet; and a reduced perimeter yard from 25 feet to 0 feet for a proposed sidewalk along Cromartie Lane, to 1 foot for a dumpster, and to 10 feet along the east property line for a dumpster and parking lot pavement; said property being more particularly described as follows:

1372 N. GRANT AVE. (43201), being 1.47± acres located at the northeast corner of North Grant Avenue and East Fifth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Quarter Township 4, Township 1, Range 18, United States Military Lands, being part of a 7.814 acre tract conveyed to Weinland Park Development, LLC in Instrument Number 201704060046500, being part of Lot Numbers 1, 7, 8, 9, 10, 19, and 25 and all of Lot Numbers 2, 3, 4, 5, 6, 16, 17, 18, 26 of Amended Plat of Asa L. Parker's Subdivision as recorded Plat Book 3, Page 12, being part of the alleys vacated by City of Columbus Ordinance Numbers 870-62, 1230-65, 278-55, and being part of Parker Street as vacated in Ordinance Number 183-46, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING from a 5/8" rebar capped "E.P. FERRIS SURVEYOR 8230" found at the southeasterly corner of said 7.814 acre tract, being on the northerly line of East 5th Avenue (60') where it intersects with the easterly line of said vacated 10' alley as created in said Amended Plat of Asa L. Parker's Subdivision, also being on the westerly line of a tract conveyed to New York Central Lines LLC as described in Instrument Number 200212180325201, now known as CSX Transportation Inc., successor by merger of record in Instrument Number 200507210144733 and Instrument Number 200507210144, as described in Notice of Merger as described in Instrument Number 200711080194030 (as originally conveyed to Cleveland, Columbus and Cincinnati Rail Road Company as described in Deed Book 51, Page 185 and Deed Book 51, Page 96), said 5/8" rebar being the TRUE POINT OF BEGINNING:

Thence along the northerly line of said East 5th Avenue and the southerly lines of said vacated alley, Lot Numbers 4-6, said 7.814 acre tract, and said vacated Parker Street, North 86°38'21" West, 122.65 feet to an iron pin set;

Thence northerly, with the easterly line of Parker Street, and the westerly lines of a portion of said vacated Parker Street and said 7.814 acre tract, North 00°05'21" West, 8.00 feet to an iron pin set in the southeasterly corner of Parker Street as vacated by the City of Columbus in Ordinance No. 1230-65;

Thence along the southerly terminus of said vacated Parker Street and the southerly line of said 7.814 acre tract, North 86°38'21" West, 26.97 feet to an iron pin set in the southwesterly corner of said vacated Parker Street;

Thence along the westerly line of said Parker Street, and the easterly lines of the vacated portion of said Parker Street and said 7.814 acre tract, South 00°05'21" East, 8.00 feet to an iron pin set in the northerly line of said East 5th Avenue;

Thence along the northerly line of said East 5th Avenue, the southerly line of said vacated Parker Street, and the southerly lines of said Lots 1 through 3 of said Amended Asa L. Parker's Subdivision and said 7.814 acre tract, North 86°38'21" West, 89.22 feet to a drill hole found at the southeasterly corner of a 1.210 acre tract conveyed to City of Columbus, Ohio as described in Instrument Number 201006180075900, being the intersection of the northerly line of said East 5th Avenue and the easterly line of relocated Grant Avenue (Width Varies);

Thence across said Lot 1 along the easterly line of said relocated Grant Avenue and the easterly line of said 1.210 acre tract and along the westerly line of said 7.814 acre tract, along a curve to the right having a radius of 10.04 feet, a central angle of 88°19'10", an arc length of 15.48 feet, and a chord bearing and distance of North 42°26'29" West, 13.99 feet to a 5/8" rebar found capped "EMHT";

Thence continuing across said Lot 1, Lot 7, Lot 8, Lot 25, Lot 9, and Lot 10 of said Amended Asa L. Parker's Subdivision, and through a vacated alley, City of Columbus Ordinance No. 870-62, continuing along the easterly line of said relocated Grant Avenue and said 1.210 acre tract and the westerly line of said 7.814 acre tract, North 01°51'52" East, 260.33 feet to an iron pin set;

Thence across said Lot 10 and Lot 19 of said Amended Asa L. Parker's Subdivision and said vacated Parker Street, and said vacated alley, South 86°51'44" East, 226.75 feet to an iron pin set, being on the westerly line of said CSX Transportation tract;

Thence along the easterly line of said vacated alley and said 7.814 acre tract and the westerly line of said CSX Transportation tract, South 02°44'04" East, 272.41 feet to a 5/8" rebar found, said rebar being the POINT OF TRUE BEGINNING, containing 1.470 acres (64,051 S.F.), more or less.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

The bearings on this description are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (CORS96). The bearings originated from a field traverse which was tied to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station Network. The east

line of Grant Avenue having a bearings of North 03°13'00" East is designated the basis of bearings for this description.

All set iron pins are 5/8" rebar, plastic capped with "E.P. Ferris Surveyor 8342" inscribed on top.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on May 14, 2019.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development containing up to 66 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 SITE PLAN**," signed by David B. Perry, Agent for the Applicant, and Joseph M. Reidy, Attorney for the Applicant, dated May 14, 2020. 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.