



## Legislation Text

---

**File #:** 1370-2020, **Version:** 1

---

### **Council Variance Application: CV19-108**

**APPLICANT:** 48 Parkwood, LTD; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Michael Kelley, Atty.; 175 South Third Street, Suite 1020; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**NEAR EAST 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 request to the AR-2, Apartment Residential District (Ordinance #1369-2020; Z19-081) in order to redevelop the southern portion of the site with a new 27-unit apartment building while retaining and expanding the northern building for 9 apartment units. The requested Council variance will permit a multi-unit residential development containing up to 36 units with variances to increase building height, and to reduce the required number of parking spaces (from 54 to 20), building lines, and perimeter yard. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. The Plan does support the development of new housing that contributes to a walkable and diverse neighborhood, and also stresses the importance of preserving and renovating existing housing stock. Staff supports the variances as the proposal is preserving a contributing structure and does not add incompatible uses to the neighborhood. Additionally, the request is consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **40 N. PARKWOOD AVE. (43203)**, to permit a multi-unit residential development with reduced development standards in the AR-2, Apartment Residential District (Council Variance #CV19-108).

**WHEREAS**, by application #CV19-108, the owner of property at **40 N. PARKWOOD AVE. (43203)**, 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 a maximum building height of 35 feet at the setback line for this property, while the applicant proposes a maximum height of 37 feet for the proposed 27-unit apartment building; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 54 spaces total for 36 apartment units, while the applicant proposes 20 parking spaces; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of no less than 25 feet along N. Parkwood Ave., while the applicant proposes a reduced building line of 20 feet;

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 15.6 feet, while the applicant proposes reduced perimeter yards of 1-10 feet, as depicted on the Site Plan; and

**WHEREAS**, the Near East Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested variances are consistent with recent urban infill development projects that have been approved in this neighborhood; and

**WHEREAS**, said 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 roads, 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 **40 N. PARKWOOD AVE. (43203)**, in using said property as desired, now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That variances from the provisions of Sections 3309.14, Height districts; 3312.49, Minimum numbers of parking spaces required; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **40 N. PARKWOOD AVE. (43203)**, insofar as said sections prohibit an increased building height from 35 feet to 37 feet for the proposed 27-unit apartment building; a parking space reduction from 54 required to 20 provided spaces; reduced building line along N. Parkwood Ave. from 25 to 20 feet; and a reduced perimeter yard from 15.6 feet to 1-10 feet; said property being more particularly described as follows:

**40 N. PARKWOOD AVE. (43203)**, being 0.76± acres located on the east side of Parkwood Avenue, 200± feet south of East Long Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Franklin County Parcel numbers 010-014748 and 010-015683 as conveyed to 48 Parkwood LTD. by the instrument filed as Instrument Number 201910090134404, all of Franklin County Parcel numbers 010-036955 and 010-030737 as conveyed to 48 Parkwood LTD. by the instrument filed as Instrument Number 201910090134403, and all of a 15.5' wide public alley as conveyed to City of Columbus, Ohio by the instrument filed as Deed Book volume 591, page 314 (all deed references refer to the records of the Recorder's Office Franklin County Ohio) and described as follows:

BEGINNING at an iron pin found at the northwest corner of Lot 48 of Calender and Rockwell's Subdivision of record in Plat Book volume 4, page 115, also being the northwesterly corner of the said 48 Parkwood LTD. parcel and being the TRUE POINT OF BEGINNING of the parcel herein described.

Thence along the northerly line of the said 48 Parkwood LTD. parcel and along the southerly right-of-way line of Maplewood Alley (20' wide), South 86 degrees 03 minutes 25 seconds East for a distance of 203.40 feet to an iron pin found at the northeasterly corner of the said 48 Parkwood LTD. parcel and at the northwesterly corner of a parcel conveyed to Ouida O. Jackson by the instrument filed as Instrument Number 200901200007061;

Thence along the easterly line of the said 48 Parkwood LTD. parcel and along the westerly line of the said Jackson parcel, South 04 degrees 12 minutes 57 seconds West for a distance of 80.05 feet to an iron pin found at an interior corner of the said 48 Parkwood LTD. parcel, at the southwesterly corner of the said Jackson parcel, and on the northerly line of a parcel conveyed to On Broad LLC by the instrument filed as Instrument Number 201305020072721;

Thence along a southerly line of the said 48 Parkwood LTD. parcel and along the northerly line of the said On Broad LLC parcel, North 86 degrees 03 minutes 25 seconds West for a distance of 54.25 feet to a point at the northwesterly corner of the said On Broad LLC parcel and at the northeasterly corner of the said 15.5' wide alley;

Thence along the easterly line of the said 15.5' wide alley and along the westerly line of the said On Broad LLC parcel, South 04 degrees 12 minutes 57 seconds West for a distance of 97.19 feet to a point at the southeasterly corner of the said 15.5' wide alley, at the southwesterly corner of the said On Broad LLC parcel, and on the northerly right-of-way line of Eastwood Avenue (20' wide);

Thence along the said northerly right-of-way line, partially along the southerly line of the said On Broad LLC parcel, and partially along the southerly line of the said 48 Parkwood LTD. parcel, South 82 degrees 00 minutes 15 seconds West for a distance of 151.88 feet to an iron pin set at the southwesterly corner of the said 48 Parkwood LTD. parcel and on the easterly right-of-way line of Parkwood Avenue (60' wide), passing an iron pin set at 15.86 feet;

Thence along the westerly line of the said 48 Parkwood LTD. parcel and along the said easterly right-of-way line, North 04 degrees 01 minutes 15 seconds East for a distance of 208.66 feet, passing iron pins found at 93.30 feet and 132.64 feet, to the TRUE POINT OF BEGINNING, containing 0.759 acres, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a multi-unit residential development, or those uses permitted in the AR-2, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**40 N. PARKWOOD AVENUE**," dated June 2, 2020, and signed by David B. Perry, Agent for the Applicant and Michael Kelly, 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 adjustments to the plans shall be subject to review and approval 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 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.