



Legislation Text

File #: 1623-2020, **Version:** 1

Council Variance Application: CV19-069

APPLICANT: Franklinton Housing, LLC; c/o David B. Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Joseph M. Reidy, Atty.; 842 North Fourth Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Mixed residential development.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant received a recommendation of approval from the Development Commission on October 10, 2019, for a concurrent rezoning (Ordinance #1622-2020, Z19-050) to the R-3, Residential, ARLD, Apartment Residential, and AR-1 Apartment Residential districts, which will allow a variety of residential developments. These requested variances to yard, height, and setbacks are supportable and are consistent with recent similar infill residential developments. Approval of this request will permit a mix of residential development that is consistent with recent urban residential infill developments, and continues redevelopment of the former Mount Carmel Medical Center.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.14, Height districts; 3312.27, Parking setback line; 3321.05(B), Vision clearance; 3332.05(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.21(B), Building lines; 3332.38, Private garage; 3333.18(B) (D), Building lines; 3333.255, Perimeter yard; and 3333.35, Private garage, of the Columbus City Codes; for the property located at **35 S. HARTFORD AVE. (43222)**, to permit mixed residential development with reduced development standards in the R-3, Residential District, ARLD, Apartment Residential District, and AR-1, Apartment Residential District (Council Variance #CV19-069).

WHEREAS, by application #CV19-069, the owner of property at **35 S. HARTFORD AVE. (43222)**, is requesting a Council variance to permit mixed residential development with reduced development standards in the R-3, Residential District, ARLD, Apartment Residential District, and AR-1, Apartment Residential District respectively; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, permits a minimum of three 3 - or 4-unit dwellings as a multiple dwelling development on one lot, while the applicant proposes to construct 12 single-unit dwellings and one 4-unit dwelling on one lot in Subarea B, and nine single-unit dwellings and three 4-unit dwellings on one lot in Subarea C; and

WHEREAS, Sections 3309.14, Height districts, requires a maximum building height of 35 feet at the setback for this property, while the applicant proposes buildings with heights not to exceed 45 feet for the 4-unit dwellings in Subarea B and Subarea C; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 25 feet along South Hartford Avenue, while the applicant proposes a setback of 5 feet along South Hartford Avenue for the maneuvering area of the 4-unit dwelling in Subarea B, and setbacks of 5 feet and 3 feet along South Hartford Avenue for the maneuvering area of the

north and south 4-unit dwellings, respectively, in Subarea C; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30-foot clear vision triangle shall be maintained on corner lots bounded on two sides by the intersecting street lines, while the applicant proposes the following reduced clear vision triangles: 20 feet by 20 feet at the northwest corner of South Hartford Avenue and West State Street in Subarea B; 15 feet by 15 feet at the southwest corner of South Hartford Avenue and West State Street in Subarea C; and 16 feet by 16 feet at the northwest corner of South Hartford Avenue and West Town Street in Subarea C; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot of no less than 50 feet wide, while the applicant proposes two 29-foot wide lots in Subarea A; and

WHEREAS, Section 3332.13 R-3 area district requirements, requires a lot of 5,000 square feet for a single-unit dwelling, while the applicant proposes two single-unit dwelling lots with lot areas of 2,520 square feet each (pursuant to lot area calculation in 3332.18(C)); and

WHEREAS, 3332.21(B), Building lines, requires the building setback to be 25 feet from South Hartford Avenue, while the applicant proposes a building line of 10 feet in Subarea A; and

WHEREAS, Section 3332.38, Private garage, limits detached garage height to 15 feet, while the applicant proposes detached garage heights of 18 feet in Subarea A; and

WHEREAS, Section 3333.18(B), Building lines, requires a building line of 25 feet along South Hartford Avenue (Subarea B and Subarea C), 10 feet along West State Street (Subarea B) and 12 feet (Subarea C), and 11 feet along West Town Street (Subarea C), while the applicant proposes the following reduced building lines: 10 feet for all single-unit dwellings along South Hartford Avenue in Subarea B and Subarea C, 10 feet along South Hartford Avenue and 9 feet along West State Street for the 4-unit dwelling in Subarea B, 5 feet along South Hartford Avenue and West State Street for the 4-unit dwellings in Subarea C, and 8 feet along West Town Street for the 4-unit dwelling Subarea C; and

WHEREAS, Section 3333.25, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 4 feet along the north property line, and 9 feet for the west property line, and to permit vehicular access and parking for the detached single-unit dwelling and the 4-unit building in Subarea B, and a reduced perimeter yard of 5 feet along the west property line and to permit vehicular access and parking for the single-unit dwellings and the 4-unit buildings in Subarea C; and

WHEREAS, Section 3333.35, Private garage, limits detached garage height to 15 feet, while the applicant proposes detached garage heights of 18 feet in Subarea B and Subarea C; and

WHEREAS, the Franklinton Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal will allow a mix of residential development that is generally consistent with the *West Franklinton Plan's* land use recommendations, is consistent with urban residential infill developments, and continues the redevelopment of the former Mt. Carmel Medical Center; and

WHEREAS, this 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 **35 S. HARTFORD AVE. (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 from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.14, Height districts; 3312.27, Parking setback line; 3321.05(B), Vision clearance; 3332.05(4), Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.21(B), Building lines; 3332.38, Private garage; 3333.18(B)(D), Building lines; 3333.255, Perimeter yard; and 3333.35, Private garage, is hereby granted for the property located at **35 S. HARTFORD AVE. (43222)**, as follows:

- a.) Subarea A: insofar as said sections prohibit reduced lot width from 50 feet to 29 feet for two lots; reduced lot area from 5,000 square feet per dwelling unit to 2,520 square feet for two single-unit dwelling lots; a reduced building line from 25 feet to 10 feet along South Hartford Avenue; and an increased detached garage height from 15 feet to 18 feet;
- b.) Subarea B: insofar as said sections prohibit 12 single-unit dwellings and one 4-unit dwelling on one lot; increased building height from 35 feet to 45 feet for the 4-unit dwellings; reduced parking setback from 25 feet to 5 feet along South Hartford Avenue for the 4-unit dwelling; reduced 30-foot clear vision triangle to 20 feet at the northwest corner of South Hartford Avenue and West State Street; reduced building lines of 10 feet and 9 feet along South Hartford Avenue and West State Street, respectively; reduced perimeter yard from 25 feet to 4 feet along the north property line, and to 9 feet along the west property line with vehicular access and parking for the single-unit dwellings and the 4-unit dwelling; and an increased detached garage height from 15 feet to 18 feet;
- c.) Subarea C: insofar as said sections prohibit nine single-unit dwellings and three 4-unit dwellings on one lot; increased building height from 35 feet to 45 feet for the 4-unit dwellings; reduced parking setback from 25 feet to 5 feet and 3 feet for the north and south 4-unit dwellings, respectively; reduced 30-foot clear vision triangle to 15 feet at the southwest corner of South Hartford Avenue and West State Street and 16 feet at the northwest corner of South Hartford Avenue and West Town Street; reduced building lines of 5 feet, 5 feet, and 8 feet along South Hartford Avenue, West State Street, and West Town Street, respectively; reduced perimeter yard from 25 feet to 5 feet along the west property line with vehicular access and parking for the single-unit dwellings and the 4-unit dwellings; and an increased detached garage height from 15 feet to 18 feet; said property being more particularly described as follows:

35 S. HARTFORD AVE. (43222), being 2.26± acres located on the west side of South Hartford Avenue between West Capital Street and West Town Street, and being more particularly described as follows:

**SUBAREA A: R-3, Residential District
0.144+/- ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lot No. 1 of M. L. Sullivan's Subdivision of land in Franklin Township, being part of Lot 16 and all of Lot 15 of Richard Sinclair's Addition as delineated on Plat Book 4, Page 403, conveyed to Mount Carmel Health System in Instrument Numbers 200805220079191 and 200806030084898, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point, being an iron pin found located at the northeasterly corner of said 0.144 acre tract, being on the west right of way line of South Hartford Avenue and the southerly line of West Capital Street;
Thence southerly along a easterly line of said Lot 15 and 16 and along said right of way line, S08°27'23"E, 58.0 feet;

Thence westerly across said Lot 16, S81°30'20"W, 108.2 feet;

Thence northerly along the westerly line of said Lots 15 and 16, being on the east right of way line of Alley, N08° 46'17"W, 58.0 feet, to an iron pin found;

Thence continuing east along the northerly line of said Lot 15, and along the south right of way line of West Capital Street, N81°30'03"E, 108.5 feet; to the **POINT OF BEGINNING, containing 0.144 acres, more or less.**

SUBAREA B: ARLD, Apartment Residential District
1.060+/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lot No. 1 of M. L. Sullivan's Subdivision of land in Franklin Township, and being all of lots 17-30 and part of lot 16 of Richard Sinclair's Addition as delineated on Plat Book 4, Page 403, as conveyed to Mount Carmel Health System in Instrument Numbers 200805220079191 and 200806030084898, and Official Record 11948, Page E18, and Official Record 14111, Page A09, and Official Record 7297, Page H01, and Official Record 9103, Page J11, and Official Record 9103, Page J12, and Official Record 9103, Page J13, and Official Record 9103, Page J14, and Official Record 9103, Page J15, and Official Record 9746, Page J09, and Official Record 10095, Page G14, and conveyed to The Hawkes Hospital of Mt. Carmel in Official Record 3657, Page J04, and Official Record 4194, Page A01, and Official Record 2327, Page G11, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at the westerly right of way line of South Hartford Avenue, said point being on the southerly right of way line of West Capital Street;

Thence southerly along the right of way line of South Hartford Avenue, S08°27'23"E, 58.0 feet, to a point being the **TRUE POINT OF BEGINNING** of the tract herein described;

Thence southerly along a easterly line of said right of way line, S08°27'23"E, 412.5 feet to a point;

Thence continuing along a curve to the right with a radius of 20.00 feet, a central angle of 89°59'16", an arc length of 31.41 feet, and a chord which bears S36°32'16"W, a distance of 28.28 feet to an iron pin found;

Thence westerly along the northerly line of West State Street, S81°31'54"W, 85.8 feet, to an iron pin found;

Thence northerly along the easterly right of way line of a 15 foot Alley, N08°46'17"W, 432.4 feet to a point;

Thence continuing easterly across said Lot 16, N81°30'20"E, 108.2 feet; to the **POINT OF BEGINNING, containing 1.060 acres, more or less.**

SUBAREA C: AR-1, Apartment Residential District
1.053+/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lot No. 1 of M. L. Sullivan's Subdivision of land in Franklin Township, and being all of Lots 31-46 of Richard Sinclair's Addition as delineated on Plat Book 4, Page 403, as conveyed to Mount Carmel Health System in Official Record 20416, Page J05, and Official Record 17034, Page J04, and Official Record 16070, Page D16, and Official Record 12829, Page I14, and Official Record 10788, Page B05, and Official Record 8914, Page G13, and conveyed to The Hawkes Hospital of Mount Carmel in Official Record 1901, Page I17, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at the westerly right of way line of South Hartford Avenue, said point being on the southerly right of way line of West Capital Street;

Thence southerly along the right of way line of South Hartford Avenue, S08°27'23"E, 570.45 feet, to a point on the

easterly line of said Lot 31, being the **TRUE POINT OF BEGINNING** of the tract herein described;

Thence southerly along an easterly line of said Lots 31-46 and along said right of way line, S08°27'23"E, 447.2 feet to a point;

Thence continuing along a curve to the right with a radius of 20.00 feet, a central angle of 89°40'24", an arc length of 31.30 feet, and a chord which bears S36°22'50"W, a distance of 28.20 feet to a point;

Thence westerly along a southerly line of said Lot 46, and northerly right of way line of West Town Street, S81°13'04"W, 73.3 feet, to a point;

Thence northerly along the westerly line of said Lots 31-46, and easterly right of way line of a 15 foot Alley, N08°46'00"W, 487.6 feet to a point;

Thence continuing easterly along the northerly line of said Lot 31, and the southerly right of way line of West State Street, N81°34'29"E, 75.8 feet to a point;

Thence continuing along a curve to the right with a radius of 20.02 feet, a central angle of 89°55'33", an arc length of 31.41 feet, and a chord which bears S53°27'44"E, a distance of 28.29 feet to the **POINT OF BEGINNING, containing 1.053 acres, more or less.**

Property Address: 35 S. Hartford Ave., Columbus, OH 43222.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the R-3, Residential, ARLD, Apartment Residential, and AR-1, Apartment Residential districts, specified by Ordinance #1622-2020; Z19-050.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING PLAN**" drawn by E.P Ferris and Associates, Inc., dated June 18, 2020, and signed by David B. Perry, Agent for the Applicant, and Joseph M. Reidy, 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 plan 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.