



Legislation Text

File #: 2846-2020, **Version:** 1

Council Variance Application: CV20-058

APPLICANT: National Church Residences; c/o Matthew Bierlein, Attorney; 2335 North Bank Drive; Columbus, OH 43220.

PROPOSED USE: Multi-unit residential development.

MIDEAST 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 #2845-2020; Z20-054) to the AR-O, Apartment Office District. The applicant proposes a senior living facility containing a maximum of 110 units within two apartment buildings on adjacent sites, with a 6-unit apartment building in Subarea A, and a 104-unit apartment building in Subarea B. Variances to reduce building lines, parking setback, and a parking space reduction from 9 spaces to 6 spaces in Subarea A and 150 spaces to 110 spaces in Subarea B are included in the request. The parking reduction variance is supportable because the nature of the development reflects parking numbers that account for residents that will not have private vehicles. Additionally, the proposed development incorporates high quality design elements with adequate site landscaping to lessen the impact on the surrounding lower density residential uses, provides open space, and protects natural features as there is a stream along the eastern portion of Subarea B.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; for the property located at **2685 E. LIVINGSTON AVE. (43209)**, to permit reduced development standards for a multi-unit residential development in the AR-O, Apartment Office District (Council Variance #CV20-058).

WHEREAS, by application #CV20-058, the owner of property at **2685 E. LIVINGSTON AVE. (43209)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the AR-O, Apartment Residential District; and

WHEREAS, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet along Brookwood Avenue, while the applicant proposes a parking setback line of 5 feet in Subarea B, as shown on the site plan; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 9 parking spaces in Subarea A and 150 parking spaces in Subarea B, while the applicant proposes a total of 6 parking spaces in Subarea A and 110 spaces in Subarea B; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 35 feet along East Livingston Avenue, while the applicant proposes a reduced building line of 15 feet along both frontages, in Subarea A and Subarea B, as shown on the site plan; and

WHEREAS, the Mideast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposed variances allow a site design that incorporates high quality building design elements and adequate landscaping and buffering from adjacent lower density residential uses, provides open space, and protects natural features; 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 **2685 E. LIVINGSTON AVE. (43209)**, 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 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **2685 E. LIVINGSTON AVE. (43209)**, insofar as said sections prohibit a reduced parking setback in Subarea B along Brookwood Avenue from 25 feet to 5 feet; with a parking space reduction from 9 required spaces to 6 provided spaces in Subarea A, and from 150 required spaces to 110 provided spaces in Subarea B; and a reduced building line from 35 feet to 15 feet along East Livingston Avenue in both Subarea A and Subarea B, said property being more particularly described as follows:

2685 E. LIVINGSTON AVE. (43209), being 4.94± acres located at the southeast and southwest corners of East Livingston Avenue and Brookwood Road, and being more particularly described as follows:

The Land referred to herein below is situated in the County of Franklin, City of Columbus, State of Ohio, and is described as follows:

TRACT I:

Being Lots Nos. 210, 211, 212, 224, 225, 226, 227, 228, 259, 260, 261 and 262, Berwick Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-087745-00 (Lot 210)

Parcel Number 010-087746-00 (Lot 211)

Parcel Number 010-087747-00 (Lot 212)

Part of Parcel Number 010-087759 (Lots 224-228) and (Lots 259-262)

TRACT II:

Being Lots Nos. 224, 225, 226, 227, 228, 259, 260, 261 and 262, Berwick Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-087745-00 (Lot 210)

Parcel Number 010-087746-00 (Lot 211)

Parcel Number 010-087747-00 (Lot 212)

Part of Parcel Number 010-087759 (Lots 224-228) and (Lots 259-262)

TRACT III:

Being Lot Number Two Hundred Thirty (230), Lot Number Two Hundred Thirty-one (231), Lot Number Two Hundred Thirty-two (232) and Lot Number Two Hundred Thirty-three (233), Berwick subdivision, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book Number 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio.

Part of Parcel Number 010-087759-00.

TRACT III:

Being part of Berwick Park, the same being part of Berwick Subdivision, as the same is shown of record in Plat Book 19, Pages 25, 26 and 27, Recorder's Office, Franklin County, Ohio and being particularly described as follows:

Beginning at an iron pin in the southerly line of Livingston Avenue, at the northwesterly corner of said Berwick Park, same point also being the northeast corner of Lot No. 228 of said Berwick Subdivision; Thence from said beginning point, South 89° 55' East, along the northerly line of Berwick Park and along the southerly line of Livingston Avenue, a distance of 106.0 ft. to an iron pin at the northeasterly corner of said Berwick Park and the northwesterly corner of Lot No. 230 of said Berwick Subdivision;

Thence South 70° 29' West, along the westerly line of Lots Nos. 230, 231, 232 and 233, a distance of 298.50 ft. to a point at the southwesterly corner of said Lot No. 233, same point being witnessed by an iron pin 1.0 ft. Southerly;

Thence North 81° 40' West on a line of the southerly line of Lot No. 233, produced Westerly; a distance of 34.72 ft. to an iron pin in the center line of a ravine;

Thence South 16°07' West, along the center line of said ravine, a distance of 71.22 ft. to an iron pin at an angle in said ravine;

Thence South 49° 00' West and continuing along the center line of said ravine, a distance of 218.25 ft. to an iron pin in the line of the southerly line of Lot No. 259 of said Berwick Subdivision, produced Southeasterly, to the center line of said ravine;

Thence North 53° 43' West, along the line of the southerly line of Lot No. 259, produced Easterly, a distance of 63.44 ft. to an iron pin at the southeasterly corner of said Lot No. 259; Thence North 29° 25' East, along the easterly line of Lots Nos. 259, 260, 261, 262 and 228, a distance of 413.32 ft., more or less, to an iron pin at an angle point in the easterly line of said Lot No. 228;

Thence North 00° 05' East and continuing along the easterly line of said Lot No. 228, a distance of 105 ft. to the point of beginning, containing 1.374 Acres; subject to all easements and restrictions shown of record.

Part of Parcel No. 010-087759

TRACT IV:

Situate in the State of Ohio, County of Franklin, City of Columbus and being part of Berwick Par, Berwick, of record in Plat Book 19, Pages 25, 26 and 27; also being part of the same tract as conveyed to Walnut Hill Golf Club, Inc. by deed of record in Deed Book 2044 , Page 258; both of the foregoing records being in the Recorder's Office, Franklin County,

Ohio and being more particularly described as follows:

TRACT V:

Beginning at the northwesterly corner of Lot No. 234, Berwick, of record in Plat Book 19, Pages 25, 26 and 27;

Thence from said point of beginning, South 7° 29' 56" West, along the westerly line of said Lot No. 234, a distance of 45 ft. to the southwesterly corner of Lot No. 234;

Thence North 75° 02' 12" West, with the westerly extension of the southerly line of said Lot No. 234, a distance of 41.15 ft. to a point;

Thence North 16° 7' East, a distance of 41.03 ft. to a point; Thence South 81° 41' East, along the northerly line of said Lot No. 234, extended Westerly, a distance of 34.72 ft. to the place of beginning; subject to all easements and restrictions shown of record.

TRACT VI:

Beginning at the northwesterly corner of Lot No. 235 Berwick, of record in Plat Book 19, Pages 25, 26 and 27; Thence from said point of beginning, South 7° 29' 56" West, along the westerly line of said Lot No. 235, a distance of 45 ft. to the southwesterly corner of Lot No. 235;

Thence North 66° 20' 30" West, along the southerly line of said Lot No. 235, extended Westerly, a distance of 52.31 ft. to a point;

Thence North 48° 57' 25" East, a distance of 7.33 ft. to a point;

Thence North 16° 7' East, a distance of 30.19 ft. to a point;

Thence South 75° 02' 12" East, along the northerly line of said Lot No. 235, extended Westerly, a distance of 41.15 ft. to the place of beginning; subject to all easements and restrictions shown of record.

Parcel No. 010-092531 (as to 0.039 acres)

Parcel No. 010-092757 (as to 0.044 acres)

The property described above is the same property that is described in Schedule A of First American Title Insurance Company Commitment No. NCS-966168-COL, having an effective date of July 5, 2019.

*SCRIVENOR'S ERROR: Should Read "Thence South 7° 29' West, along the westerly line of Lots Nos. 230, 231, 232 and 233, a distance of 298.80 ft."

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property for those uses permitted in the AR-O, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SCHEMATIC VARIANCE PLAN**," signed by Matthew Bierlein, Attorney for the Applicant, dated November 30, 2020. 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 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 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.