



## Legislation Text

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**File #:** 0865-2021, **Version:** 1

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### **Council Variance Application: CV20-103**

**APPLICANT:** Manning 569 Holdings, LLC; c/o David Hodge, Atty.; Underhill and Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**COLUMBUS SOUTHSIDE 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 #0865-2021; Z20-089) to the AR-1, Apartment Residential District. The applicant proposes a multi-unit residential development totaling 17 units on two parcels divided by a public alley. The requested Council variance will allow a mix of single- and three-unit dwellings and a six-unit apartment, and permits three garage parking spaces for the northern parcel to be provided on the southern parcel. Staff finds the requested variances to be supportable as they will allow a multi-unit residential development that is consistent with residential infill in urban neighborhoods. Additionally, the submitted site plan demonstrates preservation of the bell tower of the existing religious facility.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **359 E. MARKISON AVE. (43207)**, to permit single- and three-unit dwellings, off-site residential parking, and reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV20-103).

**WHEREAS**, by application #CV20-103, the owner of property at **359 E. MARKISON AVE. (43207)**, is requesting a Council variance to permit single- and three-unit dwellings, off-site residential parking, and reduced development standards in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits a mixture of single-unit dwellings and three-unit dwellings as part of a multi-unit residential development, and only permits accessory parking for dwellings that are on the same parcel for which they serve, while the applicant proposes the arrangement of a single-unit dwelling and two three-unit dwellings on the northern parcel; a single unit dwelling, a three-unit dwelling, and a six-unit apartment building on the southern parcel; and three garage parking spaces for the northern parcel to be provided on the southern parcel, as demonstrated on the submitted 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 26 required parking spaces for 17 units, while the applicant proposes 17 total parking spaces, a reduction of 9 required parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes a 15 foot right angle clear vision triangle at northwest corner of South Washington Avenue and East Welch Avenue; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes a lot coverage of 63 percent of the southern parcel; and

**WHEREAS**, Section 3333.18(D), Building lines, requires a building line of no less than 25 feet along the public streets that abut the subject site, while the applicant proposes reduced building lines of 5 feet along East Markison Avenue, 8 feet along South Washington Avenue for the northern parcel, zero feet along South Washington Avenue for the southern parcel, and 4 feet along East Welch Avenue, as demonstrated on the submitted site plan; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of 4 feet along the west and zero feet along the south property lines of the northern parcel, and of 2 feet along the west and zero feet along the south property lines of the southern parcel, as demonstrated on the submitted site plan; and

**WHEREAS**, the Columbus Southside Area Commission recommends approval, and

**WHEREAS**, the City Departments recommend approval because the variances will allow a multi-unit residential development that is consistent with infill development in urban neighborhoods, and includes a site plan demonstrating the preservation of the existing religious facility's bell tower; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a 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 **359 E. MARKISON AVE. (43207)**, 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; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **359 E. MARKISON AVE. (43207)**, insofar as said sections prohibit single-unit dwellings, three-unit dwellings, and off-site residential parking in the AR-1, Apartment Residential District; with a reduction in required parking spaces from 26 spaces to 17 spaces; a reduction in the clear vision triangle at the northwest corner of South Washington Avenue and East Welch Avenue from 30 feet to 15 feet; an increase in maximum lot coverage from 50 percent to 63 percent for the southern parcel; reduced building lines from 25 feet to 5 feet along East Markison Avenue, to 8 feet along South Washington Avenue for the northern parcel, of zero feet along South Washington Avenue for the southern parcel, and four feet along East Welch Avenue; and reduced perimeter yards from 25 feet to 4 feet along the west and zero feet along the south property lines of the northern parcel, and to 2 feet along the west and zero feet along the south property line for the southern parcel, said property being more particularly described as follows:

**359 E. MARKISON AVE. (43207)**, being 0.61± acres located at the southwest corner of East Markison Avenue and South Washington Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number Thirty-Six (36) of

CHARLES KAUTZ'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-029091

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number Thirty-Seven (37) of CHARLES KAUTZ'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-061553

Situated in the State of Ohio, County of Franklin and in the City of Columbus: Being Lot Number Thirty-Eight (38) of CHARLES KAUTZ'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 234, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-051321

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of lots 18 and 19 and part of Lot 17 of Charles Kautz's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 234, Recorder's Office Franklin County, Ohio and being part of the land conveyed to KAC Management, LLC, as shown of record in Instrument No. 201606290082430 and being more particularly described as follows:

Beginning at an iron pipe set at the northeast corner of said Lot 19, being the intersection of the south line of Markison Avenue (60 feet wide) with the west line of Washington Avenue (50 feet wide);

Thence along the east line of said Lot 19, the west line of said Washington Avenue, South 02° 31' 20" East, 135.00 feet to a found 1" dia iron pipe at the southeast corner of said Lot 19, the intersection of the west line of said Washington Avenue with the north line of an alley (20 feet wide);

Thence, along the south line of said Lots 19, 18 and part of said Lot 17, along the north line of said alley, South 87° 56' 00" West, 84.00 feet to a mag nail set;

Thence, across said Lot 17, North 02° 31' 20" West, 135.00 feet to an iron pipe set on the north line of said Lot 17, the south line of said Markison Avenue;

Thence, along part of the north line of said Lot 17, along the north line of said Lots 18 and 19, along the south line of said Markison Avenue, North 87° 56' 00" East, 84.00 feet to the place of beginning CONTAINING 0.260 ACRES, subject however to all legal highways, leases, easements and restrictions of record and of records in the respective utility offices. Iron pipes set are 30"x1" dia with an orange plastic cap inscribed "Myers PS 6579". The basis of bearings is the south line of Markison Avenue assumed as North 87° 56' 00" East. The foregoing description was prepared from an actual boundary survey by Myers Surveying Company Inc. In August, 2015.

Known as: 359 E. Markison Ave., Columbus, Ohio 43207.

**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 17 units including a mixture of single- and three-unit dwellings, or those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plans titled, "**ZONING SITE PLAN**," and "**LANDSCAPE PLAN**," both signed by Eric Zartman, Attorney for the Applicant, and dated March 26, 2021. 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 plans 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.