



Legislation Text

File #: 1149-2021, **Version:** 1

Council Variance Application: CV20-097

APPLICANT: Bunn Minnick Michigan Ave, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development and telecommunication equipment.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1148-2021; Z20-084) to the AR-3, Apartment Residential District. The applicant proposes to convert the existing Bunn Minnick Pipe Organ manufacturing building to a 27-unit apartment building and to construct a second apartment building containing 28-units (55.6 du/acre gross). This Council variance will permit increased building height, reduced parking setback and parking space size, reduced parking from 83 to 61 spaces, and reduced perimeter yard. A use variance is included to conform existing telecommunication equipment located in the southwest portion of the site which serves a monopole telecommunications tower on the adjacent property. Staff notes that the proposal is located in an area that is walkable and used by pedestrians and bicyclists, and includes bicycle parking, screening of the telecommunication equipment, and preservation of the existing street trees. The request is reflective of recent residential infill developments in this urban neighborhood. The Division of Parking Services has approved a parking study for this proposal and supports the requested parking variance.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.27(3), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **875 MICHIGAN AVE. (43215)**, to permit telecommunication equipment and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District (Council Variance #CV21-097).

WHEREAS, by application #CV20-097, the owner of property at **875 MICHIGAN AVE. (43215)**, is requesting a Council variance to permit telecommunication equipment and reduced development standards for a multi-unit residential development in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3 apartment residential district use, does not permit monopole telecommunication equipment, while the applicant proposes to conform the existing telecommunication equipment located in the southwest portion of the site for a monopole on the adjacent property; and

WHEREAS, Section 3309.14, Height districts, requires a maximum building height of 35 feet in the H-35 height district, while the applicant proposes building heights of 40 feet for the existing building, and 37 feet for the proposed building; and

WHEREAS, Section 3312.27(3), Parking setback line, requires a minimum parking setback line that equals the building setback line, or 16 feet along Michigan Avenue, while the applicant proposes to maintain a reduced parking setback line

of 14 feet; and

WHEREAS, Section 3312.29, Parking space, requires 90-degree parking spaces be a rectangular area not less than 9 by 18 feet, while the applicant proposes a reduced size of 8.5 by 18 feet for 33 parking spaces (25 garage spaces and 8 surface spaces along Ingleside Avenue); and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per apartment unit, a total requirement of 83 spaces for 55 units, while the applicant proposes 61 parking spaces; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 10% of the lot width, or 20.5 feet, while the applicant proposes the following reduced perimeter yards: zero feet for parking and 4 feet for the proposed apartment building along Quality Place; zero feet for parking and the existing telecommunications equipment building, and 3 feet for the proposed apartment building along Ingleside Avenue; and 9 feet for the proposed apartment building to the south, all as depicted on the Site Plan; and

WHEREAS, City Departments recommend approval of the requested variance as it is reflective of recent residential infill development in this urban neighborhood. Staff notes that the proposal is located in an area that is walkable and used by pedestrians and bicyclists, and includes a site plan that depicts bicycle parking, landscaping, and screening of the existing telecommunication equipment; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed multi-unit residential; 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 **875 MICHIGAN AVE. (43215)**, 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 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.27(3), Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3333.255, Perimeter yard, of the Columbus City Codes, are hereby granted for the property located at **875 MICHIGAN AVE. (43215)**, insofar as said sections prohibit telecommunication equipment in the AR-3, Apartment Residential District, with increased building heights from 35 feet to 40 feet for the existing building and 37 feet for the proposed building; a reduced parking setback line from 16 feet to 14 feet along Michigan Avenue; reduced parking space size from 9 by 18 feet to 8.5 by 18 feet for 33 parking spaces; a parking space reduction from 83 required to 61 spaces; and reduced perimeter yard from 20.5 feet to the following: zero feet for parking and 4 feet for the proposed apartment building along Quality Place; zero feet for parking and the existing telecommunications equipment building, and 3 feet for the proposed apartment building along Ingleside Avenue; and 9 feet for the proposed apartment building to the south; said property being more particularly described as follows:

875 MICHIGAN AVE. (43215), being 0.99± acres located at the southwest corner of Michigan Avenue and Quality Place, and being more particularly described as follows:

**EXHIBIT “A”
875 MICHIGAN AVENUE**

ZONING DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Half-Section 9, Township 5 North, Range 22 West, Refugee Lands, and being all of Lots 436 thru 441, all of Lots 474 thru 479, part of Lots 435 and 480, and part of alleys vacated by City of Columbus Ordinance Number 162-48, said Lots and alleys being a part of R.E. Neil's 8th Addition, as recorded in Plat Book 2, Page 183, and being described as a 0.9892 acre parcel in a deed to **Bunn-Minnick Company**, of record in Official Record 17080 D06, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at the intersection of the existing south right-of-way line for Quality Place (30 feet wide) and the existing west right-of-way line for Michigan Avenue (60 feet wide), being the northeast corner of said Lot 474;

Thence **South 03 degrees 04 minutes 30 seconds West**, along the existing west right-of-way line for said Michigan Avenue and along the east lines of said Lots 474 thru 480, a distance of **205.00 feet** to a point;

Thence **North 86 degrees 54 minutes 00 seconds West**, across said Lots 480 and 435, and across an alley (20 feet wide) vacated by said City of Columbus Ordinance Number 162-48, a distance of **210.14 feet** to a point on the existing east right-of-way line for Ingleside Avenue (30 feet wide), being on the west line of said Lot 435;

Thence **North 03 degrees 04 minutes 30 seconds East**, along the existing east right-of-way line for said Ingleside Avenue and along the west lines of Lots 435 thru 441, a distance of **205.00 feet** to the intersection of the existing east right-of-way line for said Ingleside Avenue and the existing south right-of-way line for said Quality Place, being the northwest corner of said Lot 441;

Thence **South 86 degrees 54 minutes 00 seconds East**, along the existing south right-of-way line for said Quality Place, along the north lines of said Lots 441 and 474, and across said vacated alley (20 feet wide), a distance of **210.14 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **0.989 acres**, of which 0.093 acres lies within Franklin County Auditor's Tax Parcel Number 010-021383, and 0.896 acres lies within Franklin County Auditor's Tax Parcel Number 010-212420;

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey.

This description was prepared on September 09, 2020 by American Structurepoint, Inc. and is intended for zoning purposes only.

Parcel No. 010-212420 and 010-021383

Address: 875 Michigan Avenue, Columbus, OH 43215

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for telecommunication equipment or those uses permitted in the AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING PLAN FOR 875 MICHIGAN AVENUE**," dated April 15, 2021, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 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 multi-unit residential use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.