



## Legislation Text

---

**File #:** 2190-2021, **Version:** 1

---

### **Council Variance Application: CV21-017**

**APPLICANT:** OBrien Development LLC; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor, Columbus, OH 43215.

**PROPOSED USE:** Mixed-use 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-3, Apartment Residential District (Ordinance # 2189-2021; Z21-013) to permit multi-unit residential development. The requested Council variance will permit a mixed-use development containing a maximum of 17 apartment units and approximately 900 square feet of ground floor commercial space and 200 square feet of seasonal patio space. Variances are included to permit the commercial use, to increase building height and lot coverage, and to reduce building lines, rear yard requirements, driveway width, and the minimum number of parking spaces from 36 required spaces to 17 provided spaces. Because the request provides one parking space per dwelling unit, and the parking demand for the commercial use is not believed to significantly burden the on-street parking network, a parking study was not required by the Division of Parking Services, and staff is supportive of the requested parking reduction. Staff finds the requested variances to be supportable because the site and conceptual building elevations are consistent with the *Near East Area Plan's* (2005) design guidelines. The request is also consistent with recent urban infill development projects that have been approved in the Near East area.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.13(B), Driveway; 3312.49, Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1218-1222 E. LONG ST. (43203)**, to permit a mixed-use development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV21-017).

**WHEREAS**, by application #CV21-017, the owner of property at **1218-1222 E. LONG ST. (43203)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3333.03, AR-3 apartment residential district use, prohibits commercial uses, while the applicant proposes up to 900 square feet of ground level commercial use, including retail, office and/or eating and drinking use(s) and 200 square feet of outdoor seasonal patio space; 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 a building height of 42 feet; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of 20 feet, while the applicant proposes a

driveway width from the enclosed parking garage to be 13 feet, and 12 feet at the overhead door; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 36 parking spaces for 17 apartment units, 900 square feet of eating and drinking establishment space, and 200 square feet of eating and drinking establishment patio space, while the applicant proposes 17 spaces; 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 to increase the lot coverage to 92 percent; and

**WHEREAS**, Section 3333.18(F), Building lines, requires a building line of no less than the average of buildings on contiguous lots, but in no case less than 10 feet, while the applicant proposes a one foot building setback line along East Long Street; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 0 percent of the total lot area; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the site is designed in a manner that is consistent with the *Near East Area Plan's* design guidelines. The request is consistent with recent infill redevelopment projects in the Near East area; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed development; 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 **1218-1222 E. LONG ST. (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 3333.03, AR-3 apartment residential district use; 3309.14, Height districts; 3312.13(B), Driveway; 3312.49, Minimum numbers of parking spaces required; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1218-1222 E. LONG ST. (43203)**, insofar as said sections prohibit 900 square feet of ground level retail, office and/or eating and drinking establishment space and a 200 square foot outdoor seasonal patio; with increased building height from 35 feet to 42 feet; reduced driveway width from 20 feet to 13 feet, and to 12 feet at the overhead door; a parking space reduction from 36 spaces to 17 spaces; increased maximum lot coverage from 50 to 92 percent; a reduced building line along East Long Street from 10 feet to 1 foot; and a reduced rear yard from 25 to 0 percent; said property being more particularly described as follows:

**1218-1222 E. LONG ST. (43203)**, being 0.20± acres located on the north side of East Long Street, 42± feet west of North Champion Avenue, and being more particularly described as follows:

**Parcel 1:**

Situated in the State of Ohio, County of Franklin and the City of Columbus.

Being Thirty-Two (32), feet off of the West Side of Lot Number Sixteen (16), of Winner's First Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 216, Recorder's Office, Franklin County, Ohio.

Together with the following: Being a strip of ground one and one half (1 1/2) feet in width on Long Street and two feet one inch (2'1") in width at the alley lot line in the rear thereof, extending from Long Street to said alley in the rear a distance of approximately 120.90 feet immediately East of adjoining and extending parallel therewith premises of Otto Nason who owns 32 feet off the West side of Lot N 16 of J.L. Winner's First Addition to the City of Columbus, Ohio.

Parcel No.: 010-031063-00

Property Address: 1218 East Long Street, Columbus, Ohio 43203

**Parcel 2:**

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot Number Seventeen (17), EXCEPTING 2 1/2 inches off of the East Side thereof, measured on Long Street and Lot Number Sixteen (16), EXCEPTING 33 1/2 feet off of the West Side thereof, measured on Long Street, of J.L. WINNER'S FIRST ADDITION to said City of Columbus, as numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 216, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-042577-00

Property Address: 1222-1226 East Long Street, Columbus, Ohio 43203

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing up to 17 apartment units and approximately 900 square feet of retail, office, or eating and drinking establishment space and 200 square feet of outdoor seasonal patio space, 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, "**SITE PLAN**," dated April 14, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, 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.