



## Legislation Text

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**File #: 2325-2022, Version: 1**

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### **Council Variance Application: CV22-011A**

Ordinance #1895-2022, passed July 11, 2022 (CV22-011), allowed a 54-unit apartment building with reduced development standards in the AR-3, Apartment Residential District on property located at 840 Michigan Avenue. The ordinance included variances for reduced parking setback, a parking space reduction, and reduced building setbacks of not less than 9 feet along Buttles Avenue, 13 feet along Thurber Drive West, and 23 feet along Michigan Avenue, but inadvertently did not include allowance for a generator and transformer to encroach into the setback area along Thurber Drive West. However, the site plan and Statement of Hardship included with the ordinance reflected this reduced setback area for the generator and transformer. This ordinance amends Section 1 of Ordinance #1895-2022 to correct the building setback variance discrepancy. No other aspects of Ordinance #1895-2022 are changing.

To amend Ordinance #1895-2022, passed July 11, 2022 (CV22-011), for property located at **840 MICHIGAN AVE. (43215)**, to repeal Section 1 and replace it with a new Section 1 to correct the building setback variances for a proposed apartment building (Council Variance #CV22-011A).

**WHEREAS**, Ordinance #1895-2022, passed July 11, 2022 (CV22-011) allowed a 54-unit apartment building with reduced development standards in the AR-3, Apartment Residential District at **840 MICHIGAN AVE. (43215)**; and

**WHEREAS**, Section 1 of Ordinance #1895-2022 included building setback variances from 25 feet to not less than 9 feet along Buttles Avenue, 13 feet along Thurber Drive West, and 23 feet along Michigan Avenue, did not include allowance for a generator and transformer to encroach into the setback area along Thurber Drive West; and

**WHEREAS**, this encroachment should have been identified to coincide with the site plan and Statement of Hardship included with Ordinance #1895-2022, passed July 11, 2022 (CV22-011); and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #1895-2022 to include this necessary building setback variance to accommodate the project; and

**WHEREAS**, all other provisions contained in Ordinance #1895-2022 are unaffected by this amendment and remain in effect, and are repeated below for clarity and consistency;

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the existing Section 1 of Ordinance #1895-2022, passed July 11, 2022 (CV22-011), be hereby repealed and replaced with a new Section 1 reading as follows:

**SECTION 1.** That a variance from the provisions of Sections 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; and 3333.18(B), Building lines, of the Columbus City Codes, is hereby granted for the property located at **840 MICHIGAN AVE. (43215)**, insofar as said sections prohibit a reduced parking setback line from 25 feet to 10 feet along Michigan Avenue; a parking space reduction from 81 required to 41 provided spaces; and reduced building setback lines from 25 feet to 23 feet along Michigan Avenue, 9 feet along Buttles Avenue, and 13 feet along Thurber Drive West, with a generator and transformer encroaching into the setback area of Thurber Drive West; said

property being more particularly described as follows:

**840 MICHIGAN AVE. (43215)**, being 0.62± acres located at the northeast corner of Michigan Avenue and Buttles Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and described further as follows:

Being all of Lots 421 through 425 and part of Lot 420 of R.E. Neils Eighth Addition as the plat of same is shown of record in Plat Book 2, Page 183, Recorder's Office, Franklin County, Ohio, together with part of a vacated alley (as said alley was vacated by Ordinance No. 827-62 of the City of Columbus, Ohio enacted may 7, 1952), within that above named subdivision lying adjacent to the north line of the above named lots, and being a part of Disposal Block "B-1" of the Goodale Slum Clearance Area and being more particularly bounded and described as follows:

Beginning at the southwesterly corner of said Lot 425, said southwesterly corner being the intersection of the easterly line of Michigan Avenue with the Northerly line of Buttles Avenue;

Thence along the easterly line of Michigan Avenue being the westerly line of Lot 425, North 2° 45' 27" East, a distance of 150.00 feet to an iron pin;

Thence South 87° 11' 03" East a distance of 180.51 feet to an iron pin on the westerly line of Thurber Drive West;

Thence South 2° 46' 27" West along the westerly line of Thurber Drive (which is a line parallel to, and 12.5 feet west of the east line of Lot 420) a distance of 140.00 feet to the point of curvature of the intersection curve connecting the westerly line of proposed Thurber Drive, west with the northerly line of Buttles Avenue;

Thence along the arc of said curve (radius 10 feet delta 90° 03' 30" tangent 10.01 feet) the chord of which bears south 47° 47' 10.5" west a distance of 14.15 feet to the point of tangency of said curve in the northerly line of Buttles

Thence along the northerly line of Buttles Avenue, being the southerly line of Lots 421 through 425 and part of Lot 420 North 87° 11' 03" west a distance of 170.50 feet to the place of beginning, containing approximately 27,000 square feet, more or less.

LESS AND EXCEPTING therefrom the following 56.67 square foot tract as conveyed by 840 Michigan Avenue, LLC to the City of Columbus, Ohio by document recorded on February 26, 2016 of record in Instrument No. 201602260023019.

Situated in the State of Ohio, County of Franklin, City of Columbus and being part of that tract of land conveyed to 840 Michigan Avenue, LLC, of record in Instrument No. 201507080092015, said tract also being Parcel B-1 as shown upon the recorded plat for the Re-Subdivision of Goodale urban Renewal Plat Number 1 or record in Plat Book 37, page 19A and described as follows:

Beginning, for reference, at a 5/8" rebar found in concrete at the southwest corner of said Parcel B-1, said corner also being at the right of way intersection of the easterly right of way line of Michigan Avenue (60') and northerly right of way line of Buttles Avenue (70');

Thence with the southerly line of said Parcel B-1 and the northerly right of way line of said Buttles Avenue (70'), S 88° 51' 03" E, 157.02 feet to an iron pin set at the True Point of Beginning;

Thence across said Parcel B-1 the following five (5) courses and distances:

N 03° 08' 57" E, 0.22 feet to an iron pin set;

S. 86° 49' 07" E. 6.97 feet to an iron pin set at a point of curvature;

with a curve to the left having a central angle of  $90^{\circ} 05' 03''$  and radius of 15.50 feet, an arc length of 24.37 feet and a chord bearing and distance of  $N 48^{\circ} 08' 22'' E$ . 21.94 feet to an iron pin set at a point of tangency;

$N 03^{\circ} 03' 58'' E$ , 5.96 feet to an iron pin set;

$S 86^{\circ} 54' 33'' E$ . 1.00 feet to an iron pin set in the easterly line of said Parcel B-1 and the westerly right of way line of Thurber Drive West (50');

Thence with the easterly and southerly lines of said Parcel B-1, the westerly right of way line of said Thurber Drive West (50') and the northerly right of way line of said Buttles Avenue (70') the following three (3) courses and distances:

$S 03^{\circ} 05' 27'' W$ , 11.58 feet to an iron pin set at a point of curvature;

with a curve to the right having a central angle of  $90^{\circ} 03' 30''$  and a radius of 10.00 feet, an arc length of 15.72 feet and a chord bearing and distance of  $S 48^{\circ} 07' 12'' W$ , 14.15 feet to an iron pin set at a point of tangency;

$N 86^{\circ} 51' 03'' W$ , 13.48 feet to the True Point of Beginning.

Containing 56.67 Square Feet, more or less. The above description was prepared by Advanced Civil Design on January 21, 2019 and is based on existing Franklin County records and an actual field survey performed in September of 2015. A drawing of the above description is attached hereto and made a part thereof.

Bearings are based on the Ohio State Plane Coordinate System South Zone, NAD83 NSRS 2007. A bearing of  $S 03^{\circ} 05' 27'' W$  was established by GPS for the easterly right of way line of Michigan Avenue (60' R/W) between two 5/8" rebar found in concrete.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio.

Parcel No. 010-140800

Address: 840 Michigan Avenue, Columbus, OH 43215

Prior Instrument Reference No.: General Warranty Deed filed July 8, 2015, as Instrument No. 201507080092015, Recorder's Office, Franklin County Ohio.

**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 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 FOR 840 MICHIGAN AVENUE,**" dated June 20, 2022, and signed by Eric Zartman, Attorney for the Applicant, and elevations titled, "**WEST ELEVATION,**" and "**NORTH ELEVATION,**" dated January 25, 2021, and signed by Michael Shannon, 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 plans 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 a Certificate of Occupancy for the proposed use.

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