



## Legislation Text

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**File #:** 0777-2024, **Version:** 1

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### **Council Variance Application: CV23-130**

**APPLICANT:** Bart Overly; 922 West Broad Street; Columbus, OH 43222.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION:** Approval.

**PROPOSED USE:** Mixed-use development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels, each developed with a single-unit dwelling, in the AR-4, Apartment Residential District, and is subject to the University District Zoning Overlay (UDZO). The requested Council Variance will allow the development of a mixed-use building consisting up to 17 apartment units and a 1,245 square foot coffee shop with an accessory patio. A Council Variance is necessary to allow a coffee shop in the AR-4 district. Variances to required parking, vision clearance, side yard, density, landscaping, lot coverage, front and rear setbacks, building separation and size, floor area ratio (FAR), height, and side yard are also included in the request. The site is within the planning boundaries of the *University District Plan* (2015), which recommends "Higher Intensity Residential" land uses at this location. Staff finds the requested variances supportable as they will allow a mixed-use development that is consistent with the Plan's goals for infill development in urban neighborhoods. Additionally, this request provides additional housing, consistent with the City's objectives, and is located within close proximity to a high intensity transit corridor, with multimodal transportation options.

To grant a Variance from the provisions of Sections 3333.035, AR-4, Apartment residential district use; 3312.49(C), Required parking; 3321.05(B), Vision clearance; 3325.901(A), Density; 3325.903(A), Landscaped Area and Treatment; 3325.905(A), Maximum Lot Coverage; 3325.907(B), Parking; 3325.909(A)(1), Building Lines; 3325.909(B), Building Lines; 3325.911(C), Building Separation and Size; 3325.913(A)(1)(c), Maximum Floor Area Ratio (FAR); 3325.915, Height; and 3333.23(d), Minimum side yard permitted, of the Columbus City Codes; for the property located at **127-135 E. WOODRUFF AVE. (43201)**, to allow a mixed-use development with reduced development standards in the AR-4, Apartment Residential District (Council Variance #CV23-130).

**WHEREAS**, by application #CV23-130, the owner of property at **127-135 E. WOODRUFF AVE. (43201)**, is requesting a Council variance to allow a mixed-use development with reduced development standards in the AR-4, Apartment Residential District; and

**WHEREAS**, Section 3333.035, AR-4, Apartment residential district use, does not allow commercial uses, while the applicant proposes a 1,245 square foot coffee shop with 185 square feet of accessory patio space within an apartment building; and

**WHEREAS**, Section 3312.49(C), Required parking, requires one parking spaces per 75 square feet of eating and drinking establishment space, or 17 spaces for a 1,245 square foot coffee shop, and one parking spaces per 150 square feet of dining patio space, or two spaces for a 185 square foot patio, while the applicant proposes a total of zero provided

parking spaces for these commercial uses; and

**WHEREAS**, Section 3321.05(B), Vision clearance, requires a clear vision triangle of 30 feet by 30 feet on each residential lot adjacent to a street intersection, while the applicant proposes no clear vision triangle at the intersection of Woodruff Avenue and Waldeck Avenue; and

**WHEREAS**, Section 3325.901(A), Density, permits no more than one dwelling unit per 700 square feet of lot area, while the applicant proposes reduced lot area per dwelling unit of 658 square feet; and

**WHEREAS**, Section 3325.903(A), Landscaped Area and Treatment, requires at least five percent of the lot area located behind the most rear portion of the principal residential building be planted with grass and/or other live vegetation, while the applicant proposes a reduced area of 3.8 percent at the rear of the lot; and

**WHEREAS**, Section 3325.905(A), Maximum Lot Coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 30 percent of the lot area, while the applicant proposes an increased lot coverage of 53 percent; and

**WHEREAS**, Section 3325.907(B), Parking, requires 29 parking spaces for 17 dwelling units, while the applicant proposes a total of seven parking spaces for 17 dwelling units; and

**WHEREAS**, Section 3325.909(A)(1), Building Lines, requires a building line of 25 feet along Woodruff Avenue and Waldeck Avenue based on the average setback along these streets, while the applicant proposes reduced building lines of ten feet along East Woodruff Avenue, and of 2.33 feet along Waldeck Avenue, as depicted on the submitted site plan; and

**WHEREAS**, Section 3325.909(B), Building Lines, requires a setback from the rear lot line of two feet, while the applicant proposes a setback of 1.08 feet from the rear lot line, as depicted on the submitted site plan; and

**WHEREAS**, Section 3325.911(C), Building Separation and Size, requires that no building shall exceed 10,200 square feet of calculated floor area, while the applicant proposes a building with calculated floor area of 13,740 square feet; and

**WHEREAS**, Section 3325.913(A)(1)(c), Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.60 FAR, while the applicant proposes an increased FAR of 1.47; and

**WHEREAS**, Section 3325.915, Height, limits building height to 35 feet in the University District Zoning Overlay, and requires certain height limits for the front principal cornice/eave of a building, while the applicant proposes a maximum building height of 38.88 feet; and

**WHEREAS**, Section 3333.23(d), Minimum side yard permitted, requires a minimum side yard of 6.48 feet for a building height of 38.88 feet, while the applicant proposes a minimum side yard of 2.33± feet; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the University Impact District Review Board recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request will provide additional housing consistent with the City's objectives, with close proximity to a high intensity transit corridor and multimodal transportation options; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance for the proposed mixed-use 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **127-135 E. WOODRUFF AVE. (43201)** 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 3333.035, AR-4, Apartment residential district use; 3312.49 (C), Required parking; 3321.05(B), Vision clearance; 3325.901(A), Density; 3325.903(A), Landscaped Area and Treatment; 3325.905(A), Maximum Lot Coverage; 3325.907(B), Parking (B); 3325.909(A), Building Lines; 3325.909 (B), Building Lines; 3325.911(C), Building Separation and Size; 3325.913(A)(1)(c), Maximum Floor Area Ratio (FAR); 3325.915, Height; and 3333.23(d), Minimum side yard permitted, of the Columbus City Codes; is hereby granted for the property located at **127-135 E. WOODRUFF AVE. (43201)** insofar as said sections prohibit a coffee shop in the AR-4, Apartment Residential District; with reduced parking from 19 to zero spaces for the coffee shop and patio uses; no vision clearance at the southeast corner of East Woodruff Avenue and Waldeck Avenue where a 30 feet by 30 feet clear triangle is required; increased density from one unit per 700 square feet to one unit per 658 square feet; decreased rear landscaping coverage from five to 3.8 percent; decreased parking from 29 to seven spaces for the 17 dwelling units; reduced front building line setback from 25 to 10 feet along East Woodruff Avenue, and to 2.33 feet along Waldeck Avenue; reduced rear building line setback from two feet to 1.08 feet; increased calculated floor area from 10,200 to 13,740 square feet; increased FAR from 0.6 to 1.47; increased building height from 35 to 38.88 feet; and reduced minimum side yard from 6.48 to 2.33 feet said property being more particularly described as follows:

**127-135 E. WOODRUFF AVE. (43201)**, being 0.28± acres located on the southeast corner of Waldeck Avenue and East Woodruff Avenue, and being more particularly described as follows:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus, being a part of “Reserve A” of Indianola Forest Addition to the City of Columbus, Ohio, as the same is designated and delineated upon the recorded plat of said Addition of Record in Plat Book 8, Page 4-A, being more particularly described as follows:

Beginning at a stake in the South line of Woodruff Avenue distant 100 feet from the point where the South line of Woodruff Avenue intersects the East line of Waldeck Avenue; thence West along the South line of Woodruff Avenue 50 feet; thence South parallel with the East line of Waldeck Avenue to a point 126.12 feet South from the South line of Woodruff Avenue; thence East in a line parallel with the South line of Woodruff Avenue 25 feet; thence in a Northeasterly direction to a point 100 feet East of the East line of Waldeck Avenue and 75 feet South of the South line of Woodruff Avenue; thence North 75 feet to the place of beginning.

Parcel Number: 010-046299

Address: 135 East Woodruff Avenue, Columbus, Ohio

Situated in the County of Franklin in the State of Ohio and in the City of Columbus, being a part of “Reserve A” of Indianola Forest Addition to said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, page 4-A, Recorder’s Office, Franklin County, Ohio.

Beginning at the northwest corner of Reserve “A” of said addition, said point of beginning also being the south east line of intersection of Woodruff Avenue and Waldeck Avenue; thence extending south along and following the east line of Waldeck Avenue to a point where the north line of the first alley south of Woodruff Avenue prolonged intersects said east

line of Waldeck Avenue; thence East 50 feet; thence north parallel to the east line of Waldeck Avenue to the south line of Woodruff Avenue; thence west along the south line of Woodruff Avenue to the point of beginning, said premises being the northwest corner of said Reserve "A."

Parcel Number: 010-011867

Address: 127 East Woodruff Avenue, Columbus, Ohio

**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 building containing up to 17 apartment units, up to 1,245 square feet of coffee shop space, and up to 185 square feet of accessory patio space, or those uses permitted in the AR-4, 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 March 7, 2024, and signed by Bart Overly, Agent 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 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 upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed mixed-use development.

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