



## Legislation Text

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**File #:** 0189-2022, **Version:** 1

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### **Council Variance Application CV21-105**

**APPLICANT:** GGS Holdings, LLC; c/o Justin Biggs; 900 Thomas Road; Columbus, OH 43212.

**PROPOSED USE:** A one-unit dwelling and a four-unit dwelling.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with two buildings originally constructed for residential uses but most recently used as offices in the C-4, Commercial District. The requested Council variance will allow the building fronting East Livingston Avenue to be used as a four-unit dwelling, and the rear building to be used as a one-unit dwelling. Variances are included for the existing building line, parking space sizes, maneuvering, vision clearance, and a parking reduction from eight required spaces to six provided spaces. Staff supports the proposal and variances given the mixed-use nature of this historic corridor, walkable nature of the neighborhood, and because the structures will be restored to their original residential purpose. The request will not add an incompatible use to the neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4 Commercial District; 3312.09, Aisle; 3312.21(B), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision Clearance; and 3356.11, C-4 district setback lines, for the property located at **145 E. LIVINGSTON AVE. (43215)**, to permit a one-unit dwelling and a four-unit dwelling with reduced development standards in the C-4, Commercial District (Council Variance #CV21-105).

**WHEREAS**, by application #CV21-105, the owner of property at **145 E. LIVINGSTON AVE. (43215)**, is requesting a Council variance to permit a one-unit dwelling and a four-unit dwelling with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4, Commercial District, allows residential uses only when above certain commercial uses, while the applicant proposes to convert two office buildings, originally constructed as a dwellings, back into a one-unit dwelling and a four-unit dwelling on one lot; and

**WHEREAS**, Section 3312.09, Aisle, requires a 20-foot wide aisle, plus an additional four feet in depth for parallel parking spaces for a total required depth of 22 feet, while the applicant proposes an aisle width of 16 feet 8 inches for Parking Spaces 1 through 5, an aisle width of zero feet for Parking Space 6 to allow maneuvering over and through the stacked parking space, and a reduced depth for parallel Parking Spaces 2 and 3 from 22 feet to 21 feet and 20 feet 6 inches, respectively, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.21(B), Landscaping and screening, requires that any portion of a parking lot abutting any public street be screened for headlights on the perimeter adjacent to the public street, while the applicant proposes to maintain no parking lot screening along East Livingston Avenue due to insufficient on-site width for planting; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering

area anywhere on a lot, while the applicant proposes to allow maneuvering over and through one stacked parking space, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.27, Parking setback line, requires the parking setback line to be 10 feet, while the applicant proposes to maintain a zero foot parking setback from East Livingston Avenue; and

**WHEREAS**, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet in width by 18 feet in depth, and only allows stacked parking spaces to be counted as required spaces for single- and two-unit dwellings, while the applicant proposes Parking Spaces 4 and 5, with reduced depth from 18 feet to 17 feet, and one parking space, Parking Space 6, with a reduced depth from 18 feet to 16 feet 3 inches, and one stacked space, all to be counted toward the total number of required parking spaces, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for the four-unit dwelling, and 2 parking spaces for the one-unit dwelling, a total of 8 parking spaces, while the applicant proposes a total of 6 parking spaces; and

**WHEREAS**, Section 3321.05(B)(1)(2), Vision clearance, requires a 10 foot clearance triangle at the intersection of a street and an alley, while the applicant proposes a reduced clearance triangle of 5 feet 3 inches at the southeast corner of East Livingston Avenue and Margraf Alley, as demonstrated on the submitted site plan; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of 50 feet, while the applicant proposes to maintain a zero foot setback from East Livingston Avenue; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the proposal to convert existing offices to a one-unit dwelling and a four-unit dwelling given the mixed-use nature of this historic corridor, and because the structures will be restored to their original residential purpose. The request will not add incompatible uses to the neighborhood; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 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 **145 E. LIVINGSTON 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 3356.03, C-4 Commercial District; 3312.09, Aisle; 3312.21 (B), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **145 E. LIVINGSTON AVE. (43215)**, insofar as said sections prohibit a one-unit dwelling and a four-unit dwelling on one lot in the C-4 Commercial District; with reduced aisle widths from 20 feet to 16 feet 8 inches for Parking Spaces 1 through 5, and zero feet for Parking Space 6, with a reduced depth for parallel Parking Spaces 2 and 3 from 22 feet to 21 feet and 20 feet 6 inches, respectively; no parking lot screening along East Livingston Avenue; maneuvering over and through one stacked parking space; reduced

parking setback from 10 feet to zero feet along East Livingston Avenue; reduced parking space depth from 18 feet to 17 feet for Parking Spaces 4 and 5, and to 16 feet 3 inches for Parking Space 6; reduced number of parking spaces from eight required spaces to six provided spaces; reduced vision clearance triangle at the southeast corner of East Livingston Avenue and an Margraf Alley from 10 feet to 5 feet 3 inches; and reduced building line from 50 feet to zero feet along East Livingston, said property being more particularly described as follows:

**145 E. LIVINGSTON AVE. (43215)**, being 0.08± acres located at the southeast corner of East Livingston Avenue and Margraf Alley, and being more particularly described as follows:

Situated in the State of Ohio, City of Columbus and County of Franklin and bounded and described as follows being the north three-fourths of lot number three (3) of Samuel Parsons Addition, - OU as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 48, Records office, Franklin County, Ohio. BLVLH prior instrument reference Instrument no. 201808080106423 Instrument no. 201808080106423.

Parcel ID: 010-027333.

Property address: 145 E. Livingston Ave. 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 a one-unit and four-unit dwelling, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**SITE PLAN**," signed by Justin Biggs, Applicant, and dated January 7, 2022. 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 adjustment to the plan 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 upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned on the following: Stacked Parking Spaces 5 and 6 shall be assigned to the same dwelling unit.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.