



## Legislation Details (With Text)

**File #:** 3302-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/17/2022      **In control:** Zoning Committee

**On agenda:** 12/5/2022      **Final action:** 12/7/2022

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14, Height districts; 3312.53(B), Minimum number of loading spaces required; and 3321.05(B)(1), Vision clearance, of the Columbus City Codes; for the property located at 793 N. HIGH ST. (43215), to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV22-064).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3302-2022.Attachments, 2. ORD3302-2022.Labels

Date	Ver.	Action By	Action	Result
12/7/2022	1	CITY CLERK	Attest	
12/6/2022	1	MAYOR	Signed	
12/5/2022	1	COUNCIL PRESIDENT	Signed	
12/5/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
12/5/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/5/2022	1	Zoning Committee	Approved	Pass
12/5/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass

**Council Variance Application: CV22-064**

**APPLICANT:** The Wood Companies; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with various retail, restaurant, and office uses in the C-4, Commercial District. The applicant proposes partial demolition of the rear of the site and redevelopment with residential and retail uses. The portion of the structure along North High Street, which consists of a 5,895 square foot eating and drinking establishment and three retail spaces: 1,637 square feet, 2,535 square feet, and 1,972 square feet, are to remain. The requested Council variance will permit a mixed-use building consisting of two additional retail spaces, each less than 2,500 square feet, 70 apartment units, and accessory first floor residential uses. A variance is necessary because residential uses are only permitted above certain commercial uses in the C-4, Commercial District. Variances to building height, vision clearance, and minimum number of loading spaces are included in this request. The site is located in the vicinity of several sites that received Council variances to allow similar multi-

story mixed-use projects along the North High Street corridor. There is no Council adopted plan for this area, but the proposal will permit a multi-story mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood. Additionally, the final building design will need to receive a Certificate of Appropriateness from the Victorian Village Commission.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3309.14, Height districts; 3312.53(B), Minimum number of loading spaces required; and 3321.05(B)(1), Vision clearance, of the Columbus City Codes; for the property located at **793 N. HIGH ST. (43215)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV22-064).

**WHEREAS**, by application #CV22-064, the owner of property at **793 N. HIGH ST. (43215)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits residential uses above certain commercial uses, it does not permit ground floor residential uses, while the applicant proposes ground floor residential and accessory residential uses; and

**WHEREAS**, Section 3309.14, Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes a mixed-use building with an increased height of 180 feet; and

**WHEREAS**, Section 3312.53(B), Minimum number of loading spaces required, requires a minimum of one loading space, while the applicant proposes zero loading spaces; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a clear vision triangle of 10 feet at the intersection of Hubbard Avenue and Wall Street, while the applicant proposes to maintain an existing building that encroaches into this triangle (0 feet); and

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

**WHEREAS**, City Departments recommend approval because the site is located in the vicinity of several sites that received Council variances to allow similar multi-story mixed use projects along the North High Street corridor. There is no Council adopted plan for this area, but the proposal will permit a multi-story mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood; and

**WHEREAS**, this 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 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 **793 N. HIGH ST. (43215)**, in using said property as desired;

**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 permitted uses; 3309.14, Height districts;

3312.53(B), Minimum number of loading spaces required; and 3321.05(B)(1), Vision clearance, is hereby granted for the property located at **793 N. HIGH ST. (43215)**, insofar as said sections prohibit first floor residential and accessory residential uses in the C-4, Commercial District; with an increase in the building height from 35 to 180 feet; a loading space reduction from one to zero loading spaces; and encroachment into the vision clearance triangle by the existing building at the intersection of Hubbard Avenue and Wall Street; and said property being more particularly described as follows:

**793 N. HIGH ST. (43215)**, being 0.47± acres located at the southwest corner of North High Street and West Hubbard Avenue, and being more particularly described as follows:

Being Lots Numbered Thirty-Two (32), Thirty-Three (33), Thirty-Four (34), Thirty-Five (35), Thirty-Six (36) and Thirty-Seven (37), of M. HELEN HUTCHINSON'S SUBDIVISION OF THE HUBBARD PROPERTY in the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof: of record in Plat Book No. 3, page 414, Recorder's Office, Franklin County, Ohio, excepting therefrom, however ten (10) feet off the east ends thereof conveyed to the City of Columbus, Ohio, for the purpose of widening and improving North High Street of said City.

Subject to the rights of the City of Columbus to use a strip of land ten (10) feet in width off of the East side of the above described premises for street purposes as shown in Deed dated April 14, 1916, and recorded in Deed Book 595, page 58.

Addressed as: 793 N. High St.; Columbus, OH 43215  
Known as Franklin County Parcel Number 010-023668

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a mixed-use development as permitted by this ordinance, or those uses 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 site plan titled, "**21 W HUBBARD**" and building elevations titled, "**BUILDING ELEVATIONS, SHEETS 1-2,**" all dated October 31, 2022 and signed by Eric Zartman, 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 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.