



## Legislation Details (With Text)

**File #:** 2203-2023      **Version:** 1

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

**File created:** 7/13/2023      **In control:** Zoning Committee

**On agenda:** 7/31/2023      **Final action:** 8/2/2023

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(C), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at 172-180 N. CENTRAL AVE. (43222), to permit a mixed use development with reduced development standards in the R-4, Residential District (Council Variance #CV23-048).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 2203-2023.Attachments, 2. ORD 2203-2023.Labels

Date	Ver.	Action By	Action	Result
8/2/2023	1	ACTING CITY CLERK	Attest	
8/2/2023	1	MAYOR	Signed	
7/31/2023	1	COUNCIL PRESIDENT	Signed	
7/31/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/31/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/31/2023	1	Zoning Committee	Approved	Pass
7/24/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV23-048**

**APPLICANT:** North Central Holdings; c/o Dave Perry, Agent; David Perry Company; 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.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a commercial building utilized for auto repair and a four-unit apartment building on one parcel zoned in the R-4, Residential District. The requested Council Variance will permit auto repair, office and retail uses, contractor, storage, and/or 3D printing uses. A Council variance is necessary because the R-4, Residential District does not permit the proposed uses. The request includes variances for lot width, lot size, minimum side yard, maximum side yard, driveway width, maneuvering, parking space size, and minimum number of parking spaces required. The site is within the planning area of the *West Franklinton Plan (2014)*, which recommends “Medium-High Density” land uses at this location. Staff notes there have been commercial uses on the

northern portion of the site which is also adjacent to commercially zoned property. The conceptual elevations for the proposed single-unit or two-unit dwelling on Parcel C are consistent with the design guidelines of the area plan and the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. Staff supports the proposed mixed use development as it is consistent with the larger development pattern of the neighborhood.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(C), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **172-180 N. CENTRAL AVE. (43222)**, to permit a mixed use development with reduced development standards in the R-4, Residential District (Council Variance #CV23-048).

**WHEREAS**, by application #CV23-048, the owner of the property at **172-180 N. CENTRAL AVE. (43222)**, is requesting a Variance to permit a mixed use development with reduced development standards in the R-4 Residential District; and

**The following variances apply to Parcel A (R-4, Residential District):**

**WHEREAS**, Section 3332.039, R-4, residential district, prohibits commercial and storage uses, while the applicant proposes auto repair, all office and retail uses, contractor, storage and 3D printing uses on this parcel; and

**WHEREAS**, Section 3312.13, Driveway, requires a minimum driveway width of 20 feet, while the applicant proposes to reduce the width to 13 feet and to 10 feet for two-way access to parking spaces as shown on the site plan; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering, while the applicant proposes to have stacked parking, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.29, Parking space, requires each parking space to be accessible from a maneuvering area, while the applicant proposes to have stacked parking, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires six parking spaces for retail space containing 1,500 square feet, while the applicant proposes to provide four parking spaces; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes a reduced lot width of 34 feet; and

**WHEREAS**, Section 3332.18(C), Basis of computing area, requires a lot area calculation based on the lot length being no greater than three times the lot width, while the applicant proposes the actual lot area of 5,091 square feet as opposed to the 3,648 square feet that is pursuant to this lot area calculation; and

**WHEREAS**, Section 3332.21, Building lines, requires a 10 foot setback along North Central Avenue, while the applicant proposes to maintain a reduced setback of 2 feet; and

**WHEREAS**, Section 3332.26(C), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain a minimum side yard of zero feet along the north side of the existing principal building; and

**The following variances apply to Parcel B (R-4, Residential District):**

**WHEREAS**, Section 3312.29, Parking space, requires each parking space to be a rectangular area of 9 feet wide by 18 feet deep while the applicant proposes five parking spaces that have a reduced width of 8 feet; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or six parking spaces for a four-unit dwelling, while the applicant proposes to provide five parking spaces; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires a four-unit dwelling to be situated on a lot of no less than 10,000 square feet in area, while the applicant proposes a reduced lot size containing 7,788 square feet; and

**WHEREAS**, Section 3332.26(C), Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to maintain a minimum side yard of three feet along the south side of the building; and

**The following variances apply to Parcel C (R-4, Residential District):**

**WHEREAS**, Section 3312.29, Parking space, requires each parking space to be a rectangular area of nine feet wide by 18 feet deep which is accessible from a street, alley, or maneuvering area, while the applicant proposes stacked parking spaces with a reduced width of 8 feet, as shown on the submitted site plan; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes a reduced lot width of 33 feet; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 5,000 square feet in area, a two story, two-unit dwelling to be on a lot of no less than 6,000 square feet in area, while the applicant proposes a single-unit dwelling or a two-unit dwelling on a lot that contains 3,267 square feet (pursuant to lot area calculation in 3332.18(C)); and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 6.6 feet for a 33 foot wide lot, while the applicant proposes a maximum side yard of 6 feet for the two-unit dwelling; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet for a two-unit building, while the applicant proposes a reduced side yard of three feet; and

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

**WHEREAS**, City Departments recommend approval because the proposed mixed used development is consistent with the larger development patterns of 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 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 **172-180 N. CENTRAL AVE. (43222)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.039, R-4 residential district;

3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(C), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **172-180 N. CENTRAL AVE. (43222)**, insofar as said sections prohibit:

- a) On Parcel A: auto repair, commercial retail and office, contractor, storage, and/or 3D printing uses; with a reduced driveway width from 20 feet to 13 feet and 10 feet; no access or maneuvering for stacked parking spaces; reduced number of required parking spaces from six parking spaces to four parking spaces; reduced minimum lot width from 50 feet to 34 feet; a lot area of 5,091 square feet as opposed to the required lot area calculation of 3,468 square feet; reduced setback along North Central Avenue from 10 feet to 2 feet; and reduced minimum side yard from five feet to zero feet along the north property line; and
- b) On Parcel B: a reduction in the width of parking spaces from nine feet to eight feet; reduced number of parking spaces from six to five parking spaces; a reduced lot area from 10,000 square feet to 7,788 square feet; and reduced minimum side yard from five feet to three feet; and
- c) On Parcel C: reduced width of parking spaces from nine feet to eight feet wide; reduced minimum lot width from 50 feet to 33 feet wide; reduced lot area from 6,000 square feet to 3,267 square feet; reduced maximum side yard from 6.6 feet to six feet, and reduced minimum side yard for a two-unit dwelling from five feet to three feet;

Said property being more particularly described as follows:

**172-180 N. CENTRAL AVE. (43222)**, being 0.42± located on the east side of North Central Avenue at the terminus of Merrimac Street, 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 part of Lot Number Fifty (50) and all of Lots Fifty-One (51), Fifty-Two (52) and Fifty-Three (53) of THOMAS H. KNAUSS'S AMENDED SUBDIVISION of Lot No. 6 of WILLIAMS SULLIVANT'S ESTATE as said lot are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Pages 268, Recorder's Office, Franklin County, Ohio, said Part of Lot No. Fifty (50) being more particularly described as follows:

Beginning at a point where the north line of said Lot No. Fifty (50) intersects Central Avenue; thence east along the north line of said Lot 150 feet to the west line of and alley; thence South along said west line of said alley, 30 feet to a point then west on a line parallel with said north line to the east line of said North Central Avenue; thence 30 feet along said east line of said North Central Avenue to the place of beginning.

Parcel number: 010-027601-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for mixed-use development as demonstrated with the submitted site plan, or those uses permitted in the R-4, 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 July 12, 2023, and signed by David B. Perry, Agent for the Applicant and Donald Plank, 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 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 review and approval of vehicular access from N.

Central Avenue to the overhead door on the west end of the building on Parcel A by the Public Service Department, Division of Traffic Management, if use of the overhead door is proposed in conjunction with a specific use of the building.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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