



Legislation Details (With Text)

File #: 1259-2024 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/25/2024 **In control:** Zoning Committee

On agenda: 5/13/2024 **Final action:** 5/15/2024

Title: To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.43, Improved surface required; and 3312.49 Required parking, of the Columbus City Codes; for the property located at 2287 E. 5TH AVE. (43219), to allow a single-unit dwelling with reduced parking standards in the C-4, Commercial District (Council Variance #CV24-009).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1259-2024.Attachments, 2. ORD1259-2024.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|--|--------|
| 5/15/2024 | 1 | ACTING CITY CLERK | Attest | |
| 5/14/2024 | 1 | MAYOR | Signed | |
| 5/13/2024 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 5/13/2024 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 5/13/2024 | 1 | Zoning Committee | Approved | Pass |
| 5/13/2024 | 1 | COUNCIL PRESIDENT PRO-TEM | Signed | |
| 5/6/2024 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV24-009

APPLICANT: Brittany Glenn; 2287 East 5th Avenue; Columbus, OH 43219

PROPOSED USE: Single-unit dwelling.

NORTH CENTRAL AREA COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-unit dwelling in the C-4, Commercial District that includes a Type "A" day care home facility component. The requested Council variance will conform the existing single-unit dwelling, and is necessary for the applicant to obtain financing because the C-4 district only allows dwelling units above specified commercial uses, but does not allow a dwelling unit as a principal use. The request also includes variances for improved surface and required parking. The site is located within the planning boundaries of the *North Central Plan (2002)*, which recommends "Neighborhood Commercial Services" land uses at this location. Staff notes that the proposal will not introduce a new or incompatible use to the area, and conforms existing conditions. Staff also notes that this site is within the initial focus area of the Zone-In initiative, and the contemplated mixed-use zoning designation will allow both single-unit dwellings and commercial uses.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.43, Improved surface required; and 3312.49 Required parking, of the Columbus City Codes; for the property located at **2287 E. 5TH AVE. (43219)**, to allow a single-unit dwelling with reduced parking standards in the C-4, Commercial District (Council Variance #CV24-009).

WHEREAS, by application #CV24-009, the owner of property at **2287 E. 5TH AVE. (43219)**, is requesting a Council variance to allow a single-unit dwelling with reduced parking standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not allow a single-unit dwelling as a principal use, and only allows dwelling units above specified commercial uses, while the applicant proposes to maintain a single-unit dwelling; and

WHEREAS, Section 3312.43, Improved surface required, requires the surface of any parking or loading space, parking lot, aisle, or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain the existing unimproved loading area at the rear of the property adjoining the public alley; and

WHEREAS, Section 3312.49, Required parking, requires two parking spaces for the single-unit dwelling use, and one parking space per 500 square feet of day care facility space, a total requirement of four spaces, while the applicant proposes to maintain a total of zero spaces; and

WHEREAS, the North Central Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposal will not introduce an incompatible use to the area, conforms existing conditions, and is consistent with the contemplated mixed-use zoning designations that will result along East 5th Avenue as the first phase of the zoning code update; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance for the proposed use; 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 **2287 E. 5TH AVE. (43219)**, 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 permitted uses; 3312.43, Improved surface required; and 3312.49, Required parking, of the Columbus City Codes; is hereby granted for the property located at **2287 E. 5TH AVE. (43219)**, insofar as said sections prohibit a single-unit dwelling in the C-4, Commercial District; with an unimproved surface for loading and unloading; and a parking space reduction from four required spaces to zero provided spaces, said property being more particularly described as follows:

2287 E. 5TH AVE. (43219), being 0.20± acres located on the south side of East 5th Avenue, 150± feet east of Walcutt Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio.

Being 60 feet off the east side of Lot Number Fifty (50), in Shepard and Calendars Amended Plat of Albert B. Buttles Heir Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 29, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-026331-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling, or those uses allowed in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

SECTION 4. That this ordinance is further conditioned on the following traffic-related commitments for the proposed loading/unloading area:

1. Access shall be located along the alley abutting the rear of the subject site.
2. The size and shape shall be at minimum, an area equivalent to at least one standard parking space (nine feet wide by 18 feet long).
3. Adequate maneuvering for a standard parking space shall be met.
4. Pedestrian connectivity between the loading area and the daycare entrance shall be provided.

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