



## Legislation Details (With Text)

**File #:** 2604-2017      **Version:** 1

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

**File created:** 9/27/2017      **In control:** Zoning Committee

**On agenda:** 10/30/2017      **Final action:** 11/2/2017

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 210-212 MILLER AVENUE (43205), to permit a mixed-use development with parking in the R-3, Residential District and to repeal Ordinance # 1202-92, passed July 13, 1992 (Council Variance # CV17-037).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2604-2017Attachments, 2. ORD2604-2017Labels

Date	Ver.	Action By	Action	Result
11/2/2017	1	CITY CLERK	Attest	
11/1/2017	1	MAYOR	Signed	
10/30/2017	1	COUNCIL PRESIDENT	Signed	
10/30/2017	1	Zoning Committee	Approved	Pass
10/23/2017	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV17-037**

**APPLICANT:** Scott McKnight; 394 Oak Street; Columbus, OH 43215.

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

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single parcel developed with a vacant mixed-use building zoned in the R-3, Residential District, which was rendered nonconforming by a city-sponsored down-zoning of the Near East Area. Ordinance # 1202-92, passed July 13, 1992 (CV92-023), permitted the building to be used for a ground floor grocery store and four second-story dwelling units. Now, the applicant proposes to repurpose the building for a mixed-use development consisting of a community center, office, and up to four dwelling units. A variance to reduce the required number of parking spaces is included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location. One overall goal of the Plan is to preserve existing housing stock and achieve a reduced rate of housing demolition. City staff notes that this proposal would restore an existing contributing structure which has been vacant for several years. Additionally, staff supports the request for reduced parking as the plan recognizes that parking needs should be balanced with preserving the character of the neighborhood and creating a pedestrian friendly environment. The site is in a dense neighborhood accessible by foot, bicycle, and bus, has on street parking, and currently has no on-site parking.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **210-212 MILLER AVENUE (43205)**, to permit a mixed-use development with parking in the R-3, Residential District and to repeal Ordinance # 1202-92, passed July 13, 1992 (Council Variance # CV17-037).

**WHEREAS**, by application # CV17-037, the owner of the property at **210-212 MILLER AVENUE (43205)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes to convert the existing building into a two-story mixed-use development with 1,795 square feet of assembly space, 125 square feet of office space, and up to four dwelling units; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1 space per 30 square feet of assembly space, 1 space per 450 square feet of office space, and 1.5 parking spaces per dwelling unit, which equals a total requirement of 67 spaces, while the applicant proposes to maintain zero parking spaces; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow a mixed-use development would restore an existing contributing structure which has been vacant for several years and will not add an incompatible use at this location; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy 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 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 **210-212 MILLER AVENUE (43205)**, 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 3332.035, R-3, Residential District; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **210-212 MILLER AVENUE (43205)**, insofar as said sections prohibit a mixed-use development in the R-3, Residential District, with a parking space reduction from 67 required spaces to zero provided spaces; said property being more particularly described as follows:

**210-212 MILLER AVENUE (43205)**, being 0.07± acres located at the northeast corner of Miller Avenue and Oak Street, and being more particularly described as follows:

Being situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lots 148, 149 and 150 of James Nelson's Addition as recorded in Platt Book 2, Page 322, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at an iron pin found at the southwest corner of Lot 148, said pin being the intersection of the north line of Oak

Street, (50 feet wide), with the east line of Miller Avenue, (50 feet wide);

Thence, north, along the east line of Miller Avenue and along part of the west line of Lot 148, a distance of 40.00 feet to an iron pin;

Thence, north 89 degrees 40 minutes East, across Lots 148, 149 and part of Lot 150 and parallel with the south line of said Lots, (north line of Oak Street), a distance of 81.30 feet to a point;

Thence south across part of Lot 150, along a line parallel with the west line of said Lot and parallel with the east line of Miller Avenue, a distance of 40.00 feet to a point in the north line of Oak Street (south line of Lot 150);

Thence, south 89 degrees 40 minutes west along the north line of Oak Street and along part of the south line of Lot 150 and the south lines of Lots 149 and 148, a distance of 81.30 feet to the place of beginning, CONTAINING 3252 SQUARE FEET, (0.075 ACRES), subject however to all legal highways and easements and restrictions of record. Iron Pins set are 30"x1" O.D. with orange plastic caps inscribed "P.S. 6579". Basis of bearings is bearing of east line of Miller Avenue assumed north.

**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 development consisting of up to 1,795 square feet of community center space, general office, and up to four dwelling units, or those uses permitted in the R-3, Residential District.

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

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 5.** That Ordinance # 1202-92, passed July 13, 1992, be and is hereby repealed.