



## Legislation Details (With Text)

**File #:** 3331-2019      **Version:** 1

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

**File created:** 12/17/2019      **In control:** Zoning Committee

**On agenda:** 1/13/2020      **Final action:** 1/15/2020

**Title:** To grant a Variance from the provisions of Section 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 1194 MT. VERNON AVE. (43203), to permit a parking space reduction for an eating and drinking establishment (Council Variance #CV19-089).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3331-2019\_Attachments, 2. ORD3331-2019\_Labels

Date	Ver.	Action By	Action	Result
1/15/2020	1	CITY CLERK	Attest	
1/14/2020	1	MAYOR	Signed	
1/13/2020	1	COUNCIL PRESIDENT	Signed	
1/13/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
1/13/2020	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV19-089**

**APPLICANT:** Leslie Thompson; c/o Ashley Ingram, Atty.; 98 Hamilton Avenue; Columbus, OH 43203.

**PROPOSED USE:** Eating and drinking establishment.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3330-2019; Z19-067) to the C-3, Commercial District for the undeveloped portion of the site (1194 Mt. Vernon Avenue). The portion of the site that has existing C-3 zoning (1190 Mt. Vernon Avenue) is to be converted from a retail use to a 2,330 square foot eating and drinking establishment with an 831 square foot accessory patio. The requested Council variance permits a parking reduction from 29 required spaces to 16 provided spaces. The reduced number of parking spaces is supported because of the pedestrian friendly setting, and proximity to on-street parking and public transit.

To grant a Variance from the provisions of Section 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1194 MT. VERNON AVE. (43203)**, to permit a parking space reduction for an eating and drinking establishment (Council Variance #CV19-089).

**WHEREAS**, by application #CV19-089, the owner of property at **1194 MT. VERNON AVE. (43203)**, is requesting a

Council variance to permit a parking space reduction for an eating and drinking establishment; and

**WHEREAS**, Section 3312.49(C), Minimum number of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment space, and 1 parking space per 150 square feet of accessory patio space, or a total of 29 spaces for a 2,330 square foot eating and drinking establishment and an accessory patio of 831 square feet with the Urban Commercial Overlay reduction as permitted in 3372.609(B)(1), while the applicant proposes to provide a total of 16 spaces; and

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

**WHEREAS**, the City Departments recommend approval of the requested variance to reduce the minimum number of required parking spaces because of the pedestrian friendly setting, and proximity to on-street parking and public transit; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a 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 **1194 MT. VERNON AVE. (43203)**, 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 Section 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **1194 MT. VERNON AVE. (43203)**, insofar as said section prohibits a parking space reduction from 29 required spaces to 16 provided spaces; said property being more particularly described as follows:

**1194 MT. VERNON AVE. (43203)**, being 0.30± acres located on the north side of Mt. Vernon Avenue, 90± feet west of North Ohio Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 12 as shown and delineated upon the plat “Robert Armstrong’s Subdivision” of record in Plat Book 1, Page 315, all of Lot 1 as shown and delineated upon the plat “Joseph Bennett’s Subdivision” of record in Plat Book 1, Page 325, and a portion of a Vacated Alley by City of Columbus Ordinance No. 871-71, Recorder’s Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the northerly right of way line of Mt. Vernon Avenue (width varies) at the southwesterly corner of said Lot 12 and the southeasterly corner of Lot 19 as shown and delineated upon the plat “Able Hildreth’s Subdivision” of record in Plat Book 3, Page 183;

Thence North 12°31’14” West, along the common line to said Lots 12 and 19, a distance of 118.50 feet to a point at the northeasterly corner of said Lot 19 in the southerly line of a 16 foot alley;

Thence North 77°15’46” East, along said southerly line, a distance of 66.00 feet to a point in the westerly line of said Lot 1;

Thence North  $12^{\circ}31'14''$  West, along said westerly line and the westerly terminus of said vacated alley, a distance of 43.50 feet to a point at the southwesterly corner of Lot 5 as shown and delineated upon the plat "Joseph Bennett's Subdivision" of record in Plat Book 1, Page 325;

Thence North  $77^{\circ}15'46''$  East, along the southerly line of said Lot 5 and the northerly line of said vacated alley a distance of 30.00 feet to a point;

Thence South  $12^{\circ}31'14''$  East, through said vacated alley and along the easterly line of said Lot 1, a distance of 170.00 feet to a point in the northerly right-of-way line of Mt. Vernon Avenue at the southeasterly corner of said Lot 1;

Thence along the northerly right-of-way line of Mt. Vernon Avenue the following courses:

1. South  $77^{\circ}15'46''$  West, a distance of 30.00 feet to a point; 2. North  $12^{\circ}31'14''$  West, a distance of 8.00 feet to a point; 3. South  $77^{\circ}15'46''$  West, a distance of 66.00 feet to the place of beginning and containing 0.297 acre of land.

Bearings herein are based GPS observations, utilizing the Ohio State Plane Coordinate System, South Zone, Nad 83 (2011) which establishes a bearing of South  $77^{\circ}15'46''$  West for Mt. Vernon Avenue.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an eating and drinking establishment.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE COMPLIANCE PLAN**," dated November 20, 2019, and drawn by Moody Engineering. 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 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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