



Legislation Details (With Text)

File #: 1532-2012 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 6/29/2012 **In control:** Zoning Committee

On agenda: 7/23/2012 **Final action:** 7/25/2012

Title: To grant a Variance from the provisions of Sections 3363.01, M-manufacturing district; 3312.49(C), Minimum numbers of parking spaces required; and 3321.05(A), Vision clearance, of the Columbus City codes; for the property located at 754 BANK STREET (43206), to permit a single-unit dwelling in conjunction with an art studio and office with reduced development standards in the M, Manufacturing District (Council Variance #CV12-024).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1532-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20120723

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|-------------------------|--------|
| 7/25/2012 | 1 | CITY CLERK | Attest | |
| 7/24/2012 | 1 | MAYOR | Signed | |
| 7/23/2012 | 1 | COUNCIL PRESIDENT PRO-TEM | Signed | |
| 7/23/2012 | 1 | Zoning Committee | Approved | Pass |
| 7/16/2012 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV12-024

APPLICANT: Brianne E. DeRolphe; c/o Donald Plank, Plank Law Firm; 145 East Rich St., 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Add a single-unit dwelling to an existing commercial building for a live-work unit.

BREWERY DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow a single-unit dwelling with a partial second-story addition within an existing commercial building in the M, Manufacturing District. The building will function as a live-work unit with an art studio, office and the dwelling unit. The site is located within the High Street Corridor Subarea of the Southern Tier of the *Brewery District Plan* (1992), which states that the current zoning does not accurately represent the existing residential uses, and emphasizes the residential character of the area. Variances for a parking space reduction of 3 required spaces and to allow a fence for security purposes in required vision clearance are included in the request. Staff has supported requests for live-work units for other properties within the Brewery District, and this proposal would not be out of character for the area. In addition, the City of Columbus Zoning Code contains no district allowing a mixture of residential and commercial uses on the ground floor, so this is the only venue the applicant has to pursue such a project.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing district; 3312.49(C), Minimum numbers

of parking spaces required; and 3321.05(A), Vision clearance, of the Columbus City codes; for the property located at **754 BANK STREET (43206)**, to permit a single-unit dwelling in conjunction with an art studio and office with reduced development standards in the M, Manufacturing District (Council Variance #CV12-024).

WHEREAS, by application No. CV12-024, the owner of property at **754 BANK STREET (43206)**, is requesting a Council Variance to permit a single-unit dwelling in conjunction with an art studio and office with reduced development standards in the M, Manufacturing District; and

WHEREAS, Section 3363.01, M-manufacturing district, prohibits single-unit dwelling use, while the applicant proposes a single-unit dwelling with a partial second-story addition within an existing commercial building to function as a live-work unit; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires three (3) parking spaces for the art studio/office uses, and two (2) parking spaces for the single-unit dwelling, a total of five (5) parking spaces, while the applicant proposes two (2) parking spaces; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten foot clear vision triangle at the intersection of a driveway and the right-of-way, while the applicant proposes a fence and sliding gate for security purposes within the clear vision triangle as shown on the site plan; and

WHEREAS, the Brewery District Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because Staff has supported requests for live-work units for other properties within the Brewery District, and this proposal would not be out of character for the area. In addition, the City of Columbus Zoning Code contains no district allowing a mixture of residential and commercial uses on the ground floor, so this is the only venue the applicant has to pursue such a project; 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 **754 BANK STREET (43206)**, 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 3363.01, M-manufacturing district; 3312.49(C), Minimum numbers of parking spaces required; and 3321.05(A), Vision clearance of the Columbus City Codes, is hereby granted for the property located at **754 BANK STREET (43206)**, insofar as said sections prohibit single-unit residential use in the M, Manufacturing District, with a parking space reduction from five (5) required parking spaces to two (2) spaces, and obstruction of the required clear vision triangle by a security fence at the intersection of the driveway and Bank Street, said property being more particularly described as follows:

754 BANK STREET (43206), being 0.08± acres located on the east side of Bank Street, 93.75± feet south of Frankfort Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being described as follows:

Being part of Lot Number One Hundred Seventy (170) and Lot Number One Hundred Seventy-one (171) of the C. F. Jaeger's Addition, as the same are numbered and delineated upon the record plat thereof, of record in Plat Book 2, page 335, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin set in the East line of Bank Street (41 feet wide), which said iron pin represents the Northwest corner of said Lot 170; thence Southerly along the East line of said Bank Street, and the Westerly lines of said Lots 170 and 171, measure Forty-four and twenty hundredths (44.20) feet, to a point in the Westerly line of said Lot 171, which last said point is Northerly Eighteen and fifty hundredths (18.50) feet, measured along the Westerly line of said Lot 171 from the Southwest corner of said Lot 171; thence Easterly and parallel to the Northerly line of said Lot 170; measure Eighty-four and seventy-five hundredths (84.75) feet, to an iron pin; thence Forty-four and twenty hundredths (44.20) feet to a stake set in the Northerly line of said Lot 170; thence Westerly along the Northerly line of said Lot 170, measure Eighty-four and seventy-five hundredths (84.75) feet to the point of beginning.

Street Address: 754 Bank Street, Columbus, OH 43206

Parcel No.: 010-026514

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 as a live-work unit in conjunction with commercial uses permitted in the M, Manufacturing District.

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

SECTION 4. That this ordinance is further conditioned on the subject site being developed in accordance with the submitted site plan titled, "**ZONING VARIANCE - 754 BANK STREET**," signed by Donald Plank, Attorney for the Applicant, and dated June 26, 2012. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved 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 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.