



## Legislation Details (With Text)

**File #:** 2568-2017      **Version:** 1

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

**File created:** 9/22/2017      **In control:** Zoning Committee

**On agenda:** 1/22/2018      **Final action:** 1/24/2018

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(D) (1), Landscaping and screening; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(1), Vision clearance; 3321.07(B), Landscaping; 3332.05(A)(4), Area district lot width requirements; 3332.14 R-2F, Area district requirements; 3332.25 (C)(1), Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.28, Side or rear yard obstruction; 3372.605(D), Building design standards; and 3372.607(D), Landscaping and screening, of the Columbus City Code; for the property located at 1020-1022 EAST LONG STREET (43203), to permit a mixed-use building with reduced development standards in the R-2F, Residential District (Council Variance # CV17-058).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2568-2017\_Attachments, 2. ORD2568-2017\_Labels

Date	Ver.	Action By	Action	Result
1/24/2018	1	ACTING CITY CLERK	Attest	
1/24/2018	1	ACTING MAYOR	Signed	
1/22/2018	1	COUNCIL PRESIDENT	Signed	
1/22/2018	1	Zoning Committee	Waive the 2nd Reading	Pass
1/22/2018	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV17-058**

**APPLICANT:** FGW Investment Properties LLC; c/o Melva C. Williams-Argaw, Agent; 3354 East Broad Street; Columbus, OH 43213.

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

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-2F, Residential District, and is developed with a vacant two-story commercial building. The requested Council variance will permit approximately 2,100± square feet of limited commercial uses in the whole building, or commercial uses on the first floor with two second-story apartments. The R-2F, Residential District was established as part of the 1974 Model Cities down-zoning of the neighborhood which rendered many commercial and mixed-use properties non-conforming. A variance is necessary because the R-2F District prohibits commercial uses. Variances to reduce the required number of parking spaces and to conform existing site and building conditions are included in the request. The site is located within the planning area of the *Near East Area Plan* (2005), which recommends higher-density residential and mixed-use development for this location, and is within the Urban Commercial Overlay. Staff supports the commercial uses noting that the mixed-use building predates the existing residential zoning district, and that the building is located on an established urban

commercial corridor. The parking reduction request is supportable because of the walkable nature of the neighborhood, abundant on-street parking, and proximity to public transit on East Long Street. Additionally, Staff concludes that the requested commercial uses and variances for existing conditions are consistent with similar mixed-use projects in the neighborhood.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(1), Vision clearance; 3321.07(B), Landscaping; 3332.05(A)(4), Area district lot width requirements; 3332.14 R-2F, Area district requirements; 3332.25(C)(1), Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.28, Side or rear yard obstruction; 3372.605(D), Building design standards; and 3372.607(D), Landscaping and screening, of the Columbus City Code; for the property located at **1020-1022 EAST LONG STREET (43203)**, to permit a mixed-use building with reduced development standards in the R-2F, Residential District (Council Variance # CV17-058).

**WHEREAS**, by application # CV17-058, the owner of the property at **1020-1022 EAST LONG STREET (43203)**, is requesting a Council variance to permit limited commercial uses within a mixed-use building with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits commercial uses, while the applicant proposes limited commercial uses within a 2,100 square foot mixed-use building with reduced development standards; and

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially zoned property within a landscaped area at least 4 feet in width, while the applicant proposes to reduce the width of screening area along the east property line to 0 feet; and

**WHEREAS**, Section 3312.25, Maneuvering, requires the maneuvering area for 75 degree parking spaces to be 17 feet, while the applicant proposes a maneuvering area of 16 feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per residential unit, and 1 parking space for every 75 square feet of eating and drinking establishment space, or a maximum requirement of 22 spaces assuming the entire building is used for an eating and drinking establishment while applying the Urban Commercial overlay reduction, while the applicant proposes 2 parking spaces; and

**WHEREAS**, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster in the required rear yard as shown on the site plan; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersections of streets and alleys, while the applicant proposes to maintain encroachment of the existing building into the clear vision triangle at the intersection of East Long Street and the alley along the western property line; and

**WHEREAS**, Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of one tree in this case, while the applicant proposes no trees if apartments are established on the second floor since there is no yard area to plant a tree; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-2F, Residential District, while the applicant proposes to maintain a lot width of 35 feet; and

**WHEREAS**, Section 3332.14 R-2F, Area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less 6,000 square feet in area, while the applicant proposes to maintain the existing lot area of 3,047 square feet; and

**WHEREAS**, Section 3332.25(C)(1), Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot which equals 7 feet; while the applicant proposes to maintain a reduced maximum side yard of 0 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain a minimum side yard of zero (0) feet along the east property line for the existing building; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering, and a dumpster enclosure in those areas; and

**WHEREAS**, Section 3372.605(D)(E), Building design standards, requires the primary building frontage to have certain window glass percentages, while the applicant proposes to maintain the existing window glass as shown on the elevation drawings; and

**WHEREAS**, Section 3372.607(D), Landscaping and screening, requires parking lot screening comprised of a solid masonry or stone fence that does not exceed a height of 4 feet, or a mixture of a 4 foot high metal fence and a 3 foot wide landscaped area, while the applicant proposes to maintain a wood privacy fence and a concrete block wall that are 6 feet in height on the east side of the parking lot; and

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

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposed commercial uses within the existing commercial building are consistent with the *Near East Area Plan* land use recommendations and with the established development pattern along East Long Street. Approval of this request will not add incompatible uses to the area; 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 **1020-1022 EAST LONG STREET (43203)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(1), Vision clearance; 3321.07(B), Landscaping; 3332.05(A)(4), Area district lot width requirements; 3332.14 R-2F, Area district requirements; 3332.25(C)(1), Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.28, Side or rear yard obstruction; 3372.605(D), Building design standards; and 3372.607(D), Landscaping and screening, of the Columbus City Code, is hereby granted for the property located at **1020-1022 EAST LONG STREET (43203)**, insofar as said sections prohibit a mixed-use commercial building in the R-2F, Residential District; with a reduced width of screening area along the east property line from 4 feet to 0 feet with no plantings; reduced maneuvering area for parking spaces from 17 to 16 feet; a parking space reduction from a potential of

22 required spaces to 2 spaces; a dumpster in the required rear yard; encroachment of the building into the clear vision triangle at the intersection of East Long Street and the alley along the western property line; no tree planting if apartments are established on the second floor; a reduced lot width from 50 to 35 feet; reduced lot area from 6,000 to 3,047 square feet; a reduced maximum side yard from 7 to 0 feet; reduced minimum side yards from 5 to 0 feet; obstruction of the required side and rear yards by pavement for parking and maneuvering and a dumpster enclosure; reduced window glass along the primary frontage of the building; and a wall and fence 6 feet in height; said property being more particularly described as follows:

**1020-1022 EAST LONG STREET (43203)**, being 0.2± acres located on the south side of East Long Street, 150± feet west of Hamilton Park, and being more particularly described as follows:

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

Being a part of Lots Number Ninety-two (92) and Ninety-three (93) of Dewitt and Hoffman's Addition to said city, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, Page 197, Recorder's Office, Franklin County, Ohio.

Beginning at a point in the southwest corner of said Lot No. 93, at the intersection of Long Street and the alley on the west of said lot;

Thence easterly along the south line of said Lot No. 93 and the north line of Long Street 35 feet;

Thence northerly at right angles with Long Street 86.79 feet to the north line of said Lot No. 92;

Thence westerly along the north line of said last mentioned lot 16.34 feet to the alley;

Thence southerly along the west line of said lots and the east line of said alley, 91 feet to the beginning.

Property Address: 1020-1022 East Long Street; Columbus, OH 43203  
Parcel Number: 010-047941-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a mixed-use building, or those uses permitted in the R-2F, 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 1020-1022 E. LONG STREET**," drawn and signed by Bemba K. Jones, Professional Surveyor, and dated September 29, 2017, and elevations titled "**ELEVATIONS**," drawn and signed by Melva C. Williams-Argaw, Registered Architect, and dated September 29, 2017. 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 of 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 following permitted uses that can be established in the building:

Baked Goods Stores; Barber Shops; Beauty/Nail Salons; Cafes; Delicatessens and Restaurants; Florists; Gift, Novelty and Souvenir Stores; Specialty Food/grocery Stores; Radio and Television Broadcasting Stations and Studios; Recording Studios; Art Dealers and Galleries; Arts and Crafts Stores; Compact Disc, Music, Record and Video Stores (includes rental); Jewelry Stores; and Dwelling Units (on second floor).

**SECTION 5.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits Certificates

of Occupancy for the proposed uses.

**SECTION 6.** That this ordinance is further conditioned upon compliance with Urban Commercial overlay requirements if the existing building is replaced with a new building, except for the variance to fencing requirements that is included in this request.

**SECTION 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.