



## Legislation Details (With Text)

**File #:** 1168-2007      **Version:** 2

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

**File created:** 7/5/2007      **In control:** Zoning Committee

**On agenda:** 7/23/2007      **Final action:** 7/25/2007

**Title:** To grant a Variance from the provisions of Sections 3351.03, C-1 Permitted Uses; 3351.05(B), C-1 District Development Limitations; 3351.09, C-1 District Setback Lines; 3342.25, Vision clearance; 3342.28, Minimum Number of Parking Spaces Required; and 3342.29, Minimum number of loading spaces required, of the Columbus City Codes for the property located at 818 EAST MAIN STREET (43205), to permit dwelling units on the ground floor in the C-1, Commercial District with reduced development standards and to declare an emergency. (Council Variance #CV07-025)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1168-2007.attchmnts.pdf, 2. ORD01168-2007lbs.pdf, 3. City Council Data Form\_CV07-025.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	2	CITY CLERK	Attest	
7/24/2007	2	MAYOR	Signed	
7/23/2007	2	Zoning Committee	Approved as Amended	Pass
7/23/2007	2	COUNCIL PRESIDENT	Signed	
7/23/2007	1	Zoning Committee	Amended to Emergency	Pass
7/16/2007	1	Columbus City Council	Read for the First Time	
7/9/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/9/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/6/2007	1	Dev Zoning Drafter	Sent for Approval	
7/6/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
7/6/2007	1	Dev Reviewer	Reviewed and Approved	
7/6/2007	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV07-025**

**APPLICANT:** Douglas / CBP LLC; c/o Douglas R. Ervin; 1349 East Broad Street, Columbus, OH 43205.

**PROPOSED USE:** Dwellings on the ground floor.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant seeks a Council variance to allow ground-floor dwelling units in the C-1, Commercial District. Some buildings may have dwellings on multiple floors and could be entirely residential in nature. The existing C-1, Commercial District zoning is appropriate at this location. By leaving the existing C-1, Commercial District in place, the possibility of ground floor commercial uses at this site mixed with ground floor dwellings is

maintained. Such a mixture of uses is appropriate at this location and is supported by the *Near East Area Plan* (2006). There is no appropriate district in the Zoning Code that the site could be rezoned to that would allow a mixture of commercial and ground floor dwellings, thus the use of a Council variance is appropriate in this case.

To grant a Variance from the provisions of Sections 3351.03, C-1 Permitted Uses; 3351.05(B), C-1 District Development Limitations; 3351.09, C-1 District Setback Lines; 3342.25, Vision clearance; 3342.28, Minimum Number of Parking Spaces Required; and 3342.29, Minimum number of loading spaces required, of the Columbus City Codes for the property located at **818 EAST MAIN STREET (43205)**, to permit dwelling units on the ground floor in the C-1, Commercial District with reduced development standards **and to declare an emergency.** (Council Variance #CV07-025)

**WHEREAS**, by application No. CV07-010 the owner of property at **818 EAST MAIN STREET (43205)**, is requesting a Council Variance to permit dwelling units on the ground floor of proposed buildings in the C-1, Commercial District; and

**WHEREAS**, Section 3351.03, C-1 Permitted Uses, permits apartment uses only above commercial uses, while the applicant proposes to develop dwelling units on the ground floor of buildings in the C-1, Commercial District; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to property closing and permit submittal time constraints for the immediate preservation of the public peace, property, health and safety; and

**WHEREAS**, Section 3351.05(B), C-1 District Development Limitations, permits apartment uses only above commercial uses, while the applicant proposes to develop dwelling units on the ground floor and on the second floor of buildings in the C-1, Commercial District; and

**WHEREAS**, Section 3342.25, Vision clearance, requires the size of required clear vision triangles to be ten (10) feet on each of the perpendicular sides, while the applicant proposes to reduce this to eight (8) feet on each of the two perpendicular sides along Eighteenth Street; and

**WHEREAS**, Section 3342.28, Minimum Number of Parking Spaces Required, requires off-street parking at code required ratios for each use, while applicant proposes a 50% reduction in code required off-street parking for all uses; and

**WHEREAS**, Section 3351.09, C-1 District Setback Lines, requires buildings to have a setback of twenty-five (25) feet from the right-of-way, while the applicant proposes a five (5) foot setbacks along Eighteenth Street and Mound Street; and

**WHEREAS**, Section 3342.29, Minimum number of loading spaces required, requires that commercial buildings that are five thousand (5,000) square feet or more provide one loading space, while the applicant proposes to maintain zero (0) loading spaces; and

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

**WHEREAS**, the City Departments recommend approval and note that a Council variance is required to allow dwelling units on the ground level in the C-1, Commercial District and that the existing C-1, Commercial District zoning is appropriate at this location. By leaving the existing C-1, Commercial District in place, the possibility of ground floor commercial uses at this site mixed with ground floor dwellings is maintained. Such a mixture of uses is appropriate at this location and is supported by the *Near East Area Plan* (2006). There is no appropriate district in the Zoning Code that the site could be rezoned to that would allow a mixture of commercial and ground floor dwellings, thus the use of a Council variance is appropriate in this case; and

**WHEREAS**, approval of this Council variance does not preclude the location of commercial uses on the ground floor of the proposed buildings which is appropriate 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 **818 EAST MAIN STREET (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 from the provisions of Sections 3351.03, C-1 Permitted Uses; 3351.05(B), C-1 District Development Limitations; 3342.29, Minimum number of loading spaces required, and 3351.09, C-1 district setback lines, 3342.25, Vision clearance; 3342.28, Minimum Number of Parking Spaces Required of the Columbus City Codes for the property located at **818 EAST MAIN STREET (43205)**, insofar as said sections prohibit dwellings on the first floor, with clear vision triangles reduced from ten (10) feet on each perpendicular side to eight (8) feet on each perpendicular side along Eighteenth Street, with a 50% reduction in the amount of Code required parking, without loading spaces and with five (5) foot building setbacks along Mound and Eighteenth Streets, said property being more particularly described as follows:

**LEGAL DESCRIPTION**

818 East Main Street, Columbus, Ohio  
3.66 +/- Acres  
CV07-025

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

**Tract A**

Being fifty eight (58) feet off of the west side of the west one half of lot numbered Eighty Eight (No. 88) of Crosby's Addition of out lots to the said City of Columbus and being part of the same premises heretofore conveyed to the said Mary E. Carpenter by Timothy R. Carpenter and wife by deed dated February 18, 1871, recorded in deed records of said County Volume 104, Pages 8 and 9.

**Tract B**

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

Being part of the west one half of out lot number eighty eight (88) of Crosby's Addition to the said City of Columbus, commencing in the north line of said out lot, 58 feet east of the northwest corner thereof, thence east along the north line thereof fifty nine feet and forty hundredths of a foot, thence south along a line parallel with the east and west lines of said out lot to the south line thereof, thence west along the south line of said out lot to the southeast corner of that portion of said outlot heretofore conveyed by Truman W. Carpenter to this grantee, Joseph Jessing of record in Deed Book 175, Page 562, Recorder's office, Franklin County, Ohio and thence north along the east line of said premises to the place of beginning.

The premises hereby conveyed bound on the west by the said premises as heretofore conveyed, and the north and south lines of the premises hereby conveyed are in length 59 40/100 feet.

**Tract C**

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

Being known as the north part of lot number eighty seven (87) in Crosby's Addition to Columbus, as in bounded as follows; north by the south line of east Friend Street (now known as East Main Street), and being about two hundred and thirty five (235) feet on said east Friend Street, south by land of said Lewis W. Smith in said Lot 87, on a line running parallel to the south line of said East Friend Street, and one hundred and ninety four (194) feet southerly there from, east by the west line of land formerly owned by one T. Carpenter and which is also the east line of said Lot 87 and west by the east line of East Meadow Street (now known as Seventeenth Street), being a parcel of land about 235 feet from east to west and one hundred and ninety four feet (194) from north to south and

containing about one and one fifth of an acre of land (1 & 1/5) be the same more or less, but subject to all legal highways.

Tract D

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

Being part of the east half of Out Lot Number eighty-eight (E ½ of 88) of Crosby's Addition of out lots to the said City of Columbus, Ohio as per recorded plat of said Addition: Beginning at the southwest corner of Main and Eighteenth Streets, thence westwardly with the south line of Main Street twenty eight and thirty one hundredths (28 30/100) feet thence at right angles to Main Street southwardly four hundred and nineteen feet (419 ft) to a point twenty (20) feet to the northwest corner of Mound and Eighteenth Street thence with the west line of Eighteenth Street to the place of beginning.

Tract E

Situated in the State of Ohio, County of Franklin and City of Columbus and known as being part of Lot Number Eighty Seven (87) in Crosby's Addition to Columbus and bounded as follows: South by East Mound Street, west by East Meadow Street (now known as East Main Street), north by lands conveyed by Lewis W. Smith and wife to one Joseph Jessing, and east by land now or formally owned by one Carpenter, and being all of the lands conveyed by Charles W. Summons and wife Everly Summons to Lewis W. Smith by deed dated May 28, 1872 and recorded in Franklin County Records of Deeds Vol. 109, Page 86 and 87; except so much thereof as was conveyed by Lewis W. Smith and wife to said Joseph Jessing if be the same more or less, but subject to all legal highways.

(Being all of tax parcels 010-093457 and 010-066971)

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground floor dwelling units or those uses permitted in the C-1, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on a commitment by the owner to develop the property in general conformance with the site plans titled, "**PRELIMINARY SITE LAYOUT FOR EAST MAIN STREET MIXED-USE DEVELOPMENT PROJECT ALTERNATE 1 AND ALTERNATE 2,**" signed by Donald Plank, Attorney for the Applicant, dated July 5, 2007. The Subject Site shall be developed in accordance with the site plans. The site plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Development or his 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**