



## Legislation Details (With Text)

**File #:** 0988-2012      **Version:** 2

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

**File created:** 4/26/2012      **In control:** Zoning Committee

**On agenda:** 6/4/2012      **Final action:** 6/6/2012

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.49, Minimum number of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at 22-24 EAST FRANKFORT STREET (43206), to conform an existing two-unit dwelling in the C-4, Commercial District with reduced development standards and to declare an emergency (Council Variance # CV12-015).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0988-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20120604

Date	Ver.	Action By	Action	Result
6/6/2012	2	MAYOR	Signed	
6/6/2012	2	CITY CLERK	Attest	
6/4/2012	2	COUNCIL PRESIDENT	Signed	
6/4/2012	1	Zoning Committee	Amended to Emergency	Pass
6/4/2012	1	Zoning Committee	Approved as Amended	Pass

**Council Variance Application: CV12-015**

**APPLICANT:** Joseph Paul Mayer III; 24 East Frankfort Street; Columbus, OH 43206.

**PROPOSED USE:** Two-unit dwelling.

**BREWERY DISTRICT COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing two-unit dwelling in the C-4, Commercial District. A Council variance is necessary because dwellings are only permitted above specified commercial uses in the C-4, Commercial District. 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. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from making improvements to the structure. The dwelling has been long established on this lot, and is consistent with the residential uses that are prevalent in the surrounding neighborhood. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.49, Minimum number of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **22-24 EAST FRANKFORT STREET (43206)**, to conform an existing two-unit dwelling in the C-4, Commercial District with

reduced development standards **and to declare an emergency** (Council Variance # CV12-015).

**WHEREAS**, by application No. CV12-015, the owner of property at **22-24 EAST FRANKFORT STREET (43206)** is requesting a Council variance to conform an existing two-unit dwelling in the C-4, Commercial District with reduced development standards; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits dwelling units only above specified commercial uses, while the applicant proposes to maintain an existing two-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes to maintain zero (0) parking spaces; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires a 10-foot building setback line along East Frankfort Street, while the applicant proposes to maintain a building setback line of 0 feet; and

**WHEREAS**, The Brewery District Commission recommends approval; and

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will conform an existing two-unit dwelling in the C-4, Commercial District, and the *Brewery District Plan* recognizes that the current zoning does not accurately represent the existing residential uses, and emphasizes the residential character of the area; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **22-24 EAST FRANKFORT STREET (43206)**, in using said property as desired; 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 to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:**

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

**SECTION 1.** Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.49, Minimum number of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes, are hereby granted for the property located at **22-24 EAST FRANKFORT STREET (43206)**, in that said sections prohibit a two-unit dwelling in the C-4, Commercial District with zero (0) parking spaces, and a building setback of zero (0) feet along East Frankfort Street; said property being more particularly described as follows:

**22-24 EAST FRANKFORT STREET (43206)**, being 0.05± acres located at the northwest corner of East Frankfort Street and South Pearl Street, and being more particularly described as follows:

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

Being the southeastern part (32.5' wide by 68.5' deep) of Lot Number Four (4) of C.F. JAEGER'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 33, Page 11, Recorder's Office, Franklin County.

Parcel Number: 010-030605

Property Address: 22-24 East Frankfort Street; Columbus, Ohio 43206

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-unit dwelling.

**SECTION 3.** ~~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.**