



## Legislation Details (With Text)

**File #:** 1946-2017      **Version:** 1

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

**File created:** 7/10/2017      **In control:** Zoning Committee

**On agenda:** 7/31/2017      **Final action:** 8/3/2017

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.13(B), Driveway; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 Area district requirements; and 3372.604(B), Setback requirements, of the Columbus City codes; for the property located at 851 NORTH FOURTH STREET (43215), to permit 1,050± square feet of ground floor commercial use and two second-story dwelling-units, with reduced development standards in the R-4, Residential District; (Council Variance # CV17-016).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1946-2017\_Attachments, 2. ORD1946-2017\_Labels

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Zoning Committee	Approved	Pass
7/24/2017	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV17-016**

**APPLICANT:** Alkhatib Fourth, LLC c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-4, Residential District, and is developed with a two story mixed-use building located in the Italian Village Urban Commercial Overlay. The requested Council variance will permit up to 1,050± square feet of ground floor commercial use for office, retail, or a restaurant, with two second-story dwelling-units, while conforming the lot area and width, and reducing the number of required parking spaces and parking setback. A Council variance is necessary because the R-4, Residential District prohibits commercial uses. The site is located within the planning area of the *Italian Village East Redevelopment Plan (2000)*, which recommends residential land uses at this location. The request can be supported because the existing building has a history of commercial and residential use, and is consistent with the Plan's recommendation to develop a commercial corridor that serves Italian Village.

To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.13(B), Driveway; 3312.49

(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 Area district requirements; and 3372.604(B), Setback requirements, of the Columbus City codes; for the property located at **851 NORTH FOURTH STREET (43215)**, to permit 1,050± square feet of ground floor commercial use and two second-story dwelling-units, with reduced development standards in the R-4, Residential District; (Council Variance # CV17-016).

**WHEREAS**, by application # CV17-016, the owner of property at **851 NORTH FOURTH STREET (43215)**, is requesting a Council variance to permit 1,050± square feet of ground floor commercial use and two second-story dwelling-units, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, residential district, prohibits commercial uses in the R-4, Residential District, while the applicant proposes 1,050± square feet of ground floor commercial use, with two second-story dwelling-units; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a minimum width of 20 feet for driveways serving commercial parking lots, while the applicant proposes to maintain a driveway width of 10 feet from East First Avenue for a new loading area; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires two spaces per dwelling unit and 1 space per 75 square feet of restaurant space, which totals four parking spaces for the two dwelling-units and eleven parking spaces for the 1,050± square feet of commercial uses in the Urban Commercial Overlay, assuming the most intense use of a restaurant; while the applicant proposes to maintain zero parking spaces; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 32-foot wide lot; and

**WHEREAS**, Section 3332.15, R-4 Area district requirements, requires a principal building to be situated on a lot of not less than 5,000 square feet, while the applicant proposes to maintain an existing lot of 2,613± square feet; and

**WHEREAS**, Section 3372.604(B), Setback requirements, requires a parking setback of no less than five feet in the Urban Commercial Overlay, while the applicant proposes a setback of zero feet along East First Avenue for a loading area; and

**WHEREAS**, this ordinance includes a parking reduction variance because the application was submitted prior to the effective date of the Short North Special Parking Area; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the existing building has a history of commercial and residential uses, and the proposal is consistent with the *Italian Village East Redevelopment Plan*'s recommendation for a commercial corridor along North Fourth Street; 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 **851 NORTH FOURTH STREET (43215)**, 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 3332.039, R-4, Residential District; 3312.13(B), Driveway; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 Area district requirements; and 3372.604(B), Setback requirements, of the Columbus City codes, is hereby granted for the property located at **851 NORTH FOURTH STREET (43215)**, insofar as said sections prohibit office, retail, and restaurant uses in the R-4, Residential District; with a reduced driveway width from 20 feet to 10 feet for a new loading area; a parking reduction from 15 required parking spaces to 0 spaces; a reduced lot width from 50 feet to 32 feet; a reduced lot area from 5,000 square feet to 2,613± square feet; and a reduced parking setback from 5 feet to 0 feet along East First Avenue for the new loading area; said property being more particularly described as follows:

**851 NORTH FOURTH STREET (43215)**, being 0.06± acres located at the southwest corner of North Fourth Street and East First Avenue, and being more particularly described as follows:

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

Being thirty-three (33) Feet off of the north end of Lot Numbers Six and Seven (6 & 7) of Charles W. Rice's Subdivision of Lot Numbers Fifty-three and Fifty-four (53 & 54) of Williams Phelan's Mount Pleasant Addition to the said city, as the same are numbered and delineated upon the recorded thereof, of record in Plat Book 1, Page 393 Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the northwest corner of Lot Number Six (6) of Charles W. Rice's Subdivision of Lots Numbers 53 and 54 of William Phelan's Mount Pleasant Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 393, Recorder's Office, Franklin County, Ohio; thence eastwardly along the south line, of First Avenue, 84.42 feet to North Fourth Street (formerly known as North Fifth Street); thence southerly along the west line of Fourth Street (formerly Fifth Street) 33 feet to a point; thence westerly parallel with First Avenue; 84.42 feet to the west line of Lot Number 6; thence northerly along the west line of Lot Number 6, 33 feet to the point of beginning, and being a part of Lot Numbers 6 and 7 of the above subdivision.

Parcel Number: 010-052161-00

Property Address: 851 North Fourth Street, Columbus, Ohio 43215

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for 1,050± square feet of ground floor office, retail, or restaurant uses with two second-story dwelling-units, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan and elevation drawings titled, "**ZONING VARIANCE PLAN**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated July 5, 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 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 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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