



Legislation Details (With Text)

File #: 0709-2006 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/28/2006 **In control:** Zoning Committee
On agenda: 5/1/2006 **Final action:** 5/3/2006
Title: To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses and 3342.28, Minimum number of parking spaces required, for the property located at 1276 NORTH HIGH STREET (43201), to permit a 28-unit apartment house with reduced parking requirements in the C-4, Commercial District. (Council Variance # CV05-052)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD # 0709-2006 Attachments.pdf, 2. ORD # 0709-2006 Mailing Labels.pdf, 3. ORD 0709-2006 Data Form.pdf

Date	Ver.	Action By	Action	Result
5/3/2006	1	MAYOR	Signed	
5/3/2006	1	CITY CLERK	Attest	
5/1/2006	1	COUNCIL PRESIDENT	Signed	
5/1/2006	1	Zoning Committee	Approved	Pass
4/24/2006	1	Columbus City Council	Read for the First Time	
4/17/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/17/2006	1	Dev Drafter	Sent to Clerk's Office for Council	
4/14/2006	1	Dev Drafter	Sent for Approval	
4/13/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
4/13/2006	1	Dev Reviewer	Reviewed and Approved	
3/29/2006	1	Dev Drafter	Sent for Approval	

Council Variance Application: CV05-052

APPLICANT: Connie Klema, Attorney.; P.O. Box 991; Pataskala, Ohio 43062.

PROPOSED USE: A 28-unit apartment house in the C-4, Commercial District.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant proposes to convert an existing structure, formerly used as a Masonic Temple, into a 28-unit apartment house. The property is zoned in the C-4, Commercial District, which does not allow residential uses on the first floor. The proposed variances would allow residential uses on the first floor and reduce the parking requirements from two (2) parking spaces per dwelling unit to one (1) parking space per dwelling unit. The proposed use is consistent and compatible with the development pattern of the area.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses and 3342.28, Minimum number of parking spaces required, for the property located at **1276 NORTH HIGH STREET (43201)**, to permit a 28-unit apartment house with reduced parking requirements in the C-4, Commercial District. (Council Variance # CV05-052)

WHEREAS, by application No. CV05-052, the owner of property at **1276 NORTH HIGH STREET (43201)**, is requesting a Council Variance to permit a 28-unit apartment house in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4, Permitted uses, prohibits dwelling units on the first floor, while the applicant proposes dwelling units on the first floor; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two parking spaces per dwelling unit, for a total of 56 required parking spaces, while the applicant proposes to provide one (1) parking space per dwelling unit, for a total of 28 parking spaces; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed use is consistent and compatible with the development pattern of the area. The applicant proposes to convert an existing structure, formerly used as a Masonic Temple, into a 28-unit apartment house. The property is zoned in the C-4, Commercial District, which does not allow residential uses on the first floor. The proposed variances would allow residential uses on the first floor and reduce the parking requirements from two (2) parking spaces per dwelling unit to one (1) parking space per dwelling unit; and

WHEREAS, said ordinance requires that, although the applicant proposes to initially utilize private refuse service, should the owner (s) request City of Columbus refuse service in the future, the applicant will have to meet the Refuse Division requirements indicated on the site plan, signed by the Refuse Division, and stored in the council variance file. In order to revise the site plan to provide the space required for City of Columbus refuse service, the applicants shall be required to meet all code requirements, including obtaining a variance for the removal of one (1) required parking space; and

WHEREAS, said ordinance requires that the applicant obtain a Certificate of Approval from the University Area Review Board; 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 **1276 NORTH HIGH STREET (43201)**, 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 3356.03, C-4, Permitted uses; and 3342.28, Minimum number of parking spaces required of the City of Columbus codes, for the property located at **1276 NORTH HIGH STREET (43201)**, insofar as said sections prohibit a 28-unit apartment house with a minimum of 28 parking spaces, said property being more particularly described as follows:

1276 NORTH HIGH STREET (43201), being 0.56± acres located on the east side of North High Street, 60± feet south of Sixth Avenue, and being more particularly described as follows:

EXHIBIT A

Tract I: (D.B.550, page 515)

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

Being part of Lot Number Five (5) of a subdivision of the South Quarter of 9 ½ acres 35 poles of land, part of Third Quarter, Township I, Range 18, U.S.M. Lands, made in partition proceedings among the heirs of Levi Goodwin, deceased, Court of Common Pleas, Franklin County, Ohio, Complete Record 38, page 188, and being more particularly described as follows:

Beginning a point in the south line of Lot No. 5, 110 feet west of the intersection of the west line of Courtland Avenue with said south line of said Lot No. 5; thence north on a line parallel with the west line of Courtland Avenue and 110 feet distant therefrom, 12.85 feet to a point; thence west on line parallel with the south line of Lot No. 5 and 12.85 feet distant therefrom to the intersection of the east line of High Street and west line of said Lot No. 5; thence south with the west line of said Lot No. 5 and the east line of High Street 12.85 feet and to the south line of Lot No. 5; thence east along the south line of Lot No. 5 to the place of beginning.

TRACT II: (D.B. 550, page 516)

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

Being Lot No. Four (4) of a Subdivision of the south one-fourth of 9 ½

acres and 35 poles of land part of Quarter Township No. 1 Range No. 18 United States Military Lands, in the City of Columbus, Ohio. Made in the partition proceedings among the heirs of Levi Goodwin, deceased in the Court of Common Pleas of Franklin County, Ohio, October 10th, 1866, Complete Record No. 38 page 188 et seq. of said Court, expecting therefrom the following two parcels, to wit:

First Parcel: Beginning at a stake in the south-east corner of said Lot No. 4; thence north with the east line of said lot 51.40 feet to a stake, being the N.E. Corner of said lot; thence west with the north line of said lot 140 feet to a stake; thence south parallel with the east line of said lot 51.40 feet to a stake in the south line of said lot; thence east with the south line 140 feet to the place of beginning.

Second Parcel: Beginning at a point in the north line of said Lot No. 4, 140 feet west from the N.E. corner thereof; thence south on a line parallel with the east line of said lot 51.40 feet to a stake in the south line of said lot; thence west along the south line of said lot 50 feet to appoint; thence north on line parallel with the east line of said lot, 51.40 feet to a point in the north line of said lot; thence east along the north line of said lot; thence east along the north line of said lot, 50 feet to the place of beginning.

Tract III: (D.B. 579, page 303)

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

Being part of Lot. No. Five (5) of a subdivision of about two and one-half (2.5) acres of land, made by the Court of Common Pleas of Franklin County, Ohio, February 16, 1866, in the case of Samuel Maize and wife against Andrew J. Agler and wife and others, and recorded in complete record book 38, page 192, and described as follows:

Beginning at a point in the north line of said Lot Five (5) where the same intersects the west line of Courtland Avenue, lying also in the southeast corner of Lot Two (2) of Donaldson and Butler's Amended Addition; thence south with the west line of Courtland Avenue 51.40 feet to a point in the south line of said Lot 5; thence west with the south line of said Lot 5, 110 feet to a point; thence north on a line parallel with the west line of Courtland Avenue to the north line of said Lot 5; thence east along the north line of said Lot 5 to the point of beginning, and being the same premises conveyed by Frederick Ownby and wife to the City of Columbus, Ohio, by deed dated June 29, 1908 of record in D.B. 468, page 130, Recorder's Office, Franklin County, Ohio.

Tract IV: (D.B. 671, page 599)

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

Being part of Lot No. Five (5) of the Subdivision of the south quarter of Nine and one-half (9 ½) acres, 35 poles of land, part of 3rd Quarter, Township 1, Range 18, U.S.M. Lands, made in partition proceedings among the heirs of Levi Goodwin, deceased, Court of Common Pleas, Franklin County, Ohio, Complete Record 38, page 188, and being more particularly described as follows:

Beginning at a point 12.85 feet north of the south line of said Lot No. 5, said point being 110 feet west of the west line of a part of said Lot No. 5 fronting on Courtland Avenue, and conveyed by the City of Columbus, Ohio to York Lodge No 563, F. & A.M., by deed dated October 6, 1914, and being the northeast corner of a part of said Lot No. 5, 12.85 feet wide fronting on North High Street. conveyed By Lovina Maize to said York Lodge NO 563, F.& A.M. by deed dated May 8, 1914; thence north along the west line of said first tract owned by said York Lodge No. 563, F.& A.M. 40 feet to the north line of Lot No. 5; thence west with the north line of Lot No. 5, 141.37 feet to the east line of North High Street and the west line of said Lot No. 5 to the northwest corner of the aforesaid tract 12, 85 feet wide conveyed by Lovina Maize to said York Lodge No. 563, F & A.M. by deed dated May 8, 1914; thence east with

the north line of said tract to the place of beginning.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 28-unit apartment house, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned the site being developed in general conformance with the plan titled, "**PROPOSED SITE PLAN**", signed by Connie Klema, attorney, and dated February 7, 2006. Any minor revision is subject to review and approval by the Development Director or his/her designee, upon submission of the appropriate data regarding the proposed adjustment .

SECTION 4. That this ordinance is further conditioned on the applicant obtaining a Certificate of Approval from the University Area Review Board.

SECTION 5. That this ordinance is further conditioned that, should the owner(s) request City of Columbus refuse service, the applicant shall provide the appropriate space for refuse collection, as indicated on the site plan signed by the Refuse Division. In order to provide appropriate space for the refuse containers, the applicants will be required to satisfy all requirements to revise the site plan, including obtaining a variance for the removal of one (1) required parking space.

SECTION 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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