



## Legislation Details (With Text)

**File #:** 1202-2019      **Version:** 2

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

**File created:** 4/24/2019      **In control:** Zoning Committee

**On agenda:** 5/13/2019      **Final action:** 5/16/2019

**Title:** To grant a Variance from the provisions of Section 3363.01, M-manufacturing districts, of the Columbus City Codes; for the property located at 477 SOUTH FRONT STREET (43215), to permit ground floor residential uses in the M, Manufacturing District (Council Variance #CV19-008).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1202-2019\_Attachments, 2. ORD1202-2019\_Labels

Date	Ver.	Action By	Action	Result
5/16/2019	2	CITY CLERK	Attest	
5/14/2019	2	ACTING MAYOR	Signed	
5/13/2019	2	COUNCIL PRESIDENT	Signed	
5/13/2019	1	Zoning Committee	Amended as submitted to the Clerk	Pass
5/13/2019	1	Zoning Committee	Approved as Amended	Pass
5/6/2019	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV19-008

**APPLICANT:** 477 Columbus, LLC, c/o Dwight R. McCabe; 7361 Currier Rd.; Plain City, OH 43064.

**PROPOSED USE:** Residential uses.

**BREWERT DISTRICT COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of five parcels developed with historic brewery buildings in the M, Manufacturing District. The requested Council variance permits residential uses as part of a future mixed-use development. The site is within the planning boundaries of the *Brewery District Plan* (1992), which does not contain specific land use recommendations, but does encourage preservation and rehabilitation of historic manufacturing structures for adaptive reuse. The requested variance is consistent with mixed-use developments in the neighborhood and is consistent with Plan's guidelines for the preservation and adaptive reuse of historic structures.

To grant a Variance from the provisions of Section 3363.01, M-manufacturing districts, of the Columbus City Codes; for the property located at **477 SOUTH FRONT STREET (43215)**, to permit ground floor residential uses in the M, Manufacturing District (Council Variance #CV19-008).

**WHEREAS**, by application #CV19-008, the owner of property at **477 SOUTH FRONT STREET (43215)**, is requesting a Council variance to permit residential uses in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits residential uses, while the applicant proposes residential uses, both on the ground floor and above, in conjunction with future mixed-use development at this site; and

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

**WHEREAS**, City Departments recommend approval because the requested variance will permit the existing historic manufacturing structures to be preserved and rehabilitated for adaptive reuse consistent with the *Brewery District Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **477 SOUTH FRONT 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 Section 3363.01, M-manufacturing districts, of the Columbus City Codes, is hereby granted for the property located at **477 SOUTH FRONT STREET (43215)**, insofar as said section prohibits residential uses in the M, Manufacturing District; said property being more particularly described as follows:

**477 SOUTH FRONT STREET (43215)**, 3.61± acres located on the southwest corner of South Front Street and West Fulton Street, and being more particularly described as follows:

**TRACT I:**

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

Being a part of Lots Numbers Four (4) and Five (5) of The L. Hoster Brewing Company's Subdivision in the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 5, pages 362 and 363, Recorder's Office, Franklin County, Ohio, and a part of Ludlow Street (Vacated) and being more particularly bounded and described as follows:

Beginning at an iron pin in the east line of Second Street located 281.20 feet south of the south east corner of Fulton and Second Streets; thence in a southerly direction along the east line of Second Street 11.6 feet to an iron pin; thence with an angle to the right of 84° and 42' 20 feet to an iron pin at the north west corner of Lot No. 4 of The L. Hoster Brewing Company's Subdivision; thence in a southerly direction along the west line of said Lot No. 4, 69.90 feet to an iron pin; thence in an easterly direction 239.60 feet to an iron pin in the center line of Ludlow Street, if extended in a southerly direction; thence in a northerly direction along the center line of Ludlow Street so extended, and the center line of Ludlow Street (Vacated) 82.50 feet to an iron pin; thence in a westerly direction 204.60 feet to the place of beginning.

**TRACT II:**

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

Being part of Lots Nos. 2, 3 and 4 of the L. Hoster Brewing Company subdivision as the same is numbered and delineated upon the record plat thereof, of record in Plat Book 5, pages 362 and 363 and being part of vacated Ludlow Street and part of vacated Second Street; also being part of Half Section 27, Township 5, Range 22, Refugee Lands and being all of the First, Second, Third and Fourth Parcel as described in a deed to Louis A. Frankenberg Realty Co., of record in Deed Book 1427, page 476 and being all of the same premises described in a deed to Louis A. Frankenberg Realty Co., of record in Deed Book 1427, page 474 and being all of the premises described in a deed to the Frankenberg Realty Co., of record in Deed Book 1611, page 20, and being all of the premises described in a deed to Louis A. Frankenberg Realty Co., of record in Deed Book 2019, page 493, of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin in the westerly line of Front Street, 82-1/2 ft. in width, (formerly South Park Street) and at the southeasterly corner of the above mentioned Third Parcel, of record in Deed Book 1427, page 476, said iron pin being N. 5° 09' E, a distance of 161.0 ft. from the northwesterly corner of Front Street and Liberty Street; thence from said place of beginning N. 82° 42' W. and along the southerly line of the said Third Parcel a distance of 292.85 ft. to an iron pin; thence S. 8° 26' W. a distance of 26.10 ft. to an iron pin; thence N. 82° 52' W and parallel to the northerly line of Liberty Street a distance of 187.00 ft. to an iron pin, at the southwesterly corner of the said Third Parcel; thence N. 16° 48' E. a distance of 17.30 ft. to an iron pin at the southeasterly corner of a certain parcel of record in Deed Book 1611, page 20; thence N. 72° 51' W. along the southerly line of said parcel of record in Deed Book 1611, page 20, a distance of 150.26 ft. to an iron pin, said iron pin being at the southwesterly corner of said parcel of record in Deed Book 1611, page 20 and 20 ft. easterly from the center line of a spur track; thence N. 10° 16' E. and along the westerly line of said parcel of record in Deed Book 1611, page 20 and 20ft. Easterly from the center line of the spur tract, a distance of 158.80 ft. to an iron pin; thence S. 84° 50' E. along the northerly line of a parcel of record in Deed Book 1611, page 20, a distance of 151.77 ft. to an iron pin in the westerly line of Second Street, 49-1/2 ft. in width; thence S. 5° 10' W. and along the westerly line of Second Street a distance of 37.41 ft. to a point at the northwesterly corner of a certain parcel vacated by City of Columbus by Ordinance No. 27-57; thence S. 84° 34' E. and along the northerly line of said parcel vacated by the City of Columbus a distance of 12.18 ft. to a point in the westerly line of a certain parcel of record in Deed Book 1427, page 474, said point being 60.37 ft. northerly from the southerly corner of the parcel vacated by the City of Columbus, Ordinance No. 27-57; thence N. 16° 48' E. and along the westerly line of a parcel of record in Deed Book 1427, page 474, and along the easterly line of Second Street a distance of 17.72 ft. to an iron pin at the northwesterly corner of a parcel of record in Deed Book 1427, page 474; thence S. 84° 31' 25" E. and along the northerly line of a parcel of record in Deed Book 1427, page 474 a distance of 238.38 ft. to a railroad spike in the center line of vacated Park Street (Ludlow) if extended Southerly; thence N. 5° 10' E. and along the center line of vacated Park Street (Ludlow) a distance of 166.20 ft. to a railroad spike at the northwesterly corner of First Parcel of record in Deed Book 1427, page 476; thence S. 84° 44' E. and along the northerly line of said First Parcel a distance of 89.20 ft. to a point at the southwesterly corner of a certain parcel of record in Deed Book 2019, page 493; thence N. 5° 09' E. and parallel to the westerly line of Front Street a distance of 91.15 ft. to a point; thence S. 85° 06' E. a distance of 115.00 ft. to a point in the westerly line of Front Street, said point being Southerly a distance of 104.85 ft. from the original south line of Fulton Street; thence S. 5° 09' W. and along the west line of Front Street a distance of 433.60 ft. to the place of beginning; subject to all easements and restrictions shown of record; also subject to all legal highways, as surveyed by Robert M. Spencer, Registered Surveyor No. 4108 on October 15, 1964.

LESS AND EXCEPTING THEREFROM THE FOLLOWING 0.349 ACRE TRACT AS CONVEYED BY ALAN WASSERSTROM, REID WASSERSTROM AND RODNEY WASSERSTROM, THE TRUSTEES OF THE FRONT & FULTON REAL ESTATE TRUST TO BREWERY DISTRICT ENTERTAINMENT, LLC BY FIDUCIARY DEED OF RECORD IN INSTRUMENT NUMBER 200206190151599, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BEING FURTHER DESCRIBED AS FOLLOWS:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 27, Township 5, Range 22, Refugee Lands, being 0.349 acre of "Parcel 1" as described in a deed to Front & Fulton Real Estate Trust, of record in Deed Volume 2852, page 519, all recording references herein being to the records of the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning FOR REFERENCE at the intersection of the northerly right-of-way line of Liberty Street (50 feet wide), and the westerly line of Front Street (82.5 feet wide); thence North 00° 00' 00" East, along said westerly right-of-way line, a distance of 160.54 feet to a drill hole set at the northeast corner of that 1.093 acre tract of land as described in a deed to 503 South Front Street Limited Partnership, of record in Official Record 27075, page G03, a southeasterly corner of said Parcel 1, and the TRUE PLACE OF BEGINNING;

Thence North 87° 45' 20" West, along the common line between said 1.093 acre tract and said Parcel 1, a distance of 218.23 feet to a railroad spike set;

Thence through said Parcel 1 with a new division line the following courses:

1. North 00° 00' 00" East, a distance of 65.45 feet to a railroad spike set;
2. South 90° 00' 00" East, a distance of 218.06 feet to a drill hole set in said westerly right-of-way line;

Thence along said westerly right-of-way line South 00° 00' 00" West a distance of 74.00 feet to the TRUE PLACE OF BEGINNING, containing 0.349 acre of land.

Bearings herein are based on the northerly right-of-way line of Liberty Street being North 87° 53' 56" West, as indicated on the plat "Liberty Street Dedication and Easements", of record in Plat Book 86, page 18.

Known as Parcel Nos.: 010-026058, 010-063725, 010-022715, 010-022716 and 010-022713

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for residential uses within a mixed-use development, or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the requirements of Chapter 4309 of Columbus City Code being met as applicable prior to approval of a final site compliance plan that would introduce residential uses to the property.

**SECTION 4 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.