



Legislation Details (With Text)

File #: 3007-2016 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 11/15/2016 **In control:** Zoning Committee
On agenda: 12/5/2016 **Final action:** 12/7/2016

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(2), Vision clearance; 3333.09, Area requirements; 3333.11, ARLD area district requirements; 3333.15(c), Basis of computing area; 3333.18(D), Building lines; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard; of the Columbus City Codes; for the property located at 1485 OAK STREET (43205), to permit a mixed-use development with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV16-046).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD3007-2016.Attachments, 2. ORD3007-2016.Labels

Date	Ver.	Action By	Action	Result
12/7/2016	1	CITY CLERK	Attest	
12/7/2016	1	MAYOR	Signed	
12/5/2016	1	COUNCIL PRESIDENT	Signed	
12/5/2016	1	Zoning Committee	Waive the 2nd Reading	Pass
12/5/2016	1	Zoning Committee	Approved	Pass

Council Variance Application: CV16-046

APPLICANT: Matt Lutz; 139 Franklin Park West; Columbus, OH 43205.

PROPOSED USE: Mixed-use development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a vacant two-story building zoned in the ARLD, Apartment Residential District. The requested Council variance will permit a first floor eating and drinking establishment with offices and/or residential units on the second floor. The request also includes variances to parking requirements and dumpster area, and conforms existing site conditions for vision clearance, lot width, lot size, lot coverage, building setbacks, side yard, and rear yard requirements. The site is located within the planning area of the *Near East Area Plan* (2005), which contains a series of criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Key factors include whether the structure has a history of commercial activity and parking considerations. This request can be supported because the proposal includes a renovated mixed-use building, brings desirable businesses to the area, and is located in a dense, pedestrian-oriented neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(2), Vision clearance;

3333.09, Area requirements; 3333.11, ARLD area district requirements; 3333.15(c), Basis of computing area; 3333.18 (D), Building lines; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard; of the Columbus City Codes; for the property located at **1485 OAK STREET (43205)**, to permit a mixed-use development with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV16-046).

WHEREAS, by application # CV16-046, the owner of the property at **1485 OAK STREET (43205)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits commercial uses in the ARLD, Apartment Residential District, while the applicant proposes an eating and drinking establishment with offices and/or residential units above; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires one parking space per 75 square feet for an eating and drinking establishment, one parking space per 150 square feet of patio space; one parking space per 450 square feet of general office space, and 2 parking spaces per dwelling unit; a minimum total requirement of 30 parking spaces if the first floor, 1,584 square feet, is used as an eating and drinking establishment with a 360 square foot patio, and the second floor, 1,584 square feet, is used as general office space or two apartment units, while the applicant proposes zero parking spaces; and

WHEREAS, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster in the required front setback and side yard as shown on the site plan; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet from the corner at an intersection on each residential lot, while the applicant proposes to maintain the existing building which encroaches into the clear vision triangle at the intersection of Oak Street and Miller Avenue; and

WHEREAS, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of no less than 50 feet, while the applicant proposes to maintain the existing lot width of 46 feet; and

WHEREAS, Section 3333.11, ARLD area district requirements, requires 1,500 square feet of lot area per corner lot dwelling unit, while the applicant wishes to permit two second-story apartment units on a 2,093 square foot lot, or 1,046.5 square feet per dwelling unit; and

WHEREAS, Section 3333.15(c), Basis of computing area, prohibits a residence building alone or together with any other building from covering than 50% of the lot area, while the applicant proposes to maintain an increased lot coverage of 75.7%; and

WHEREAS, Section 3333.18(D), Building lines, requires a building line of no less than ten feet along Oak Street and Miller Avenue, while the applicant proposes to maintain the existing building lines of zero feet; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes a zero foot side yard along the west property line for an outdoor dining patio and dumpster enclosure; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25% percent of the total lot area, while the applicant proposes to maintain a rear yard of 0%; and

WHEREAS, this variance will permit an eating and drinking establishment with offices and/or residential units above with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance which will allow mixed-use development that substantially meets evaluation criteria contained in the *Near East Plan* for consideration of new non-residential uses in residential areas; 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 **1485 OAK 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 is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05(B)(2), Vision clearance; 3333.09, Area requirements; 3333.11, ARLD area district requirements; 3333.15(c), Basis of computing area; 3333.18(D), Building lines; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard; of the Columbus City Codes; for the property located at **1485 OAK STREET (43205)**, insofar as said sections prohibit an eating and drinking establishment with offices and/or residential units above in the ARLD, Apartment Residential District, with a parking space reduction from up to 30 spaces to zero spaces; a dumpster in the required front setback and side yard; encroachment of the existing building into the clear vision triangle at the intersection of Oak Street and Miller Avenue; a lot width of 46 feet where 50 feet is required; two second-story apartments on a 2,093 square foot lot; an increase in lot coverage from 50% to 75.7%; building lines of zero feet along Oak Street and Miller Avenue; a zero foot minimum side yard along the west property line; and no rear yard; said property being more particularly described as follows:

1485 OAK STREET (43205), being 0.04± acres located on the southwest corner of Oak Street and Miller Avenue, and being more particularly described as follows:

Tax Parcel Number: 010-023518

Street Address 1485 Oak Street, Columbus Ohio 43205

Instrument Reference: 201204100049356

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

Being part of Lot Numbers One Hundred Thirty (130) and One Hundred Thirty-one (131) in JAMES NELSON'S ADDITION to the City of Columbus, Ohio as said lots are numbered and delineated upon the recorded plat of said addition, of record in Plat Book 2, Page 322, and re-recorded in Plat Book 4 Page 166, Recorder's Office, Franklin County, Ohio; the premises hereby conveyed are more particularly described as follows:

Beginning at the intersection of the south line of Oak Street with the west line of Miller Avenue; thence south along the west line of Miller Avenue a distance of 45 ½ feet to a point; thence west on a line parallel with the south line of Oak Street, a distance of 46 feet to appoint in said Lot No. 130; thence north in a line parallel with the west line of Miller Avenue to appoint in the south line of Oak Street 10 feet west from the northeast corner of said Lot No. 130; thence east

along the south line of Oak Street 46 feet 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 as an eating and drinking establishment and associated outdoor patio with general offices and/or two residential units above, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**1485 OAK STREET BUILDING SITE PLAN**," dated November 1, 2016, and drawn and signed by Fred Hutchison, Architect. The plan 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 adjustments to the plans shall be subject to review and approval by the Director of the Department 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 upon 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.