



Legislation Details (With Text)

File #: 1424-2016 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/19/2016 **In control:** Zoning Committee

On agenda: 6/6/2016 **Final action:** 6/9/2016

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential district uses; 3312.49 (C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.15, R-4 Area district requirements; 3332.18(D), Basis of computing area; 3332.21(F), Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes for the property located at 944 NORTH FOURTH STREET (43201), to permit expansion of an eating and drinking establishment with reduced development standards in the R-4, Residential District, and to repeal Ordinance No. 1053-2006, passed July 24, 2006 (Council Variance # CV16-029), and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1424-2016Attachments, 2. ORD1424-2016Labels

Date	Ver.	Action By	Action	Result
6/9/2016	2	CITY CLERK	Attest	
6/8/2016	2	MAYOR	Signed	
6/6/2016	2	COUNCIL PRESIDENT	Signed	
5/25/2016	1	Zoning Committee	Amended to Emergency	Pass
5/25/2016	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV16-029

APPLICANT: Quinn Fallon; 1017 North Sixth Street; Columbus, OH 43201.

PROPOSED USE: Eating and drinking establishment.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a 2,050± square foot eating and drinking establishment in the R-4, Residential District as permitted by CV06-014 (Ordinance No. 1053-2006). The applicant is requesting an updated Council variance to permit a 700 square foot roof-top patio and a 50± square foot bathroom addition. An updated parking space reduction variance is included in addition to the previously approved variances for the site's existing conditions. The site lies within the boundaries of *Italian Village East Redevelopment Plan* (2000), which encourages mixed-use development for this location, including commercial uses. The site is also within the Urban Commercial Overlay, which applies to commercial but not residential uses. This proposal will contribute to the planned revitalization of the Italian Village East neighborhood. Continuation of this commercial use is consistent with the recommendation of the *Italian Village East Redevelopment Plan*, and with the development pattern of the area.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential district uses; 3312.49(C), Minimum

numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.15, R-4 Area district requirements; 3332.18(D), Basis of computing area; 3332.21(F), Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes for the property located at **944 NORTH FOURTH STREET (43201)**, to permit expansion of an eating and drinking establishment with reduced development standards in the R-4, Residential District, and to repeal Ordinance No. 1053-2006, passed July 24, 2006 (Council Variance # CV16-029), **and to declare an emergency.**

WHEREAS, by application No. CV16-029, the owner of the property at **944 NORTH FOURTH STREET (43201)**, is requesting a Variance to expand an eating and drinking establishment with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential district uses, prohibits commercial uses, while the applicant proposes to expand an existing eating and drinking establishment with a 700 square foot roof-top patio and a 50± square foot bathroom addition; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment area, and 1 parking space per 150 square feet of accessory seating area, and utilizing the UCO-permitted parking reductions for a 2,100 square foot eating and drinking establishment with 700 square feet of accessory seating space, is a total requirement of 25 required spaces, while the applicant proposes to maintain 2 on-site parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a 30-foot vision clearance triangle at the southeast corner of North Fourth Street and East Second Avenue, while the existing building provides 0 feet of vision clearance; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires lot width of 50 feet in the R-4 district, while the applicant proposes to maintain a lot width of 37 feet; 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 the existing lot area of 3,594 square feet; and

WHEREAS, Section 3332.18(D), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain an increased lot coverage of 90 percent for the building and parking lot; and

WHEREAS, Section 3332.21(F), Building line, requires a building line of no less than 10 feet, while the applicant proposes to maintain building lines of 0 feet along North Fourth Street and East Second Avenue, which is consistent with commercial buildings in the Urban Commercial Overlay; and

WHEREAS, Section 3332.26(C), Minimum side yard permitted, requires a side yard of no less than 3 feet for a single-unit dwelling, while the applicant proposes to maintain the existing minimum side yard of 0 feet on the south property line; and

WHEREAS, Section 3332.27, Rear yard, requires a principal building 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 237 square feet or 6.6 percent; and

WHEREAS, the applicant has secured a parking agreement with a nearby business to use 20 parking spaces; and

WHEREAS, the Italian Village Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because this proposal will contribute to the revitalization of the Italian Village East neighborhood. The requested variance will permit expansion of an existing 2,050± square foot eating and drinking establishment with a 700 square foot roof-top patio and 50± square foot bathroom addition. Continuation of

this commercial use is consistent with the recommendation of the *Italian Village East Redevelopment Plan* for mixed-commercial uses, and with the development pattern of the area; 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 **944 NORTH FOURTH STREET (43201)**, in using said property as desired and;

WHEREAS, an emergency exists for the applicant to receive the building permit and begin construction as soon as possible; 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 uses; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.15, R-4 Area district requirements; 3332.18(D), Basis of computing area; 3332.21(F), Building lines; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes, is hereby granted for the property located at **944 NORTH FOURTH STREET (43201)**, to permit expansion of a 2,050± square foot restaurant with a 700 square foot roof-top patio and 50± square foot bathroom addition in the R-4, Residential District; with a parking space reduction from 25 required spaces to 2 spaces; a reduced vision clearance triangle from 30 feet to 0 feet; a decreased lot width from 50 feet to 37 feet; an increased maximum lot coverage from 50 percent to 90 percent; a reduced building setback line from 10 feet to 0 feet along North Fourth Street and East Second Avenue; a reduced minimum side yard from 3 feet to 0 feet along the south property line; and a reduced rear yard from 25 percent to 6.6 percent; said property being more particularly described as follows:

944 NORTH FOURTH STREET (43201), being 0.08± acres located at the southeast corner of North Fourth Street and East Second Avenue, and being more particularly described as follows:

Being Lot Number 1 of the Horace J. Maynard's Subdivision a subdivision which is delineated on a plat as recorded in Plat Book 2, Page 268 of the records of Franklin County, Ohio, said Lot also being described as parcel 18 as conveyed from Jeffrey Galion Inc., an Ohio corporation to Jeffrey Galion Inc., a Delaware corporation as recorded in Deed Book 3394, page 428 of the records of Franklin County, Ohio, and being more fully described as follows:

Beginning at a point of intersection of the easterly right-of-way line of North Fourth Street with the southerly right-of-way line of East Second Avenue, said point also being the northwest corner of Lot Number 1 of the above mentioned subdivision, thence South 86 degrees 56' 50" East a distance of 100.00 feet to a point in said southerly right-of-way line, said point also being the northeast corner of Lot Number 1 of the above mentioned subdivision; thence South 8 degrees 30' 22" East a distance of 37.00 feet to a point, said point being the southeast corner of Lot Number 1 of the above mentioned subdivision; thence North 86 degrees 56' 50" West a distance of 100.00 feet to a point in the easterly right-of-way of said North Fourth Street said point also being the southwest corner of Lot Number 1 of the above mentioned subdivision; thence North 8 degrees 30' 22" West a distance of 37.00 feet to the point of beginning.

Addressed as: 944 N. FOURTH STREET
Parcel Number: 010-049973

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a restaurant, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance is further conditioned upon compliance with Urban Commercial Overlay requirements if the existing building is replaced with a new building.

~~SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~
That for 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 ten days after passage if the Mayor neither approves nor vetoes the same.

SECTION 6. That Ordinance No. 1053-2006, passed July 24, 2006, be and is hereby repealed.