



## Legislation Details (With Text)

**File #:** 2081-2012      **Version:** 1

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

**File created:** 9/17/2012      **In control:** Zoning Committee

**On agenda:** 10/22/2012      **Final action:** 10/24/2012

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206), to permit an apartment hotel (bed and breakfast) in an existing dwelling, and continuation of a retail gift shop on the same lot, with reduced development standards in the R-2F, Residential District, and to repeal Ordinance # 645-70, passed May 18, 1970 (Council Variance # CV12-025).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2081-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20121022

Date	Ver.	Action By	Action	Result
10/24/2012	1	CITY CLERK	Attest	
10/23/2012	1	MAYOR	Signed	
10/22/2012	1	COUNCIL PRESIDENT	Signed	
10/22/2012	1	Zoning Committee	Approved	Pass
10/15/2012	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV12-025**

**APPLICANT:** Jeff Smith; 647 Mohawk Street; Columbus, OH 43206.

**PROPOSED USE:** Apartment hotel (bed and breakfast) in existing dwelling and continuation of a retail gift shop use.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The property is zoned in the R-2F, Residential District, and is developed with a single-unit dwelling and a retail gift shop in a separate building that was established via Council variance Ord. # 645-70, passed May 18, 1970 (CV70-008). The requested Council variance will replace the current variance for the retail gift shop, which was conditioned on ownership being maintained by the owner of the property at the time of passage, and also will allow a an apartment hotel (bed & breakfast) to operate out of the existing single-unit dwelling. Variances for existing setbacks and yard standards and for eight required parking spaces are included in the request. The proposed bed and breakfast is a low intensity use that should integrate well with the surrounding German Village neighborhood, and continuation of the retail use does not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.21,

Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206)**, to permit an apartment hotel (bed and breakfast) in an existing dwelling, and continuation of a retail gift shop on the same lot, with reduced development standards in the R-2F, Residential District, and to repeal Ordinance # 645-70, passed May 18, 1970(Council Variance # CV12-025).

**WHEREAS**, by application #CV12-025, the owner of the property at **820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206)**, is requesting a Variance to permit an apartment hotel (bed and breakfast) in an existing dwelling, and continuation of a retail gift shop on the same lot, with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits commercial uses and only permits one single or one two-unit dwelling, while the applicant proposes to convert an existing single-unit dwelling into an apartment hotel at 820 South Fifth Street for use as a bed and breakfast, and to maintain an existing retail gift shop at 223 East Kossuth Street on the same lot; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one (1) parking space per 250 square feet of retail space, and one (1) parking space per 400 square feet of apartment hotel space, for a total requirement of eight (8) parking spaces, while the applicant proposes to maintain zero (0) parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain encroachment into the clear vision triangle at the intersections of East Kossuth Street with South Fifth Street and Purdy Alley by the existing buildings; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-2F, Residential District, while the applicant proposes to maintain a lot width of 31.25 feet; and

**WHEREAS**, Section 3332.21, Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain a seven (7) foot building line along South Fifth Street for 820 South Fifth Street and a zero (0) foot building line along East Kossuth Street for 223 East Kossuth Street; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires side yards to be no less than five feet (5'), while the applicant proposes to maintain a side yard of zero (0) feet along the south property line for 820 South Fifth Street; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the applicant proposes to maintain a rear yard of approximately 15.5%; and

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

**WHEREAS**, City Departments recommend approval because the proposed bed and breakfast is a low intensity use that should integrate well with the surrounding German Village neighborhood, and continuation of the retail use does not add a new or incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate 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 **820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206)**, in using said property as desired; and

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of 3332.037, R-2F, Residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206)**, insofar as said sections prohibit an apartment hotel (bed and breakfast) at 820 South Fifth Street and a retail gift shop at 223 East Kossuth Street on the same lot, with a parking space reduction from eight (8) required spaces to zero (0) spaces, encroachment of the buildings into the clear vision triangle at the intersection of South Fifth Street and East Kossuth Street, and East Kossuth Street and Purdy Alley, a 31.25-foot lot width, building lines of seven (7) feet along South Fifth Street and zero (0) feet along East Kossuth Street, a minimum side yard of zero (0) feet along the south property line for 820 South Fifth Street, and a 15.5% rear yard; said property being more particularly described as follows:

**820 SOUTH FIFTH STREET & 223 EAST KOSSUTH STREET (43206)**, being 0.06± acres located at the southeast corner of South Fifth Street and East Kossuth Street, and being more particularly described as follows:

Parcel Number: 010-053168

Includes Property Addresses 820 South Fifth Street & 223 East Kossuth Street, Columbus Ohio 43206

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

Being a part of Lot Number Sixteen (16) of Sophia Jaeger's Subdivision as part of Lot Number One (1) in C. Jaeger's Estate, of record in Plat Book 3, page 284, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment hotel (bed and breakfast) at 820 South Fifth Street and a retail gift shop at 223 East Kossuth Street.

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

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

**SECTION 5.** That Ordinance #645-70 passed May 18, 1970, be and is hereby repealed.