



Legislation Details (With Text)

File #: 1297-2010 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 9/8/2010 **In control:** Zoning Committee

On agenda: 9/27/2010 **Final action:** 9/29/2010

Title: To grant a Variance from the provisions of Sections 3312.21(B) (1), Landscaping and screening; 3321.05A1, Vision clearance; 3333.09, Area Requirement; 3333.23, Maximum side yard permitted; 3333.24, Rear yard; and 3372.604, Setback requirements, of the Columbus City Codes for property located at 1000 SOUTH FRONT STREET (43215), to permit six (6) dwelling units and up to 4500 square feet of offices in an existing building with reduced development standards in the AR-O, Apartment Office District and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1297-2010attachments.pdf, 2. ORD1297-2010lbl.pdf, 3. City Council Data Form_CV10-027.pdf, 4. 1297-2010labels-02.pdf, 5. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
9/29/2010	3	MAYOR	Signed	
9/29/2010	3	CITY CLERK	Attest	
9/27/2010	1	Zoning Committee	Amended as submitted to the Clerk	Pass
9/27/2010	3	Zoning Committee	Approved as Amended	Pass
9/27/2010	2	Zoning Committee	Amended to Emergency	Pass
9/27/2010	3	COUNCIL PRESIDENT	Signed	
9/20/2010	1	Columbus City Council	Read for the First Time	
9/10/2010	1	Building and Zoning Drafter	Sent for Approval	
9/10/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
9/10/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	
9/9/2010	1	Building and Zoning Reviewer	Reviewed and Approved	
9/8/2010	1	Building and Zoning Drafter	Sent for Approval	

APPLICANT: 1000 S. Front Street LLC; c/o David Hodge, Atty.; Smith & Hale, LLC; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Up to six dwelling units and up to 4500 square feet of office uses in an existing building.

BREWERY DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests this Council variance concurrent with rezoning application Z10-019 to redevelop a vacant structure with six dwelling units and up to 4500 square feet of office space with variances to standards. During consideration of this Council variance, Building and Zoning Services Staff asked the applicant to rezone to a more appropriate zoning district that would accurately reflect the way the site is to be used. The site is located within the boundaries of *The Brewery District Plan* (1993). This concurrent Council variance is necessary to both grant variances to standards

and to conform the existing building with the AR-O, Apartment Office Zoning District concurrently under consideration with Z10-019. Staff supports the proposal because it is consistent with *The Brewery District Plan* (1993) and finds the requested variances to be minor deviations necessary because of the small size of the site. These variances will cause no negative impacts on the surrounding properties. Furthermore many of the variances are to address existing conditions.

To grant a Variance from the provisions of Sections 3312.21(B) (1), Landscaping and screening; 3321.05A1, Vision clearance; 3333.09, Area Requirement; 3333.23, Maximum side yard permitted; 3333.24, Rear yard; and 3372.604, Setback requirements, of the Columbus City Codes for property located at **1000 SOUTH FRONT STREET (43215)**, to permit six (6) dwelling units and up to 4500 square feet of offices in an existing building with reduced development standards in the AR-O, Apartment Office District **and to declare an emergency.**

WHEREAS, by application No. CV10-027, the owner of property at **1000 SOUTH FRONT STREET (43215)**, is requesting a Council variance to permit up to six (6) dwelling units and up to 4500 square feet of office space with reduced development standards in conjunction with rezoning application Z10-019 to rezone this site from the M, Manufacturing District to the AR-O, Apartment Office District; and

WHEREAS, Section 3312.21(B) (1), Landscaping and screening, requires landscaping between the parking setback line and right-of-way with plant material, while the applicant proposes to provide plantings only along the Wall Street adjacent to the easternmost parking space just north of the subject structure is located; and

WHEREAS, Section 3321.05A1, Vision clearance, requires a ten foot clear vision triangle at intersection of a driveway and the right-of-way, while the applicant proposes to maintain a sliding gate in the clear vision triangle along the ten feet of the clear vision triangle along Wall Street; and

WHEREAS, Section 3333.09, Area Requirement, requires a minimum lot width of fifty (50) feet, while the applicant proposes to conform the existing twenty-eight (28) foot lot width; and

WHEREAS, Section 3333.23, Maximum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to conform the existing zero (0) foot side yard; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard comprising no less than twenty-five percent (25%) of the total lot area, while the applicant proposes to conform the existing a rear yard of zero percent (0%); and

WHEREAS, 3372.604, Setback requirements, requires a parking setback of no less than five (5) feet **and parking to be located behind the principle building**, while the applicant proposes to a zero (0) foot setback **and parking to the side of the principle building**; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, the Brewery District Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposal is consistent with *The Brewery District Plan* (1993) and finds the requested variances to be minor deviations necessary because of the small size of the site. These variances will cause no negative impacts on the surrounding properties. Furthermore many of the variances are to address existing conditions; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1000**

SOUTH FRONT STREET (43215), in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

Section 1. That a variance from the provisions of Sections 3312.21(B) (1), Landscaping and screening; 3321.05A1, Vision clearance; 3333.09, Area Requirement; 3333.23, Maximum side yard permitted; 3333.24, Rear yard; and 3372.604, Setback requirements, of the Columbus City Codes for property located at **1000 SOUTH FRONT STREET (43215),**), insofar as said sections prohibit up to six (6) dwelling units and up to 4500 square feet of office space in an existing building without interior, perimeter and parking setback screening, with no vision clearance, with parking setbacks reduced to zero (0) feet **and with parking being located to the side of the principle building;** with a lot width reduced from 50 feet to 28 feet; with side yard setbacks reduced to zero (0) feet and with a rear yard reduced from 25% to 0%; said property being more particularly described as follows:

**LEGAL DESCRIPTION OF 0.254 ACRE
1000 S FRONT LLC**

Situated in the State of Ohio, Franklin County, and City of Columbus. Being part of Lots 23 and 24, and all of Lot 25 of FREDERICK MICHEL'S SUBDIVISION, as recorded in Plat Book 3, Page 114 of the Franklin County Recorder's Office. Also being that same property identified as Parcel I and Parcel II conveyed to 1000 S Front LLC, recorded in Instrument Number 201006040069676 of the Franklin County Recorder's Office, being more particularly described as follows:

BEGINNING at a MAG nail found at the southwest corner of Lot 25 of said FREDERICK MICHEL'S SUBDIVISION, being at the intersection of the easterly right-of-way line of South Front Street (82.5' right-of-way) and the former northerly right-of-way line of Stewart Avenue (20' right-of-way, vacated by City of Columbus Ordinance 518-59);

Thence, **North 07°55'30" West** along said easterly right-of-way line of South Front Street for a distance of **28.85 feet** to the northwest corner of Lot 25; the southwest corner of Lot 24 of said FREDERICK MICHEL'S SUBDIVISION;

Thence, **North 81°56'52" East** along the common lot line of Lots 24 and 25 for a distance of **99.30 feet** to a 3/4" iron pipe found;

Thence, **North 08°03'08" West** crossing Lot 24 and Lot 23 for a distance of **57.70 feet** to an iron pipe set on the northerly line of Lot 23; the southerly line of Lot 22;

Thence, **North 81°56'52" East** along the common lot line of Lots 22 and 23 for a distance of **85.28 feet** to a point on the westerly right-of-way line of Wall Street (33' right-of-way); the northeast corner of Lot 23; the southeast corner of Lot 22, said point being referenced by a 1" square iron pin found South 23°56'00" East at a distance of 0.15 feet;

Thence, **South 08°03'08" East** along the westerly right-of-way line of Wall Street; the easterly line of Lots 23, 24 and 25, for a distance of **96.55 feet** to a MAG nail set at the intersection of said westerly right-of-way line with the former centerline of said vacated Stewart Avenue; being the northeast corner of the Brewer's Gate Condominium, as recorded in Condominium Plat Book 155, Page 62;

Thence, **South 81°56'52" West** along said former centerline of Stewart Avenue and the northerly line of said Brewer's Gate Condominium for a distance of **83.84 feet** to a MAG nail set at a corner to said Condominium; Thence **North 08°13'01" West** for a distance of **10.00 feet** to a MAG nail set on the former northerly right-of-way line of Stewart Avenue; the southerly line of Lot 25 and a corner to said Brewer's Gate Condominium;

Thence **South 81°56'52" West** along said line for a distance of **100.77 feet** to the **POINT OF BEGINNING.**

Containing 0.254 Acre, more or less.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for no more than 6 dwelling units with up to 4500 square feet of office use or those uses permitted in the AR-O Apartment Office District.

Section 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan

titled, "**1000 SOUTH FRONT STREET COLUMBUS OHIO 43206 THE COLUMBUS JACK**," dated August 20, 2010, and signed by David Hodge, attorney for the applicant. The Site 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 Zoning Site Plan shall be subject to review and may be approved by the Director of the Department of Building and Zoning Services, or designee, upon submission of the appropriate data regarding the proposed adjustment.

Section 4. That this ordinance is conditioned on at least one bicycle rack being provided on site with parking for at least six (6) bicycles.

Section 5. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

Section 6. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the 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 10 days after its passage if the Mayor neither approves nor vetoes the same.**