



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1119-2005, Version: 1

Council Variance Application: CV05-010

APPLICANT: John R. and Madalene Jentgen; 603 Lathrop Street; Columbus, Ohio 43206.

PROPOSED USE: To make an existing two-family dwelling conforming in the C-4, Commercial District.

BREWERY DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow an existing two-family dwelling to be conforming in the C-4, Commercial District. A Council variance is necessary in that a two-family dwelling is not a permitted use in the C-4, Commercial District. The proposed two-family dwelling is consistent with the *Brewery District Plan* (1992) where it is located within the High Street Corridor Subarea of the Southern Tier of the plan. The Southern Tier goals include the preservation of the residential character of the area. The High Street Corridor Strategies in the *Brewery District Plan* do not address nonconforming residential uses but do encourage the preservation of the original buildings. A hardship exists in that a two-family dwelling is not a permitted use in the C-4 district. Additional variances to the Urban Commercial Overlay districts are required to accommodate the existing building.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses and 3372.609, Setback requirements of the Columbus City Code, for the property located at **858 SOUTH HIGH STREET (43206)**, to permit an existing two-family dwelling with reduced development standards in the C-4, Commercial District (Council Variance # CV05-010)

WHEREAS, by application No. CV05-010, the owner of property at **858 SOUTH HIGH STREET (43206)**, is requesting a Council variance to permit an existing two-family dwelling in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, prohibits two-family dwellings, while the applicant proposes to make an existing two-family dwelling a conforming use on the property; and

WHEREAS, The Brewery District Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because a two-family dwelling is not a permitted use but the two-family dwelling is consistent with the area plan in that the Brewery District plan supports preservation of original structures; 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 **858 SOUTH HIGH STREET (43206)**, in using said property as desired; now, therefore:

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

Section 1. Variances from the provisions of Section 3356.03, C-4, Permitted Uses and Section 3372.609, Setback requirements is hereby granted for the property located at **858 SOUTH HIGH STREET (43206)**, in that said sections prohibit a two-family dwelling in the C-4, Commercial District; with a maximum building setback of 18' instead of 10' said property being more particularly

described as follows:

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

Being the North half of Lot Number Eighty (80), in C. F. JAEGER'S 13TH ADDITION, excepting therefrom seventy-three and fifty hundredths (73.50) feet off of the east and thereof, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 1, page 370, 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 a two-family dwelling, or those uses permitted in the C-4, Commercial District.

Section 3. That this ordinance is further conditioned to be consistent with the Certificate of Appropriateness from the Brewery District Commission and the stamped drawings titled **858 South High St. Garage Replacement & Other Work** signed and dated by the Historic Preservation Office August 5, 2004 and the stamped Myers Survey as modified by the owner July 15, 2004. Any minor revision is subject to review and approval by the Development Director or his/her designee

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