



Legislation Text

File #: 1591-2016, **Version:** 1

Council Variance Application: CV16-023

APPLICANT: Nina Masseria; c/o Amanda Dunfield, AIA; 3126 Derby Road; Columbus, OH 43221.

PROPOSED USE: Eating and drinking establishment or general office.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel containing a baked goods store and real estate office zoned ARLD, Apartment Residential District, as permitted by CV10-034. The requested Council variance will permit the entire building to be used as an eating and drinking establishment and/or office while still allowing for the potential future use to return to residential. The request also includes parking space reduction, a parking setback variance, a provision for a dumpster to be located in the required rear yard, and conforms existing site conditions for side yard, building setback, and vision clearance. The site is located within the planning area of the *Near East 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 a desirable business 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; 3312.27, Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3321.05, Vision clearance; 3333.09, Area requirements; 3333.18(E), Building lines; 3333.19(a)(1), Building lines on corner lots; and 3333.23, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1157-1159 OAK STREET (43205)**, to permit an eating and drinking establishment or general office with reduced development standards in the ARLD, Apartment Residential District, and to repeal Ordinance No. 1738-2010, passed December 13, 2010 (Council Variance # CV16-023).

WHEREAS, by application #CV16-023, the owner of the property at **1157-1159 OAK STREET (43205)**, is requesting a Variance to permit an eating and drinking establishment or general office with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Ordinance No. 2512-97, passed October 27, 1997 (Council Variance # CV97-037), permitted a self-storage facility and Ordinance No. 2819-2015, passed November 23, 2015 (Council Variance # CV15-037), permitted self-storage and limited outside storage, in the C-4, Commercial District on separate portions of this property; 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 or general office uses; and

WHEREAS, Section 3312.27, Parking setback line, requires a 25 foot parking setback line, while the applicant proposes to maintain a 0 foot parking setback line for the existing parking spaces along South Champion Avenue; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires one (1) parking space per 75 square feet for an eating establishment, one (1) parking space per 150 square feet of patio space; and one (1) parking space per 450 square feet of general office space; a minimum total requirement of 37 parking spaces if the entire building is used as an eating and drinking establishment with a 2,325 square foot patio, while the applicant proposes one (1) ADA parking space; 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 rear yard as shown on the site plan; and

WHEREAS, Section 3321.05, Vision clearance, prohibits any portion of a fence or wall exceeding 2.5 feet in height above the finished lot grade to exceed 25 percent opacity when located in a required yard having vehicular access to a street or abutting such access within 30 feet of the intersection, while the applicant proposes to maintain the existing building which encroaches into the clear vision triangle at the intersection of Oak Street and South Champion 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 39.33; and

WHEREAS, Section 3333.18(E), Building lines, requires buildings to have a minimum setback of 10 feet, while the applicant proposes to maintain a setback of 0 feet along Oak Street; and

WHEREAS, Section 3333.19(a)(1), Building lines on corner lots, exceptions, allows a building line of 20% of the lot width along the longer side of a corner lot, which equals 7.88 feet, while the applicant proposes to maintain a minimum building line of 2 ± feet along South Champion Avenue; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain the 0 foot side yard along the west property line for the existing building; and

WHEREAS, this variance will permit an eating and drinking establishment or general office 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 to allow an eating and drinking establishment or general office uses in an existing mixed-use building 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 **1157-1159 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; 3312.27, Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3321.01, Dumpster area; and 3333.27, Vision clearance; 3333.09, Area requirements; 3333.18(E), Building lines; 3333.19 (a)(1), Building lines on corner lots; and 3333.23, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1157-1159 OAK STREET (43205)**, insofar as said sections prohibit an eating and drinking establishment or general office in the ARLD, Apartment Residential District, with a 0 foot parking setback line along South Champion Avenue; a parking space reduction of 36 required spaces, from 37 to 1; a dumpster in the required rear yard; encroachment of the existing building into the clear vision triangle at the intersection of Oak Street and South Champion Avenue; a lot width of 39.33 feet; building lines of 0 feet along Oak Street and $2 \pm$ feet along South Champion Avenue; and a 0-foot minimum side yard along the west property line; said property being more particularly described as follows:

1157-1159 OAK STREET (43205), being 0.12± acres located at the southwest corner of Oak Street and South Champion Avenue, and being more particularly described as follows:

Parcel Number: 010-017250
1157-1159 Oak Street, Columbus Ohio 43205

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

Being Lot Number Two Hundred Eleven (211) in HOFFMAN & MCGREWS SECOND AMENDED ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 200, Recorder's Office, Franklin County, Ohio, and also Lot Number TWO Hundred Twelve (212) of HOFFMAN & MCGREWS SECOND AMENDED ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 207, Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at the Northwest corner of said Lot Number 212, thence southerly along the East line of said Lot Number 212 to the South line of said lot, thence westerly along said South line a distance of One (1) foot to a point; thence northerly along a line parallel to and One (1) foot west of the East line of said Lot 212 to a point in the North line of said lot; thence easterly along said North line 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 for a an eating and drinking establishment, general office, 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 "**1157-1159 SITE PLAN**," dated June 8, 2016, and drawn and signed by Amanda D. Dunfield, 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.

SECTION 6. That Ordinance No. 1738-2010, passed December 13, 2010, be and is hereby repealed.