



## Legislation Text

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**File #:** 3335-2022, **Version:** 1

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**Council Variance Application: CV21-062**

**APPLICANT:** Brian Higgins; 1310 Dublin Road; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of three parcels and is developed with a car sales lot zoned in the C-4, Commercial District. The requested Council variance will allow a mixed-use development containing up to 1,998 square feet of commercial uses and 45 apartment units, with residential uses occurring on the first floor. Variances to parking lot screening and minimum number of parking spaces are included in this request. A variance is necessary because residential uses are only permitted above certain commercial uses in the C-4, Commercial District. The site is within the North High Street Urban Commercial Overlay and the boundaries of the *Clintonville Area Plan* (2009), which recommends "Mixed Use" land uses at this location. Staff is supportive of the proposal, as it is consistent with the Plan's design guidelines. The Division of Parking Services has approved a parking study for this proposal, and supports the requested parking variance. Staff notes the proposal's location on a primary corridor with access to multiple modes of transit, as well as the provision for increased bicycle parking spaces to offset the requested parking variance.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(D), Parking lot screening; and 3312.49(C), Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **3013-3021 N. HIGH ST. (43202)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial District (Council Variance #CV21-062).

**WHEREAS**, by application #CV21-062, the owner of property at **3013-3021 N. HIGH ST. (43202)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits apartment uses above certain commercial uses, but does not permit ground floor residential uses, while the applicant proposes first floor residential and accessory residential uses; and

**WHEREAS**, Section 3312.21(D), Parking lot screening, requires screening of a parking lot within 80 feet of residentially zoned property in a four-foot wide landscaped area, while the applicant proposes to not provide landscaped screening along the western property line in a four-foot buffer, but rather provide a wooden fence; and

**WHEREAS**, Section 3312.49(C), Minimum number of parking spaces required, requires 1.5 parking spaces per apartment unit, and 1 parking space per 75 square feet of eating and drinking establishment space, or a total of 95 spaces for 45 apartment units and 1,998 square feet of eating and drinking establishment space with the Urban Commercial Overlay reduction as permitted in 3372.609(B)(1), while the applicant proposes to provide a total of 28 spaces; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will permit a mixed-use development consistent with the *Clintonville Area Plan's* design guidelines and compatible with the recent development pattern along North High Street; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates 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 **3013-3021 N. HIGH ST. (43202)**, in using said property as desired;

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

**SECTION 1.** That a variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(D), Parking lot screening; and 3312.49(C), Minimum number of parking spaces required, is hereby granted for the property located at **3013-3021 N. HIGH ST. (43202)**, insofar as said sections prohibit first floor residential and accessory residential uses in the C-4, Commercial district, with no parking lot screening in a four-foot wide landscaped area along the west property line; and a parking space reduction from 95 required spaces to 28 provided spaces; and said property being more particularly described as follows:

**3013-3021 N. HIGH ST. (43202)**, being 0.45± acres located on the west side of North High Street, 65± north of West Tulane Road, and being more particularly described as follows:

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

Being all of Lot No. Four (4), and ten (10) feet off of the North side of Lot No. Three (3) and Lots Five (5) and Six (6) of Sunset Park Addition, as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, Page 17, Recorder's Office, Franklin County, Ohio; and

Lot No. 7 of "Sunset Park" as shown of record in Plat Book 13, Page 17, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the westerly right-of-way line of North High Street, at the northeasterly corner of Lot No. 6, or, the southeasterly corner of Lot No. 7 of the said "Sunset Park" that is North 14° 21' West, 187.5 feet from the intersection of the westerly right-of-way line of said North High Street with the northerly right-of-way line of Tulane Road West; thence along the northerly line of the said Lot No. 6, or, the southerly line of the said Lot No. 7, South 84° 02' 06" West, 116.53 feet to a point at the southwesterly corner of the said Lot 7, being also in the easterly line of a 15 foot alley, thence along the westerly line of the said Lot No. 7, or, the easterly line of the said 15 foot alley, North 14° 21' West, 42.0 feet to a point at the northwesterly corner of the said Lot No. 7, or, the southwesterly corner of Lot No. 8 of the said "Sunset Park"; thence along the northerly line of the said Lot No. 7, or, the southerly line of the said Lot No. 8, North 82° 34' 15" East, 116.13 feet to a point at the northeasterly corner of the said Lot No. 7, being also to the westerly right-of-way line of the said North High Street; thence along the easterly line of the said Lot No. 7, or, the westerly right-of-way line of the said North High Street, South 14° 21' East, 45.0 feet to the place of beginning; and

Part of Lot No. 8 of "Sunset Park" as shown of record in Plat Book 13, Page 17, all references being to the Recorder's

Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the westerly right-of-way line of North High Street at the northeasterly corner of Lot No. 7, or, the southeasterly corner of Lot No. 8 of the said "Sunset Park" that is North 14° 21' West, 232.5 feet from the intersection of the said right-of-way line with the northerly right-of-way line of Tulane Road West; thence along the northerly line of the said Lot No. 7, or, the southerly line of the said Lot No. 8, South 82° 34' 15" West, 116.13 feet to a point at the southwesterly corner of the said Lot No. 8, being also in the easterly line of a 15 foot alley; thence along the westerly line of the said Lot No. 8, or, the easterly line of the said 15 foot alley, North 14° 21' West, 10.0 feet to an iron pin; thence North 82° 34' 15" East, (parallel to the southerly line of the said Lot No. 8) 116.13 feet to an iron pin in the westerly right-of-way line of the said North High Street; thence along the westerly right-of-way line of the said North High Street, or, the easterly line of the said Lot No. 8, South 14 ° 21' East, 10.0 feet 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 developed with a mixed-use development as permitted by this ordinance, or those uses in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "SITE PLAN" and building elevations titled, "ELEVATIONS, SHEETS 1-2," all dated November 1, 2022 and signed by Brian Higgins, Applicant. The plans 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 of 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned on the applicant combining Franklin County Parcel Numbers 010-055904, 010-003021, and 010-018914 into one tax parcel prior to the issuance of Zoning Clearance.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.