



Legislation Text

File #: 1344-2014, **Version:** 1

Council Variance Application: CV14-022

APPLICANT: Dan Kraus; c/o Jeanne M. Cabral, Agent; 2939 Bexley Park Road; Columbus, OH 43209.

PROPOSED USE: Restaurant, production bakery, and accessory garden.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of three contiguous parcels developed with an industrial structure and carport/storage building zoned in the M-2, Manufacturing District. The requested Council Variance will allow a 750 square-foot restaurant, a production bakery, and an accessory garden. Variances for driveway width, reduced number of parking spaces, vision clearance, and building setback are included in the request. The site is located within the planning area of the *Italian Village East Redevelopment Plan (2000)*, which recommends residential development for this location, however, given the industrial zoning designation, re-use of the existing commercial building, and site improvements including a privacy wall and garden, Staff supports this proposal. The applicant has secured a parking lease agreement for a minimum of thirty parking spaces with a nearby business which lessens the impact of the requested parking variance.

To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; 3312.13(B), Driveway; 3312.49 (C), Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; and 3367.15, M-2 Manufacturing district special provisions, of the Columbus City Codes; for the property located at **1023 NORTH SIXTH STREET (43201)**, to permit a restaurant, production bakery, and accessory garden with reduced development standards in the M-2, Manufacturing District (Council Variance # CV14-022). **(REPEALED BY ORD. 0051-2018; PASSED 1/22/2018)**

WHEREAS, by application No. CV14-022, the owner of property at **1023 NORTH SIXTH STREET (43201)**, is requesting a Council Variance to permit a restaurant, production bakery, and accessory garden with reduced development standards in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing District, only permits less objectionable industrial and office uses, while the applicant proposes a maximum of 750 square feet of restaurant space within a 2,000 square-foot industrial building that will also be used for a production bakery, and on-site accessory gardens for fresh produce to supply the restaurant and bakery; and

WHEREAS, Section 3312.13(B), Driveway, requires a minimum width of twenty (20) feet for commercial driveways, while the applicant proposes to maintain the existing thirteen (13) foot wide driveway from North Sixth Street; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires one (1) parking space for every 75 square feet of restaurant space, one (1) parking space for every 150 square feet of outdoor dining space, and one (1) parking space for every 750 square feet of manufacturing space, and one (1) parking space for every 1,000 square feet of storage space, for a total requirement of seventeen (17) spaces, while the applicant proposes one (1) parking space, but has secured a parking lease agreement with a nearby business for a minimum of thirty (30) spaces; and

WHEREAS, Section 3321.05(A), Vision clearance, requires a ten-foot clear vision triangle at the intersection of a driveway and the street right-of-way, while the applicant proposes to maintain an existing building within clear vision triangles as shown on the Site Plan; and

WHEREAS, Section 3367.15, M-2 Manufacturing district special provisions, requires that any building or structure of any type shall be located not less than fifty (50) feet from the street line, while the applicant proposes to maintain the existing non-conforming building setback of three (3) feet, and to construct a privacy wall with a building setback of zero (0) feet; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested uses given the industrial zoning designation, re-use of the existing commercial building, and site improvements including a privacy wall and garden. The applicant has secured a parking lease agreement for up to thirty (30) parking spaces with a nearby business which lessens the impact of the requested parking variance; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 owner of the property located at **1023 NORTH SIXTH STREET (43201)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; 3312.13(B), Driveway; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(A), Vision clearance; and 3367.15, M-2 Manufacturing district special provisions, of the Columbus City Codes; is hereby granted for the property located at **1023 NORTH SIXTH STREET (43201)**, insofar as said sections prohibit a maximum of 750 square feet of restaurant space within a 2,000 square-foot industrial building that will also be used for a production bakery including on-site accessory gardens, with a reduced driveway width of thirteen (13) feet where twenty (20) is required, a reduction of sixteen (16) required parking spaces, encroachment of the existing building within clear vision triangles as shown on the Site Plan, reduced building setbacks of three (3) feet for the existing building, and of zero (0) feet for the privacy wall where fifty (50) feet is required; said property being more particularly described as follows:

1023 NORTH SIXTH STREET (43201), being 0.22± acres located on the west side of North Sixth Street, 132± feet north of East Third Avenue, and being more particularly described as follows:

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

Being 89.50 feet off the entire east end of Lots Number Nineteen (19), Twenty (20) and Twenty-One (21) of Rickley & Graham's Addition to the City of Columbus, being a subdivision of Lots 21, 22, 23 and 24 of Wm. G. Deshler's Addition to Wm. Phelan's Mt. Pleasant Addition and Lot 67 and part OF Lots 64, 65 and 66 of said Phelan's Addition, the latter lots having been heretofore subdivided by O. P. Tong, Attorney for E. Sorin, as said Lots 19, 20 and 21, are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 158, Recorder's Office, Franklin County, Ohio.

Being Parcel Nos. 010-063590, 010-013642, and 010-013884

Addressed As: 1023 North Sixth Street, Columbus, Ohio 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of 750 square feet of restaurant space within a 2,000 square-foot industrial building that will also be used for a production bakery with on-site accessory gardens and 150 square feet of outdoor dining space.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN**," dated May 28, 2014, and drawn and signed by Jeanne M. Cabral, 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 plan 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 tax parcels 010-063590, 010-013642, and 010-013884 into one parcel prior to site compliance review.

SECTION 6. That this ordinance is further conditioned upon the following: Signage will be utilized on the thirty-space portion of the leased parking lot at 1086 North Fourth Street indicating that the lot may be used by patrons of the restaurant on the subject site.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.