



## Legislation Text

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**File #:** 1946-2015, **Version:** 2

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**Council Variance Application: CV15-028**

**APPLICANT:** Eric D. Martineau; 22 East Fourth Avenue, Suite 1A; Columbus, Ohio, 43201.

**PROPOSED USE:** Wholesale bakery and café with retail.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two commercial buildings containing a total of three (3) tenant spaces. The site is zoned in the C-4, Commercial District, is located within the Urban Commercial Overlay (UCO), and within the planning area of the *Clintonville Area Plan* (2009), which recommends mixed uses for this location. The requested Council variance will permit a 559 square-foot tenant space to be occupied with a wholesale bakery in conjunction with an adjacent 678 square foot café, while retaining 1,569 square feet of retail space. A Council variance is necessary because a wholesale bakery is an M, Manufacturing District use and is not permitted in the C-4, Commercial District. The applicant also requests variances to reduce the required number of parking spaces to six (6) spaces from fifteen (15), and to conform an existing driveway width and gravel parking area. Staff supports the request noting that a 559 square foot wholesale bakery is not likely to be any more intense than a retail bakery which is permitted. The requested variances are supportable because they conform existing conditions and the parking reduction is supported by the Department of Public Service.

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.13(B), Driveway; 3312.39, Striping and marking; 3312.43, Required surface for parking; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, for the property located at **3333 NORTH HIGH STREET (43202)**, to permit a wholesale bakery in conjunction with café and retail uses with reduced development standards in the C-4, Commercial District **and to declare an emergency** (CV15-028).

**WHEREAS**, by application No. CV15-028, the owner of property at **3333 NORTH HIGH STREET (43202)**, is requesting a Council variance to permit a wholesale bakery in conjunction with café and retail uses space with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4, Permitted uses, allows eating and drinking establishments, but does not permit a wholesale/commercial bakery, while the applicant proposes to conform the existing conditions of and reuse two existing commercial structures containing a total of three (3) tenant spaces for a wholesale bakery, café, and retail space; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of twenty (20) feet at the street right of way, while the applicant proposes to conform the existing eleven (11) foot driveway; and

**WHEREAS**, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to maintain a gravel area for six (6) parking spaces to the rear of the building with no striping or marking until such time the site is redeveloped; and

**WHEREAS**, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain a gravel parking surface for six (6) spaces behind the existing structures until such time the site is redeveloped; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires one (1) parking space per 250 square feet of retail space, one (1) parking space for every 750 square feet for a wholesale bakery, one (1) parking space for every 75 square feet of interior space and one (1) parking space for every 150 square feet of patio space for an eating and drinking establishment, for a total of fifteen (15) required spaces, utilizing the UCO parking reductions, while the applicant proposes six (6) on-site parking spaces; and

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

**WHEREAS**, City Departments recommend approval for the requested wholesale bakery/café because the proposal is consistent with the *Clintonville Area Plan* for mixed uses and approval of this request will not add a new or incompatible use to the neighborhood; and

**WHEREAS**, said 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 owner of the property located at **3333 NORTH HIGH STREET (43202)**, 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 3356.03, C-4 Permitted uses, 3312.13(B), Driveway; 3312.39, Striping and marking; 3312.43, Required surface for parking; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, for the property located at **3333 NORTH HIGH STREET (43202)**, insofar as said sections prohibit a wholesale bakery in the C-4, Commercial District, with a driveway that is eleven (11) feet wide where twenty (20) feet is required, with an unmarked gravel surface, containing six (6) parking spaces where fifteen (15) spaces are required, said property being more particularly described as follows;

**3333 NORTH HIGH STREET (43202)**, being 0.18± acres located on the west side of North High Street, 80± south of West Brighton Road, being more particularly described as follows:

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

Being at part of Lot No. One (1) in Albrecht's Subdivision of Lots Numbered One (1), Two (2), Three (3), and One Hundred and Seven (107) in James Chestnut's Addition to the City of Columbus, together with a vacated alley adjoining said lots, as said Lot One (1) is numbered and delineated upon the recorded plat thereof, of record in Plat

Book 10, Page 142, Recorder's Office, Franklin County, Ohio bounded and described as follows:

Beginning at an iron pin at the Northeast corner of said lot; thence in a Southerly direction along the West line of High Street 60.50 feet to a stake; thence in a Westerly direction 15/100 of a foot away from, North of and parallel to the North edge of the North wall of the two story brick building and the same projected Westerly a distance of 193.85 feet to a stake in the West line of said Lot No. One (1); thence in a Northerly direction along the east line of an alley sixteen (16) feet wide, 61.60 feet to a stake in the North line of said lot; thence in an Easterly direction along said North line 180.65 feet to the beginning;

LESS AND EXCEPT:

Being a part of Lot No. One (1) in ) in Albrecht's Subdivision of Lots Numbered One (1), Two (2), Three (3), and One Hundred and Seven (107) in James Chestnut's Addition to the City of Columbus, together with a vacated alley adjoining said lots, as said Lot One (1) is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, Page 142, Recorder's Office, Franklin County, Ohio bounded and described as follows:

Beginning at a point in the Northwest corner of said lot; thence in a Southerly direction along the West line of said Lot 49.6 feet to a point; thence in an Easterly direction parallel with the North line of said lot 69.6 feet to a point; thence Northerly parallel with the West line of said Lot 49.6 feet to a point in the North line of said Lot; thence Westerly along the North line of said Lot 69.6 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 wholesale bakery, or those uses permitted 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 exhibit titled, "**SITE PLAN - DOUGH MAMA,**" signed by Eric D. Martineau, Attorney for the Applicant, dated July 1, 2015. 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 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 application complying with Sections 3312.39, Striping and marking, and 3312.43, Required surface for parking, at such time the site is redeveloped.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

~~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.**