



# City of Columbus

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

## Legislation Text

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**File #:** 1612-2014, **Version:** 2

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### **Council Variance Application: CV14-010**

**APPLICANT:** Homeport; c/o Dave Perry; David Perry Company, Inc.; 145 E. Rich Street, Floor 3; Columbus, Ohio 43215; and Donald Plank, Attorney; Plank Law Firm; 145 E. Rich Street, Floor 3; Columbus, Ohio 43215.

**PROPOSED USE:** To conform an existing 34-unit residential development and an adjacent off-street parking lot with reduced development standards.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned C-4, Commercial District and P-1, Private Parking District and contains two adjacent parcels, 1379 North High Street and 32 King Avenue. 1379 North High Street contains a multi-unit dwelling and was established in 1959. At that time, dwellings were permitted in commercial zoning districts. Therefore, the multi-unit dwelling is a non-conforming use. The applicant proposes a building addition to the west side of the building to provide ADA accessibility, an elevator and west stairwell. 32 King Avenue contains a parking lot which provides off-site parking for 1379 North High Street. The requested Council Variance will conform the multi-unit dwelling of 1379 North High Street. Other variances include reductions of the width of parking spaces, number of parking spaces, and to maintain a dumpster in the parking lot. A Council variance is necessary because the C-4, Commercial District no longer allows multi-unit residential development. Because the variance will not alter the actual use of the site, or the number of dwelling units in the building, the use variance will not adversely affect the surrounding property or surrounding neighborhood. The site is located within the planning area of the *University Neighborhoods Revitalization Plan* (1996), which recommends Community Commercial for this location.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3371.01, P-1, Private Parking District of the Columbus City Codes; for the property located at **1379 NORTH HIGH STREET & 32 KING AVENUE (43201)**, to conform a 34-unit apartment building and adjacent parking lot with reduced development standards in the C-4, Commercial and P-1, Private Parking Districts **and to declare an emergency** (Council Variance # CV14-010).

**WHEREAS**, by application No. CV14-010, the owner of property at **1379 NORTH HIGH STREET & 32 KING AVENUE (43201)**, is requesting a Council Variance to conform a 34-unit apartment building and an adjacent parking lot with reduced development standards in the C-4, Commercial and P-1, Private Parking Districts; and

**WHEREAS**, Section 3356.03, C-4, Permitted Uses, prohibits multi-unit dwellings, while the applicant proposes to maintain and conform an existing 34-unit apartment building at 1379 North High Street;

**WHEREAS**, Section 3312.29, Parking space, requires the width of all parking spaces on the P-1, Private parking lot to be nine (9) feet wide, while the applicant proposes to reduce two (2) parking spaces on the parking lot to 8.5 feet wide for 32 King Avenue;

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one and a half (1.5) parking spaces per dwelling unit, totaling fifty-one (51) required spaces, while the applicant proposes to reduce the existing

nonconforming parking spaces from eight (8) to four (4) for 1379 North High Street;

**WHEREAS**, Section 3371.01, Private Parking District, does not permit the placement of dumpsters for adjacent residential developments, while the applicant proposes to permit the continued placement of the dumpster(s) for the apartment building at 1379 North High Street located on the east side of a twenty (20) foot alley, adjacent to the parking lot as has occurred for many years at 32 King Avenue; and

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

**WHEREAS**, City Departments recommend approval because this request will not add a new or incompatible use to this area. This request will conform an existing 34-unit residential building and adjacent parking lot in the C-4, Commercial and P-1, Private Parking Districts, respectively. The multi-unit dwelling and parking lot have been long established on these lots and is consistent with the existing development in the area; 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 owners of the property located at **1379 NORTH HIGH STREET & 32 KING AVENUE (43201)**, 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; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; and 3371.01, P-1, Private Parking District, of the Columbus City Codes, is hereby granted for the property located at **1379 NORTH HIGH STREET & 32 KING AVENUE (43201)**, insofar as said sections prohibit thirty-four (34) multi-unit dwellings for 1379 North High Street, two (2) 8.5 feet wide parking spaces for 32 King Avenue, four (4) parking spaces for 1379 North High Street and a dumpster on a parking lot for 32 King Avenue; said property being more particularly described as follows:

**1379 NORTH HIGH STREET & 32 KING AVENUE (43201)**, being 0.45± acres located on the west side of North High Street, 50± feet north of East Seventh Avenue, and being more particularly described as follows:

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

Being Lots Number Two (2) and Three (3) of ELIZABETH J. MCMILLEN'S SUBDIVISION (also sometimes referred to as E. J. and W. J. McMillen's Subdivision), as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-026539

Commonly known as 1379 North High Street, Columbus, OH 43201

Being Lot Number Six (6) and Seven (7) feet off the East side of Lot Number Seven (7), of ELIZABETH J. McMILLEN's FIRST SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-055180  
Commonly known as 32 King Avenue, Columbus, OH 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 34-unit residential dwelling and parking lot, or those uses permitted in the C-4, Commercial and P-1, Private Parking Districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING VARIANCE SITE PLAN Z1**," drawn by Moody Nolan, dated June 16, 2014, and signed by Donald Plank, Attorney for the Applicant. 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 applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

~~SECTION 5. 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.**