



## Legislation Text

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**File #:** 1566-2012, **Version:** 2

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### **Council Variance Application: CV12-023**

**APPLICANT:** E.W. High Street LLC; c/o Jeffrey E. Meacham; 1220 Dublin Road; Columbus, OH 43215-1008.

**PROPOSED USE:** Commercial and multi-unit residential development and parking garage.

**ITALIAN VILLAGE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This Council variance was approved via CV11-039 on February 27, 2012. The applicant is requesting to increase the height variance that was granted in CV11-039 from sixty (60) feet to sixty-five (65) feet. In addition the applicant seeks an additional 100 square feet of restaurant space over what CV11-039 allows. This additional 100 square feet results in an increased parking space variance of one (1) additional parking space raising the variances from 237 parking spaces to 238 parking spaces. Staff finds these changes to be minor and recommends approval.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3309.14, Height District, 3312.03(D), Administrative requirements; 3312.49(C), Minimum number of parking spaces; 3312.53, Minimum number of loading spaces required; 3321.01, Dumpster Area; 3321.05(B)(1), Vision clearance; and 3356.11, C-4 district setback lines, of the Columbus City Codes for property located at **834 NORTH HIGH STREET (43215)**, to permit residential and parking uses with reduced development standards in the C-4, Commercial District **and to declare an emergency (CV12-023)**

**WHEREAS**, by application #CV12-023, the owner of property at **834 NORTH HIGH STREET (43215)**, is requesting a Variance to permit two mixed use buildings with the building at High and Hubbard requiring various standards variances and the parking garage on East Hubbard Avenue having residential units on the ground floor in the C-4, Commercial District also with reduced development standards; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits apartments only above certain commercial uses, while the applicant proposes to allow four (4) ground floor dwelling units on the south side of the parking structure along East Hubbard Avenue including first floor residential use; and

**WHEREAS**, Section 3309.14, Height District, requires that buildings in the H-35 Height District not exceed 35 feet in height while the applicant proposes the building to be sixty-five (65) feet tall; and

**WHEREAS**, Section 3312.03(D), Administrative requirements, requires that parking spaces must be on the same lot as the use they are intended to serve, while the applicant proposes an off-site parking structure separated from the dwelling units it serves by Pearl Street to the east; and

**WHEREAS**, Section 3312.49(C), Minimum number of parking spaces required, requires 108 parking spaces for 72 dwelling units at 1.5 spaces per unit and 238 parking spaces for up to 17,850 square feet of restaurant use at 1 space per 75 gross square feet for a total of 345 spaces, while the applicant proposes to provide a 322 space parking garage of

which 72 parking spaces will be reserved for the 72 dwelling units at the rate of 1 space per dwelling unit, and to reduce required parking to zero (0) for up to 17,850 square feet of restaurant area; and

**WHEREAS**, Section 3312.53, Minimum number of loading spaces required, requires that commercial buildings that are ten thousand (10,000) square feet or more but less than seventy-five thousand (75,000) square feet provide one loading space, while the applicant proposes zero (0) loading spaces for the building; and

**WHEREAS**, Section 3321.01, Dumpster Area, requires a loading and maneuvering area for a dumpster to be located on-site, while the applicant proposes to provide on-site refuse storage for private hauler access/maneuvering from Pearl Street; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires the size of required clear vision triangles to be 10 feet on each of the perpendicular sides of a triangle at the northwest and northeast corners of East Hubbard Avenue and North Pearl Street, while the applicant proposes a zero (0) foot building setback on both East Hubbard Avenue and North Pearl Street and therefore no clear vision triangle will be provided; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires buildings to have a setback of twenty-five (25) feet from the right-of-way, while the applicant proposes a zero (0) foot setback along High Street, Hubbard Avenue ; and

**WHEREAS**, The Italian Village Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because Staff finds these changes to be minor; 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 roads, 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 **834 NORTH HIGH STREET (43215)**, 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; 3309.14, Height District; 3312.03(D), Administrative requirements; 3312.49(C), Minimum number of parking spaces required; 3312.53, Minimum number of loading spaces required; 3321.01, Dumpster Area; 3321.05(B)(1), Vision clearance and 3356.11, C-4 district setback lines, of the Columbus City Codes for the property located at **834 NORTH HIGH STREET (43215)**, insofar as said sections prohibit ground floor dwellings, a sixty-five (65) foot tall building in the thirty-five (35) foot height district, with parking not on the same lot, with no parking provided on the parcel at the northeast corner of North High Street and East Hubbard Avenue (Parcel 1, as described in the legal description), with parking reduced for 72 dwelling units from 108 spaces (1.5 spaces/unit) to 72 spaces (1.0 space/unit), with all 72 spaces to be located in the parking garage to be built on the east side of Pearl Street (Parcel 2, as described in the legal description), and parking for up to 17,850 sq. ft. of restaurant area (Parcel 1) reduced from 238 to zero (0), without a loading space, without vision clearance along Pearl

Alley, without a code compliant dumpster area, with a zero (0) foot building setback on North High Street and East Hubbard Avenue

**834 NORTH HIGH STREET (43215)**, being 1.4± acres located on the east side of North High Street, at the northeast corner of North High Street and East Hubbard Avenue, and being more particularly described as follows:

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

Parcel 1 (PID: 010-032241):

Being Lots numbers sixty-one (61), sixty-two (62) and 46 ½ feet off the entire south side of Lot sixty-three (63) of William A. Gills Fourth North Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 389, Recorder's Office, Franklin County, Ohio, and twenty feet off the entire south side of Lot number one (1) of George W. Rice's Subdivision of Lot No. sixty-four (64) and parts of Lots numbers sixty-three (63) and sixty-five (65) of said William A. Gills Fourth North Addition to said city as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 26, Recorder's Office, Franklin County, Ohio, excepting therefrom a strip of land ten (10) feet in width off the entire west side deeded to the City of Columbus for the purpose of widening North High Street,

And:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 5, Township 5, range 22, Refugee Tract and being all of that 0.029 acre tract conveyed to William B. Shively of record in Instrument Number 200702200029641 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of Prescott Street with the easterly right of way line of North High Street, the northwesterly corner of that tract conveyed to ISAG, Limited, of record in Instrument Number 200502040022203;

Thence with said southerly right-of-way line, the following courses;

North 81 degrees 36' 39" East, a distance of 99.94 feet to an iron pin set;

South 86 degrees 35' 10" East, a distance of 60.01 feet to a mag nail found;

South 47 degrees 37' 00" East, a distance of 18.37 feet to a mag nail found in the westerly right-of-way line of Pearl Street;

Thence South 08 degrees 35' 00" East, with said westerly right-of-way line, a distance of 79.01 feet to a pony stake found at the southeasterly corner of that 0.109 acre tract conveyed to William B. Shively of record in Instrument Number 200301140013765, the TRUE POINT OF BEGINNING;

Thence South 08 degrees 35' 00" East, continuing with said westerly right-of-way line, a distance of 18.19 feet to a mag nail set at a southeasterly corner of said Highstreet Partners tract and a northeasterly corner of that tract conveyed to APEX Realty Enterprises, LLC of record in Instrument Number 200703020036633;

Thence South 81 degrees 36' 39" West, with a line common to said Highstreet Partners tract and said APEX Realty Enterprises, LLC tract, a distance of 70.52 feet to a point in the west edge of a building;

Thence North 08 degrees 22' 53" West, with the westerly line of said 0.029 acre tract with said west edge of building, a distance of 18.20 feet to a building corner in the southerly line of said 0.109 acre tract and northerly line of said Highstreet Partners tract;

Thence North 81 degrees 37' 07" East, with said common line, a distance of 70.45 feet to the TRUE POINT OF BEGINNING and containing 0.029 acres (1,282.43 square feet), more or less, and being out of Auditors Parcel No. 010-265711.

Parcel 2 (PID: 010-002013):

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

Being Lots numbers sixty-six (66), sixty-seven (67), sixty-eight (68) and sixty-nine (69) of William A. Gills Fourth North Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 389, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said properties are used for two mixed use buildings with a maximum of 72 dwelling units, 17,850 square feet of retail and/or restaurant space and a parking garage with at least 322 parking spaces, of which at least 250 spaces must be available to the public with or

without fee, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** ~~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.**