



## Legislation Text

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File #: 0076-2012, Version: 3

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### Council Variance Application # CV11-037

**APPLICANT:** Kevin Lykens; 1020 Dennison Avenue, Suite 101; Columbus, Ohio 43201.

**PROPOSED USE:** Mixed-use apartment building with a maximum of fifty-six units.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with the former Wonder Bread bakery, and is zoned in the M, Manufacturing District. The parking lot, which is on the same parcel, is zoned P-1, Parking District, and contains a non-conforming shed. The requested variance will allow the existing industrial building to be converted to a maximum of fifty-six apartment units, a 2,230 square foot restaurant, and a reception venue with 2,613 square feet of indoor assembly area and a 1,000 square foot roof-top patio. The site is located within the Urban Commercial Overlay, and lies within the planning area of the *Italian Village East Redevelopment Plan (2000)*, which encourages a mix of commercial, residential and office uses along the North Fourth Street corridor. The request also includes variances for building setback, parking setback, a reduction in the minimum number of required parking spaces from 197 to 71, and an allowance for 10 stacked parking spaces. The applicant has arranged a parking space lease agreement for an additional 44 spaces in the parking lot located directly south of the site. The site is located in the vicinity of several sites which received Council variances to allow mixed residential and commercial development in the M, Manufacturing District. The requested variance would permit a mixed-use development with reduced development standards that is consistent with the development pattern and historic character of the surrounding neighborhood.

To grant a variance from the provisions of Sections 3363.01, M-manufacturing districts; 3371.01(c)(f)(1), P-1 private parking district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(B)(1), Vision clearance; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3371.03, Building lines in commercial and manufacturing districts, of the Columbus City codes, for the property located at **697 NORTH FOURTH STREET (43215)**, to permit a 56-unit apartment building with a 2,230 square foot restaurant, and a reception venue with 2,613 square feet of indoor assembly area and a 1,000 square foot patio, with reduced development standards in the M, Manufacturing and P-1, Parking Districts **and to declare an emergency** (Council Variance # CV11-037). **(REPEALED BY ORD. 2128-2012 PASSED 10/22/2012)**

**WHEREAS**, by application No. CV11-037, the owner of property at **697 NORTH FOURTH STREET (43215)**, is requesting a Council Variance to permit a 56-unit apartment building with 2,230 square foot restaurant, and a reception venue with 2,613 square feet of indoor assembly area and a 1,000 square foot patio with reduced development standards in the M, Manufacturing and P-1, Parking Districts; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes a mixed use building that includes multi-unit residential uses; and

**WHEREAS**, Section 3371.01(c)(f)(1), P-1 private parking district, only permits parking attendant structures, and requires a landscaped buffer strip containing a wall, fence, hedge and/or other plant material along the required parking

lot setback, while the applicant proposes to maintain a non-conforming accessory utility equipment shed, and instead of the required landscaping, will maintain trees along Hamlet Street and plant new trees along Warren Street as shown on the Site Plan; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a minimum ten (10) foot parking setback line, while the applicant proposes to maintain a one (1) foot parking setback line for the existing parking lot along Warren Street; and

**WHEREAS**, Section 3312.29, Parking space, allows stacked parking for only single-unit and two-unit dwellings, while the applicant proposes five stacked parking spaces behind five parking spaces as shown on the Site Plan; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, 1 parking space per 30 square feet of assembly space, 1 parking space per 60 square feet of patio space, 1 parking space per 75 square feet of restaurant space, and 1 parking space per 250 square feet of non-assembly space, or a maximum total of one hundred ninety-seven (197) parking spaces for 56 apartment units with 2,230 square foot restaurant, and a reception venue with 2,613 square feet of indoor assembly area and a 1,000 square foot patio, while the applicant proposes seventy-one (71) parking spaces, and has a lease agreement for an additional forty-four (44) parking spaces with the adjacent church property; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires that a clear vision triangle shall be maintained at each street intersection, while the applicant proposes to maintain the encroachment of the existing building into the clear vision triangles at the intersections of North Fourth Street with Lincoln Street and Warren Street; and

**WHEREAS**, Section 3363.24, Building lines in an M-manufacturing district, provides for minimum building lines along public streets, while the applicant proposes to maintain zero foot (0') building lines along all applicable public streets for the existing building; and

**WHEREAS**, Section 3371.03, Building lines in commercial and manufacturing districts, requires that the building and parking lines be set back twenty-five (25) feet from Warren and Hamlet Streets, while the applicant proposes to maintain a parking setback of one foot (1') along Warren Street, and building and parking setbacks of three feet nine inches (3'9") along Hamlet Street; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal would permit a mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood, and with the land use recommendations of the *Italian Village East Redevelopment Plan (2000)*; 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 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;

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **697 NORTH FOURTH 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 3363.01, M-manufacturing districts; 3371.01(c)(f)(1), P-1 private parking district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(B)(1), Vision clearance; 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; and 3371.03, Building lines in commercial and manufacturing districts, of the Columbus City codes, is hereby granted for the property located at **697 NORTH FOURTH STREET (43215)**, in so far as said sections prohibit residential uses in the M, Manufacturing District, and storage of utility equipment in the P-1, Parking District, with a reduction in the required parking lot landscaping, reduced parking setback lines, ten stacked parking spaces, a parking space reduction of one-hundred twenty-six (126) required spaces, encroachment of the existing building into the clear vision triangle at the intersections of North Fourth Street with Lincoln Street and Warren Street, zero foot building lines along all public streets, and reduced building and parking lines in the P-1 Parking District to one foot (1') along Warren Street, and three feet nine inches (3'9") along Hamlet Street, said property being more particularly described as follows:

**697 NORTH FOURTH STREET (43215)**, being 1.88± acres located at the northwest corner of North Fourth Street and East Lincoln Street, and being more particularly described as follows:

**Tract 1**

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

Beginning at the Northwest corner of Lincoln Street and Fourth Street (formerly Lazelle Avenue)

thence westerly along the North line of Lincoln Street One Hundred Nine and eighty hundredths (109.80) feet to the East line of a fifteen (15) feet alley;

Thence northwardly along the East line of said alley Three Hundred Fifty-two and two hundredths (352.02) feet to a point in the South line of Warren Street distant One Hundred Nine and Eighty hundredths (109.80) feet West of the West line of Fourth Street;

Thence eastwardly along the South line of Warren Street One Hundred Nine and Eighty hundredths (109.80) feet to the West line of Fourth Street;

Thence southerly along the West line of Fourth Street Three Hundred Fifty-two and Twenty-five hundredths (352.25) feet, more or less to the place of beginning.

Said premises being further described as follows: Lots numbers One (1) Two (2) Three (3) Four (4) Five (5) Six (6) Seven (7) Eight (8) Nine (9) Ten (10) and Eleven (11) of William A. Neil's Trustees' First Subdivision to the City of Columbus, Ohio, as said lots are numbered and delineated on the Recorded Plat of said subdivision of record in Plat Book Number 7, Pages 2 and 3, in the Recorder's Office of said County.

**Tract 2**

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

Being Lot Numbers Fifty-Nine (59), Sixty (60), Sixty-one (61), Sixty-two (62), and Sixty-three (63) of W. A. Neil's Third Summit Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 258, Recorder's Office, Franklin County, Ohio. (Said Subdivision being sometimes called by Wm. A. Neil and his Executors "W. A. Neil's Third Summit Addition", etc.). Being the same property described in Deed Volume 1932, Page 564 of Franklin County Records.

**Tract 3**

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

Being Lot No. 29 of W. A. Neil's Trustee's First Subdivision as said lot is numbered and delineated upon the recorded Plat of said Subdivision, of record in Plat Book 7, Pages 2 and 3, Recorder's Office, Franklin County, Ohio.

**Tract 4**

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus, and bounded and described as

follows:

Being all of the right, title and interest of the Grantor herein in the vacated portion of Cedar Alley adjacent to and East of premises owned by the Grantor in W. A. Neil's Trustee's First Subdivision as shown of record in Plat Book 7, Pages 2 and 3, Recorder's Office, Franklin County, Ohio, said portion of Cedar Alley having been vacated by operation of Ordinance No. 1123-59 passed by the Council of the City of Columbus, Ohio, on July 27, 1959.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a 56-unit apartment building with 2,230 square foot restaurant, and a reception venue with 2,613 square feet of indoor assembly area and a 1,000 square foot patio, or those uses permitted in the M, Manufacturing and P-1, Parking Districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "SITE PLAN/VICINITY PLAN," dated January 12, 2012, and drawn and signed by Juliet Bullock, 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5. That this ordinance is further conditioned upon the following:**

**Signage will be installed on the parking lot at the southwest corner of East Lincoln Avenue and North Fourth Street at the entry of this 44 space parking lot indicating that the lot is reserved for patrons of the restaurant and reception venue on the subject site. The signage will also direct patrons to the subsequent 66 space lot should this lot be full. Signage will also be installed within the lot to indicate that the lot is reserved and subject to towing. The signage will also indicate 24/7 availability.**

**Further west on the parking lot at the southwest corner of East Lincoln Avenue and Hamlet Street, signage will be installed at the entry to this 66 space parking lot indicating that parking is available to patrons of the restaurant and reception venue on the subject site. The signage will indicate no parking times of Sunday from 9:00 AM to 12:30 PM and during special events.**

~~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.**