



## Legislation Text

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**File #:** 1937-2017, **Version:** 1

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### **Council Variance Application: CV17-024**

**APPLICANT:** Stanton Coville and Alexa Sibberson; c/o Amanda Dunfield; 3126 Derby Road; Columbus, OH 43221.

**PROPOSED USE:** Mixed-use development.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant building (Parcel 010-048064; 63-71 South Eighteenth Street) and a two-unit dwelling (Parcel 010-048063; 73-75 South Eighteenth Street) in the ARLD, Apartment Residential District, and is subject to Ordinance # 1245-2013 (Council Variance # CV13-014) which permitted limited commercial uses on these properties. The requested Council variance will carry over applicable variances from Ordinance # 1245-2013 for the existing development and allow different commercial uses and/or one apartment unit on the first floor with two second-story apartment units on Parcel 010-048064, and permit the addition of accessory outdoor seating that spans the two properties. The request will also conform the existing two-unit dwelling on Parcel 010-048063. The permitted uses proposed on the first floor of the vacant building include: eating and drinking establishment, office, retail business, fitness studio, and one additional apartment unit if all of the first floor space is not used for commercial uses. Variances for existing non-conforming conditions addressing density, maneuvering, minimum numbers of parking spaces, vision clearance, lot coverage, building lines, and side, rear, and perimeter yards are included in the request. The site is located within the planning area of the *Near East Area Plan* (2005). One overall goal of the Plan is to "preserve existing housing stock and achieve a reduced rate of housing demolition." The Plan also encourages "the preservation and renovation of historic structures rather than demolition," and "a mix of land uses that contributes to a walkable and diverse neighborhood." The mixed-use development provides non-residential uses that can be walkable for many residents of the neighborhood. The request is consistent with several recommendations of the *Near East Area Plan* and with the established development pattern in the area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.148, Area districts; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.05(B), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23(a), Minimum side yard permitted; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **63-71 SOUTH EIGHTEENTH STREET (43205)**, to permit mixed-use development with reduced development standards in the ARLD, Apartment Residential District (Council Variance # CV17-024).

**WHEREAS**, by application # CV17-024, the owner of the property at **63-71 SOUTH EIGHTEENTH STREET (43205)**, is requesting a Council variance to permit mixed-use development with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, prohibits commercial uses and dwellings containing fewer than three dwelling units, while the applicant proposes to convert the first floor of a vacant dwelling unit into 2,082 square feet of commercial space and/or one apartment unit on the first floor with two second-story apartment units on Parcel 010-048064, to maintain an existing two-unit dwelling Parcel 010-048063, and to add 712 square feet of outdoor dining space between the two buildings spanning the shared parcel line; and

**WHEREAS**, Section 3309.148, Area districts, requires a maximum density of 2,500 sq. feet per dwelling unit in the ARLD, Apartment Residential District, or 17.4 units/acre, while the applicant proposes a maximum density of 42.08 units/acre on Parcel 010-048064, and to maintain a maximum density of 25.67 units/acre on Parcel 010-048063; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow potential maneuvering over property lines for future parking spaces on property to the west if the parcels are not combined with the subject site; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit for buildings containing up to 3 dwellings, 1 parking space per 75 square feet of restaurant space, and 1 parking space per 150 square feet of outdoor seating space, or a maximum total of 41 spaces (37 spaces on Parcel 010-048064, and 4 spaces on Parcel 010-048063), while the applicant proposes zero parking spaces; and

**WHEREAS**, Section 3321.05(B), Vision clearance, requires that clear vision triangles shall be maintained at intersections of streets and alleys, and on each residential lot adjacent to a street intersection, while the applicant proposes to maintain encroachment into the clear vision triangles at the intersection South Eighteenth Street with the rear alley; and

**WHEREAS**, Section 3333.15, Basis of computing area, requires a maximum lot coverage of 50%, while the applicant proposes to maintain the existing increased lot coverage and add a 712± square-foot patio which totals 67.17% lot coverage if the parcels are combined into one lot, or 76.34% on Parcel 010-048064, and 58.03% on Parcel 010-048063 if the parcels are not combined; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of 25 feet, while the applicant proposes to maintain the existing building line of 3.5± feet along South Eighteenth Street; and

**WHEREAS**, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20% of the width of the lot, while the applicant proposes no side yard on Parcel 010-048064 where 7.13 feet is required, and a reduced maximum side yard of 3± feet on Parcel 010-048063 where 7.87 feet is required; and

**WHEREAS**, Section 3333.23(a), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes zero feet along the north and south property lines on Parcel 010-048064, and zero feet along the north property line and three feet along the south property line on Parcel 010-048063; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a reduced rear yard of 18.3± percent on Parcel 010-048064, and of 16± percent on Parcel 010-048063; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a 25-foot wide perimeter yard for an apartment complex, while the applicant proposes to maintain the existing buildings with no perimeter yard if all of the parcels are combined into one lot with the adjacent parcels subject to CV13-014; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance is consistent with several recommendations of the *Near East Area Plan* (2005), and with the established development pattern in the area. The proposal will carry over applicable variances from Ordinance # 1245-2013 (Council Variance # CV13-014) for the existing development, allow expansion of commercial uses on the first floor of a vacant dwelling, permit the addition of accessory outdoor seating that crosses a parcel line, and conform an existing two-unit dwelling; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **63-71 SOUTH EIGHTEENTH STREET (43205)**, in using said property as desired; and

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

**SECTION 1.** That a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.148, Area districts; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3321.05(B), Vision clearance; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23(a), Minimum side yard permitted; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **63-71 SOUTH EIGHTEENTH STREET (43205)**, insofar as said sections prohibit a mixed-use building with 2,082 square feet of commercial space and/or one apartment unit on the first floor with two second-story apartment units on Parcel 010-048064, a two-unit dwelling on Parcel 010-048063, and 712 square feet of outdoor dining space between the two buildings spanning the shared parcel line; with an increased density of 42.08 units/acre on Parcel 010-048064, and of 25.67 units/acre on Parcel 010-048063 where 17.4 units/acre is required; maneuvering over property lines for the adjacent parking spaces if the parcels are not combined; a reduction in the required number of parking spaces from 37 spaces on Parcel 010-048064, and 4 spaces on Parcel 010-048063 to zero spaces; encroachment into the clear vision triangles at the intersection of South Eighteenth Street with the rear alley; an increased maximum lot coverage from 50% to 67.17% lot coverage if the parcels are combined into one lot, or 76.34% on Parcel 010-048064 and 58.03% on Parcel 010-048063 if the parcels are not combined; a reduced building line from 25 feet to 3.5± feet along South Eighteenth Street; a reduced maximum side yard from 7.13 feet to zero feet for Parcel 010-048064, and from 7.87 feet to 3± feet for Parcel 010-048063; a reduced minimum side yard from five feet zero feet along the north and south property lines on Parcel 010-048064, and zero feet along the north property line and three feet along the south property line on Parcel 010-048063; reduced rear yards from 25% to 18.3± percent on Parcel 010-048064, and of 16± percent on Parcel 010-048063; and no perimeter yard if all of the parcels are combined into one lot with the adjacent parcels subject to CV13-014; said property being more particularly described as follows:

**63-71 SOUTH EIGHTEENTH STREET (43205)**, being 0.15± acres located at the southwest corner of South Eighteenth Street and Agate Alley, and being more particularly described as follows:

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

Parcel No. 010-048064  
Known as: 69-71 S. Eighteenth Street, Columbus, Ohio 43205  
.0713 Acres

Being a part of Lot No. Five (5) of C.B. and D.H. COWAN'S SUBDIVISION of Lots Nos. Forty-five (45) and Forty-nine (49), both inclusive of Samuel Barlit's Amended Subdivision, as the said Lot No. 5 is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 5, page 311, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the northeast corner of Lot No. 5 marked by a cut on a concrete step; thence with the east line of said Lot No. 5, it being also the west line of 18th Street, south 35.63 feet to a cut on concrete to the center line of the Court; thence westerly with a line parallel with the north line of said Lot No. 5, 87 feet to a stake; thence on a line parallel with the west line of 18th Street, northerly 35.63 feet more or less to the north line of said Lot No. 5; thence easterly along the north

line of said Lot No. 5, 87 feet more or less to the place of beginning.

Parcel No. 010-048063

Known as: 73-75 S. Eighteenth Street, Columbus, Ohio 43205

.0779 Acres

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

Being eighty-seven (87) feet off of the east end of Lot Number Six (6) of C.B. and D.H. COWAN'S SUBDIVISION of Lots Nos. Forty-five (45) and Forty-nine (49), both inclusive of Samuel Barlit's Addition, as the same appears of record in Plat Book No. 5, page 311, Recorder's Office, Franklin County, Ohio, also a strip 1.87 feet off of the south side by 87 feet off of the east end of Lot Number five (5), of said Cowan's Subdivision. Beginning at the southeast corner of said Lot Number Six (6) marked by a cut on a concrete step, it being also the west line of Eighteenth Street; thence with the east line of said Lots Nos. 6 and 5 north 39.37 feet to a cut on the concrete at the center of a court, and being 1.87 feet north of the southeast corner of said Lot Number Five (5), 1.87 feet north thereof, west 87 feet to a stake; thence with a line parallel to the east line of said Lots Nos. 5 and 6, south 39.37 feet to a stake in the south line of said Lot Number Six (6); thence with the south line of said Lot Number Six (6), 87 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 used a mixed-use building with up to 2,082 square feet of commercial space and/or one apartment unit on the first floor with two second-story apartment units on Parcel 010-048064, a two-unit dwelling on Parcel 010-048063, and 712 square feet of outdoor dining space between the two buildings spanning the shared parcel line. The subject parcels may be combined into one parcel or can remain separate as they currently exist.

**SECTION 3.** That this ordinance is further conditioned on the following: The permitted uses for the first floor of the mixed-use building on Parcel 010-048064 are as follows: eating and drinking establishment, office, retail business, fitness studio, and one dwelling unit.

**SECTION 4.** That this ordinance is further conditioned on general conformance with the site plan titled, "**63-75 SOUTH EIGHTEENTH STREET**," drawn and signed by Amanda Dunfield, Registered Architect, dated July 12, 2017. 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 adjustment to the plans shall be reviewed and may be approved 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 5.** That Ordinance # 1245-2013 (Council Variance # CV13-014) is no longer in effect for Parcels 010-048063 and 010-048064.

**SECTION 6.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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