



Legislation Text

File #: 1245-2013, **Version:** 2

Council Variance Application: CV13-014

APPLICANT: Yellow Brick Pizza; c/o Bob Silver, Owner, and Joseph Pipia, Agent; 892 Oak Street; Columbus, OH 43205.

PROPOSED USE: Mixed-use development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site encompasses a city block that is zoned ARLD, Apartment Residential District, and is developed with a mixture of vacant and occupied residential buildings, and a 1,580 square foot restaurant as approved by Ordinance No. 1258-2006 (CV06-001). The requested Council variance will carry over the previous variances for the existing development, and allow expansion of restaurant uses, the addition of accessory outdoor seating, and a production/retail bakery in the first floor of a vacant dwelling. Thirty-one total dwelling units are proposed, and variances for existing non-conforming conditions including density, lot coverage, building lines, side and rear yard, vision clearance, driveway width, and minimum number of required parking spaces are included in the request. The site is located within the planning area of the *Near East Area Plan* (2005). One overall goal 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 restaurants and bakery provide 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; 3312.03(D), Administrative requirements; 3312.13 (B), Driveway; 3312.25, Maneuvering; 3312.49, Minimum number of parking spaces required; 3321.05(B), Vision clearance; 3333.11, ARLD area district requirements; 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 **72 DOUGLASS STREET (43205)**, to permit a restaurant/six-unit apartment building with outdoor seating, and a retail-production bakery/three-unit apartment building, and to maintain an existing sixteen-unit apartment and four-unit dwelling on one lot, a two-unit dwelling on a separate lot, and a parking lot, with reduced development standards in the ARLD, Apartment Residential District, and to repeal Ordinance No. 1258-2006, passed on July 24, 2006 **and to declare an emergency.**(Council Variance # CV13-014).

WHEREAS, by application No. CV13-014, the owner of the property at **72 DOUGLASS STREET (43205)**, is requesting a Council Variance to permit a restaurant/six-unit apartment building with outdoor seating, a retail-production bakery/three-unit apartment building, and to maintain existing sixteen-unit apartment and a four-unit dwelling on one lot, a two-unit dwelling on a separate lot, and a parking lot, 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 dwellings containing

fewer than three dwelling units, a sixteen-unit apartment and a four-unit dwelling on one lot, a parking lot, and restaurants and bakeries, while the applicant proposes to maintain an existing two-unit dwelling, a sixteen-unit apartment and a four-unit dwelling on one lot, a parking lot as a principle use, and a 1,580 square-foot restaurant; convert vacant dwelling units into an additional 1,586 square-feet of restaurant space, 483 square feet of production bakery space, and 483 square feet of retail bakery space; and add 1,056 square feet of outdoor seating; 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 17.1 units/acre, while the applicant proposes to maintain a maximum density of 34.83 units/acre; 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 to maintain a parking lot that is on a separate parcel from the uses in which it will serve; and

WHEREAS, Section 3312.13 (B), Driveway, requires a minimum width of 20 feet for driveways, while the applicant proposes to maintain the existing 13-foot wide driveway located between two existing buildings; 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 maneuvering over property lines for the parking spaces if the parcels are not combined; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit for buildings containing 4 or more dwellings, 2 parking space per dwelling unit for buildings containing 3 or more 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 102 spaces, while the applicant proposes 15 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 intersections of Oak and Douglass Streets, Oak and South Eighteenth Streets, at the intersections of Oak, Douglass, and South Eighteenth Streets with the rear alley, and the existing driveway at the Oak Street entrance; and

WHEREAS, Section 3333.11, ARLD area district requirements, requires 2,500 square feet per interior dwelling unit and 1,500 square feet per corner lot dwelling unit, allowing a total of 22 dwelling units on the site, while the applicant proposes to maintain 31 dwelling units on the property; and

WHEREAS, Section 3333.15, Basis of computing area, requires a maximum lot coverage of 50%, while the applicant proposes to maintain the existing lot coverage and add a 768 square-foot patio which totals 62.43% lot coverage if the parcels are combined into one lot, or 57.4% for parcel 010-043734, 83.8% for parcel 010-046774, 51.9% for parcel 010-048063, and 60.9% for parcel 010-048064 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 lines of 10 feet-6 inches along Douglass Street, 9 feet-5 inches along Oak Street west of the vacated alley and 0 feet east of the vacated alley (010-283430), and 3 feet-6 inches 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 twenty percent (20%) of the width of the lot, while the applicant proposes no maximum side yards for parcels 010-043734 and 010-046774, and a maximum side yard of 7 feet for parcel 010-048064 where 7.13 feet is required; and

WHEREAS, Section 3333.23(a), Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes to maintain no minimum side yards for parcels 010-043734 and 010-046774, 3 feet along the north

property line for parcel 010-048063, and 0 feet along the north property line for parcel 010-048064; 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% of the total lot area, while the applicant proposes rear yards of less than 25% as shown on the Site Plan; 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; 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*, and with the established development pattern in the area. The proposal will carry over previous variances for the existing mixed use development, and will allow expansion of restaurant uses, the addition of accessory outdoor seating, and a production/retail bakery in the first floor of a vacant dwelling; 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; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **72 DOUGLASS STREET (43205)**, 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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3309.148, Area districts; 3312.03(D), Administrative requirements; 3312.13 (B), Driveway; 3312.25, Maneuvering; 3312.49, Minimum number of parking spaces required; 3321.05(B), Vision clearance; 3333.11, ARLD area district requirements; 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 **72 DOUGLASS STREET (43205)**, insofar as said sections prohibit a mixed use 3,166 square-foot restaurant/six-unit apartment building with 1,056 square feet of outdoor seating, a mixed use 483 square-foot retail bakery/483 square-foot production bakery/three-unit apartment building, a sixteen-unit apartment and four-unit dwelling on one lot, a two-unit dwelling on a separate lot, and a parking lot as a principle use; with a maximum density of 34.83 units/acre where 17.1 units/acre is required; a parking lot that is not on the same lot as the uses inwhich it serves; a commercial driveway that is 13 feet wide; maneuvering over property lines for the parking spaces if the parcels are not combined; a reduction in the required number of parking spaces from 102 spaces to 15 spaces; encroachment into the clear vision triangles at the intersections of Oak and Douglass Streets, Oak and South Eighteenth Streets, at the intersections of Oak, Douglass, and South Eighteenth Streets with the rear alley, and the existing driveway at the Oak Street entrance; 31 total dwelling units where 22 is permitted; an increased maximum lot coverage of 62.43% if the parcels are combined into one lot, or 57.4% for parcel 010-043734, 83.8% for parcel 010-046774, 51.9%

for parcel 010-048063, and 60.9% for parcel 010-048064 if the parcels are not combined; reduced building lines of 10 feet-6 inches along Douglass Street, 9 feet-5 inches along Oak Street west of the vacated alley and 0 feet east of the vacated alley (010-283430), and 3 feet-6 inches along South Eighteenth Street; no maximum side yards for parcels 010-043734 and 010-046774, and a maximum side yard of 7 feet for parcel 010-048064 where 7.13 feet is required; no minimum side yards for parcels 010-043734 and 010-046774, and a minimum side yard of 3 feet along the north property line for parcel 010-048063, and 0 feet along the north property line for parcel 010-048064; rear yards of less than 25%; and no perimeter yard if all of the parcels are combined into one lot; said property being more particularly described as follows:

72 DOUGLASS STREET (43205), being 0.89± acres located at the northeast corner of Oak and Douglass Streets, and being more particularly described as follows:

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

Being part of Lot Numbers Five (5) and Six (6) of C.B. and D.H. COWAN'S SUBDIVISION of Lots Forty-Five (45) to Forty-Nine (49) of SAMUEL BARLIT'S AMENDED SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 311, Recorder's Office, Franklin County, Ohio more particularly described as follows:

Beginning at a stake in the Northwest corner of said Lot Number Five (5) and in the South line of Agate Street; thence with the North line of said Lot Number Five (5), and the South line of said Agate Street, East 34.70 feet to a stake; thence on a line parallel with the East line of said Lot Numbers Five (5) and Six (6); Southwardly 75 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), Westerly 34 feet to a stake in the Southwest corner of said Lot Number Six (6)(and the East line of a 15-foot alley); thence with the West lines of said Lots Five (5) and Six (6) Northwardly 75 feet to the place of beginning.

Parcel No. 010-034524

Known as: 883-885 Agate Alley, Columbus, Ohio 43205

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

Being situated in the State of Ohio, County of Franklin, and City of Columbus, being all of Lots 1, 2, 3 and 4 of C.B. and D.H. COWAN'S SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 311, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-043734

Known as: 66-78 Douglas Street, Columbus, Ohio 43205

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

Being Lots Numbers Seven (7) and Eight (8) of C.B. and D.H. COWAN'S SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 311, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-046774

Known as: 880-894 Oak Street, Columbus, Ohio 43205

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

Being eighty-seven (87) feet off of the east of Lot Number Six (6) of C.B. and D.H. COWAN'S SUBDIVISION of Lots 45 to 49, both inclusive, of SAMUEL BARLIT'S ADDITION, as same appears of record, Recorder's Office, Franklin County, Ohio, also a strip of 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.

Parcel No. 010-048063

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

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

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. 010-048064

Known as: 69-71 S. Eighteenth Street, Columbus, Ohio 43205

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed use 3,166 square-foot restaurant/six-unit apartment building with 1,056 square feet of outdoor seating, a mixed use 483 square-foot retail bakery/483 square-foot production bakery/three-unit apartment building, a sixteen-unit apartment and four-unit dwelling on one lot, a two-unit dwelling on a separate lot, with 15 total parking spaces for the entire site, including a parking lot as a principle use which serves the uses on the subject site. 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 substantial compliance with the site plan titled, "**SITE PLAN**," drawn by EM Engineering Group, Ltd., dated May 10, 2013, and signed David W. Mullen, Professional Engineer. 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 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.

SECTION 6. That Ordinance No. 1258-2006, passed on July 24, 2006, be and is hereby repealed