



## Legislation Text

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**File #:** 0605-2016, **Version:** 1

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### **Council Variance Application: CV15-064**

**APPLICANT:** Community Properties of Ohio Management Services, LLC; c/o Thomas F. Kibbey, Atty.; 41 South High Street, 2000 Huntington Center; Columbus, OH 43215.

**PROPOSED USE:** Office, parking, and limited storage uses.

**NEAR EAST AREA COMMISSION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned R-2F, Residential District, and is developed with an existing maintenance facility and parking lot for a property management office located south of the site fronting on East Broad Street. This site was subject to Ordinance No. 1867-2003 (CV03-023), passed July 28, 2003, to allow for reuse of an existing vacant warehouse with parking lot improvements and variances to area district standards. The requested Council variance will permit general office uses within the existing maintenance building, and limited on-site storage, while carrying over the approvals for the existing parking lot. The variance is necessary because the R-2F, Residential District prohibits office, parking, and storage uses. Included in the request are variances for existing site conditions for building lines, side yards, rear yard, side or rear yard obstructions, loading space size, maneuvering, and parking lot screening. The site is located within the *Near East Area Plan* (2005), which contains criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Key factors include whether the structure has a history of commercial activity and parking considerations. This request can be supported because the proposal includes a renovated commercial building, and has been designed to ensure compatibility with adjacent residential uses. Staff supports this request noting that the office use is appropriate for this location, and limits pertaining to size and location, screening, height, and types of materials to be stored have been included in the proposal.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.51, Loading space; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.28, Side or rear yard obstruction, of the Columbus City codes; for the property located at **933 EAST GAY STREET (43205)**, to permit office, parking, and limited storage uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 1867-2003, passed July 28, 2003 (Council Variance # CV15-064).

**WHEREAS**, by application No. CV15-064, the owner of property at **933 EAST GAY STREET (43205)**, is requesting a Council variance to permit office uses, a parking lot, and limited on-site storage, with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits office, parking, and storage uses, while the applicant proposes general office uses in a former maintenance building, continued use of a parking lot, and limited on-site storage; and

**WHEREAS**, Section 3312.21(D), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be five (5) feet high and 75% opaque, while the applicant proposes less than 75% opaque parking lot screening and planting as shown on the site plan; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every loading space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to continue to use only the twenty (20) feet of the alley along the east property line for maneuvering; and

**WHEREAS**, Section 3312.51, Loading space, requires loading spaces to have a minimum length of fifty (50) feet, while the applicant proposes to maintain a length of forty (40) feet; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, requires that the a residential building shall occupy alone or together with any other building no greater than fifty (50) percent of the lot area, while the applicant will maintain the existing lot coverage of the buildings and parking areas as depicted on the site plan; and

**WHEREAS**, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than ten (10) feet, while the applicant proposes a building line of zero (0) feet along the East Gay Street; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard shall equal or exceed twenty (20) percent of the width of the lot, provided that not more than sixteen (16) feet need be so devoted, while the applicant proposes to maintain the existing maximum side yard of 10.93 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes to maintain a minimum side yard of zero (0) feet along the east property line for the existing building, and proposes three (3) feet along the west property line for the storage area and building; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes to maintain pavement for parking and maneuvering, and proposes a storage building in the side and rear yards; and

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

**WHEREAS**, the City Departments recommends approval of the requested variances because the proposal includes a renovated commercial building that has been designed to ensure compatibility with adjacent residential uses. Staff supports this request noting that the office and limited storage uses are appropriate for this location with included limits to size, height and location of materials to be stored and the use of appropriate screening.

**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 **933 EAST GAY STREET (43205)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.51, Loading space; 3332.18 (D), Basis of computing area;

3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.28, Side or rear yard obstruction, of the City of Columbus codes, is hereby granted for the property located at **933 EAST GAY STREET (43205)**, insofar as said sections prohibit office, parking, and storage uses in the R-2F, Residential District; with parking lot screening opacity of less than seventy-five (75) percent; reduced loading space maneuvering of twenty (20) feet; a loading space with a reduced length from fifty (50) feet to forty (40) feet; greater than fifty (50) percent lot coverage by buildings and parking lot; a reduced building line from ten (10) feet to zero (0) along East Gay Street; a decreased maximum side yard from sixteen (16) feet to 15.6 feet; a reduced minimum side yard from five (5) feet to zero feet along the east property line, and three (3) feet along the west property line; and obstruction of the required side and rear yards by parking and a storage building; said property being more particularly described as follows:

**933 EAST GAY STREET (43205)**, being 0.51± acres located at the southwest corner of East Gay and North Eighteenth Streets, and being more particularly described as follows:

**Tract 1:**

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, AND CITY OF COLUMBUS: BEING LOTS NUMBERS SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20) OF KNIGHTS, NOBLE AND ENGLISH'S SUBDIVISION, AS THE SAME ARE NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 3, PAGE 115, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO. EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES: BEING EIGHTY-ONE (81) FEET OFF THE NORTH END OF LOT 16 AND A TRACT OF LAND SIX FEET SEVEN INCHES (6'7") BY EIGHTY-ONE (81) FEET OFF THE NORTHWEST CORNER OF LOT NO. 17 IN KNIGHT, NOBLE AND ENGLISH'S SUBDIVISION, TO THE CITY OF COLUMBUS, AS THE SAME ARE NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 3, PAGE 155, RECORDER'S OFFICE, FRANKLIN OHIO; SAID LATTER TRACT OF LAND BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NO. 16; THENCE EAST SIX FEET SEVEN INCHES (6'7") ALONG THE NORTHERN LINE OF LOT NO. 17;

THENCE SOUTH EIGHTY-ONE (81) FEET ON A LINE PARALLEL TO THE EAST LINE OF LOT NO. 16; THENCE WEST SIX FEET SEVEN INCHES (6'7") ON A LINE PARALLEL TO THE NORTH LINE OF LOT NO. 17;

THENCE NORTH EIGHTY-ONE (81) FEET ALONG THE EAST LINE OF LOT NO. 16 TO THE PLACE OF BEGINNING. IN NO EVENT IS THE PREMISES HEREIN EXCEPTED TO EXTEND FURTHER EAST THAN EIGHT (8) FEET EAST OF THE EAST LINE OF A CERTAIN DWELLING HOUSE NOW LOCATED ON LOT NO. 16.

**Tract 2:**

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

Being Lot Numbers Twenty-One (21), Twenty-two (22), Twenty-three (23), Twenty-Four (24), and Twenty-Five (25), in KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 155, Recorder's Office, Franklin County, Ohio.

**Tract 3:**

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.056 acres (2420 square feet) of land, more or less, said 0.056 acres being part of a 15 foot alley as delineated upon the recorded plat of KNIGHTS, NOBLE &

ENGLISH'S SUBDIVISION 1880, of record in Plat Book 3, Page 155 of record in the Recorder's Office, Franklin County, Ohio, said 0.056 acre being more fully described as follows:

Beginning at the southwest corner of Lot 16 of said KNIGHTS NOBLE & ENGLISH'S SUBDIVISION 1880 at a P.K. Nail (found);

Thence, S 87°27'02" E, with the southerly line of Lots 16, 17, 18, 19, and 20 of said subdivision and with the northerly line of said 15.00 foot alley, a distance of 174.15 feet to a 3/8" rod (found), located 1.00 foot West of the southeasterly corner of said Lot 20;

Thence, S 02°07'05" W, parallel with and 1.00 foot westerly as measured at right angles, with the easterly line of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, also being the westerly line of HAYDEN, BAKER, AND BROWN'S ADDITION, of record in Plat Book 4, Page 208-209 of record in the Recorder's Office, Franklin County, Ohio, a distance of 15.00 feet to a P.K. nail (found), said point being in the northerly line prolongation of Lot 27 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880;

Thence, N 87°27'02" W, with said line and the northerly line of Lots 21, 22, 23, 24, and 25 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880 and with the southerly line of said 15 foot alley, passing a P.K. Nail (found) at 16.00 feet for reference, a distance of 148.49 feet to a 3/4" Pipe (found) at the northwesterly corner of said Lot 25;

Thence, N 03°12'31" E, a distance of 7.50 feet to a 3/4" Pipe (found) in the center of said 15 foot alley as delineated by said plat;

Thence, N 87°27'02" W, with said centerline, a distance of 26.09 feet to a 3/4" pipe (found) in the prolongation of the westerly line of said Lot 26;

Thence, N 04°18'43" E, a distance of 7.50 feet to the point of beginning, containing 0.056 acres (2420.33 square feet), more or less, and subject to all easements and rights of way of record.

The bearings of this description are based on the bearing of S 87°27'02" E, assumed, being the southerly line of Lots 16 thru 20 of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880.

Prepared by Thomas E. Snyder, PS 6651, from an updated survey on November 4th, 2015.

#### **Tract 4:**

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.022 acres (962 square feet) of land, more or less, said 0.022 acres being part of a 12 feet alley as delineated upon the recorded plat of KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, of record in Plat Book 3, Page 155 of record in the Recorder's Office, Franklin County, Ohio, said 0.022 acre being more fully described as follows:

Beginning at the southeast corner of Lot 21 of said KNIGHTS NOBLE, & ENGLISH'S SUBDIVISION 1880 at a 1/2" Pipe (found);

Thence, N 02°07'05" E, with the easterly line of Lot 21, a distance of 82.45 feet to a P.K. nail (found); Thence, N 42° 39'58" W, with said easterly line, a distance of 7.10 feet to a P.K. nail (found);

Thence, S 87°27'02" E, with the prolongation of the northerly line of said Lot 21, a distance of 16.00 feet to a P.K. nail (found), being 1.00 foot west, as measured at right angles, with the easterly line of said KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, also being the westerly line of HAYDEN, BAKER, AND BROWN'S ADDITION, of record in Plat Book 4, Page 208-209 of record in the Recorder's Office, Franklin County, Ohio;

Thence, S 02°07'05" W, parallel with and 1.00 feet west as measured at right angles, with the easterly line of said

KNIGHTS, NOBLE & ENGLISH'S SUBDIVISION 1880, a distance of 85.30 feet to a point in the prolongation of the southerly line of said Lot 21 (could not set), from which a 1/2" pipe bears S 81°26'40" W, 11.19 feet for reference;

Thence, S 81°26'40" W, with said line, a distance of 11.19 feet to the point of beginning of said tract, containing 0.022 acres (962 square feet), more or less.

The bearings for this description are based on the bearing N 02°07'05" E, assumed, for the easterly line of said Lot 21.

Prepared by Thomas E. Snyder, PS 6651, from an updated survey on November 4th, 2015.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for office uses with on-site storage, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**RENOVATION OF 933 GAY STREET, COLUMBUS, OHIO 43205 CPO MANAGEMENT**," signed by Thomas F. Kibbey, Attorney for the Applicant, dated February 24, 2016. 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 plan 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 a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** That Ordinance No. 1867-2003, passed July 28, 2003, be and is hereby repealed.