



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1257-2009, **Version:** 1

Council Variance Application: CV08-028

APPLICANT: 28 East 11th LLC; c/o Donald Plank; Plank and Brahm; 145 East Rich Street; Columbus, Ohio, 43215.

PROPOSED USE: To bring an existing property management office and associated parking lot in the AR-4, Apartment Residential District into zoning conformance.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant seeks a Council variance to conform an existing property management office in the AR-4, Apartment Residential District. Staff supports the proposal as the office use is compatible with the adjacent land uses and that the Council variance is preferred method of conforming this use rather than changing the zoning on this side of Pearl Street.

To grant a Variance from the provisions of Sections 3356.03, AR-4 Permitted Uses and 3342.15, Maneuvering, of the Columbus City Codes for the property located at **28 EAST ELEVENTH AVENUE (43201)**, to permit a property management office in the AR-4, Apartment Residential District with one stacked parking space. (Council Variance #CV08-028)

WHEREAS, by application No. CV08-028 the owner of property at **28 EAST ELEVENTH AVENUE (43201)**, is requesting a Council Variance to permit a property management office in the AR-4, Apartment Residential District; and

WHEREAS, Section 3333.035, AR-4 Apartment Residential District Use, permits apartment uses only, while the applicant proposes to permit the use of the existing building as a property management office; and

WHEREAS, Section 3342.15, Maneuvering, requires each parking space to have sufficient maneuvering area, while applicant proposes one (1) stacked parking space, as depicted on the site plan; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval and note that a Council variance is required to allow a property management office in the AR-4, Apartment Residential District; and

WHEREAS, Staff finds the property management office use to be compatible with the adjacent land uses and prefers the use of the Council variance to conforming this use rather than introducing a new zoning district on the east side of Pearl Street; 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 **28 EAST ELEVENTH AVENUE (43201)**, 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 3356.03, AR-4 Permitted Uses and 3342.15, Maneuvering, of the Columbus City Codes are hereby granted for the property located at **28 EAST ELEVENTH AVENUE (43201)**, insofar as said section prohibits a property management office with one stacked parking space by varying the district's permitted use and a maneuvering requirement; said property being more particularly described as follows:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus and being further described as follows:

Being Lot Number Sixty (60) of Chittenden Place, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 148, 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 property is used for a property management office or those uses permitted in the AR-4, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on maintenance of the principal building shall be retained and the property management office is permitted only in the existing building. The building shall retain its present appearance and building materials, other than normal building maintenance. The building may be fully used as a property management office or be used for first floor property management office and one (1) apartment on the second floor.

SECTION 4. That this ordinance is further conditioned on the two (2) existing garage building(s) remaining available for parking for the property as long as the garage buildings remain. The garage building(s) are not required to be retained, but, if removed, a comparable number of surface parking spaces will be provided as the number removed by razing the garage(s).

SECTION 5. That this ordinance is further conditioned on the sign presently located on the south building wall above the porch being removed within 14 days of the effective date of this ordinance. There shall be no signage on the building for the property management office other than a sign on the south wall below the porch roof, as presently exists, and in compliance with the Graphics Code.

SECTION 6. That this ordinance is further conditioned on a commitment by the owner to maintain the existing building footprint in conformance with the site plan titled, "**28 EAST 11TH AVENUE,**" dated June 3, 2009 and signed June 3, 2009 by Donald Plank, Attorney for Applicant. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

SECTION 7. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.