



Legislation Text

File #: 2097-2018, **Version:** 1

Council Variance Application: CV17-078

APPLICANT: Columbus Metropolitan Housing Authority; c/o Travis J. Eifert, Agent; EMH&T, Inc.; 5500 New Albany Road; Columbus, OH 43215.

PROPOSED USE: Four live-work units or commercial tenant spaces.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of undeveloped land recently zoned to the ARLD, Apartment Residential District (Ordinance #2532-2017; Z17-026) for the third phase of the Poindexter Village redevelopment project. The applicant proposes four live-work units or four exclusively commercial tenant spaces to be located on the ground floor of two 24-unit apartment buildings (two in each building) that will front Mt. Vernon Avenue. A variance is necessary because the proposed live-work units exceed the provisions of the residential home occupation standards, and the alternative proposal for commercial tenant spaces is not permitted within the ARLD, Apartment Residential District. This site is located within the planning area of the *Near East Area Plan* (2005), which encourages mixed-used developments in areas within and surrounding commercial nodes. Because of the presence of commercial development in this neighborhood and the existence of the Urban Commercial Overlay, the proposed uses will contribute to the traditional and established development pattern along Mt. Vernon Avenue. The site is also subject to BZA17-089 to vary parking standards, setbacks, and perimeter yard, and is east of a similar proposal in the Poindexter Village Phase 2 (Ordinance #2843-2015; CV15-059) that was approved on November 23, 2015.

To grant a Variance from the provisions of Sections 3333.02 ARLD, Apartment residential district uses; 3312.49(C) minimum parking spaces required; and 3333.34(A, D, E, and J) Home occupation, of the Columbus City Codes; for the property located at **1287-1315 MT. VERNON AVENUE (43203)**, to permit four live-work units or commercial tenant spaces with reduced parking in the ARLD, Apartment District (Council Variance # CV17-078).

WHEREAS, by application # CV17-078, the owner of property at **1287-1315 MT. VERNON AVENUE (43203)**, is requesting a Council variance to permit four live-work units that exceed the provisions of the residential home occupation standards or, alternatively, four commercial tenant spaces, with reduced parking in the ARLD, Apartment District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits commercial uses in the ARLD, Apartment Residential District, while the applicant proposes four 809 square-foot live-work units or four 809 square-foot limited commercial tenant spaces within two 24-unit apartment buildings (two in each building); and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 250 square feet of retail space, for a maximum total requirement of 13 parking spaces for up to 3,236 square feet of retail space if the units are solely used for commercial purposes, while the applicant proposes to provide the residential parking requirement of 6 parking spaces for these units; and

WHEREAS, Section 3333.34(A), Home Occupation, requires any home occupation to be incidental and subordinate to the primary residential use, while the applicant proposes live-work units with uses that are not permitted within the home

occupation provisions; and

WHEREAS, Section 3333.34(D), Home occupation, does not allow use of more than 20 percent of the livable area of any residence for a home occupation, while the applicant proposes to use 45 percent of the livable area for a live-work unit; and

WHEREAS, Section 3333.34(E), Home occupation, permits one support employee for home occupations for architects, attorneys, clergymen, dentists, engineers, physicians or surgeons in addition to the permanent resident of the dwelling unit, while the applicant proposes up to 5 supportive personnel not living in the dwelling unit to be employed by each home occupation business; and

WHEREAS, Section 3333.34(J), Home occupation, does not allow a wholesale or retail use as a home occupation, while the applicant proposes limited wholesale and retail uses; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request complies with the *Near East Area Plan* criteria for supporting commercial uses in residential areas. Because of the presence of commercial development in this neighborhood and the existence of the Urban Commercial Overlay, the proposed uses will contribute to the traditional and established development pattern along Mt. Vernon Avenue. The Council variance is the only mechanism to allow the proposed live-work units and/or commercial tenant spaces to exist within the ARLD, Apartment District, while rezoning to a commercial district is not a viable option to establish commercial tenant spaces within a predominantly residential development; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy (if required) for the proposed uses; 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 **1233 MT. VERNON AVENUE (43203)**, 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 3333.02 ARLD, Apartment residential district uses; 3312.49(C) minimum parking spaces required; and 3333.34(A, D, E and J) Home occupation, of the Columbus City Codes, are hereby granted for the property located at **1287-1315 MT. VERNON AVENUE (43203)**, in that said sections prohibit commercial uses in the ARLD, Apartment Residential District; with a parking reduction from 13 required spaces to 6 spaces; and a home occupation that is not subordinate to the residential use, with up to 45 percent livable area to be used, up to 5 supportive personnel to be employed, and with limited retail or wholesale uses as part of a home occupation; said property being more particularly described as follows:

1287-1315 MOUNT VERNON AVENUE (43203), being 3.0± acres located at the southeast corner of Mount Vernon and Champion Avenues, and being more particularly described as follows:

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

Tract I:

Lots 1, 2, 3, 38, 40, 41, 42, 43, 44 and 50 as shown and delineated upon Plat of Benjamin Monett's Mount Vernon Avenue Addition, recorded in Plat Book 5, Page 133, Franklin County Records, and

Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33 and 34 as shown and delineated upon Plat of Garner and Prentice's Addition, recorded in Plat Book 3, Page 25, Franklin County Records.

Together with any and all interest in that portion of right of way vacated by the City of Columbus by Ordinance No. 1390-70.

Also, together with that part of the vacated alley that was vacated by the City of Columbus by Ordinance No. 1205-70, that is adjacent to Lot 28 of Garner and Prentice's Subdivision and Lot 40 of Benjamin Monett's Mount Vernon Avenue Addition.

Tract II:

Lot 39 as shown and delineated upon Plat of Benjamin Monett's Mount Vernon Avenue Addition, recorded in Plat Book 5, Page 133, Franklin County Records.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment complex containing four 809 square-foot live-work units, or four 809 square-foot commercial tenant spaces, or those uses permitted in the ARLD, Apartment District.

SECTION 3. That this ordinance is further conditioned on only the following uses being permitted within these units:

Dressmakers, seamstresses, tailors.

Painters, sculptors, composers, writers and similar artistic occupations.

Telephone answering.

Computer programming.

Professional practices - architects, engineers, landscape architects, graphic artists, designers, lawyers, insurance agents, brokers, consultants and members of similar professions.

Tutoring.

Online and catalog sales where goods, products or materials are not warehoused on the premises.

Wholesale or manufacturer's representative's sales transactions where goods, products or materials are not warehoused on the premises.

Retail sales where limited goods, products or materials are on display within the live/work unit, and large amounts of goods are not warehoused on the premises.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy (if required) 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.