



Legislation Text

File #: 1727-2024, **Version:** 1

Council Variance Application CV23-124

APPLICANT: HWP, INC; c/o Kelton D. Waller, Agent; 32 North 17th Street; Columbus, OH 43203

PROPOSED USE: Mixed-use development.

LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with a 1,000 square foot commercial building in the R-3, Residential District. The applicant proposes to expand the existing commercial structure resulting in a total of 2,000 square feet of eating and drinking establishment space on the first floor, with one dwelling unit each on the second and third floors (two total units). A Council variance is required because the R-3 district does not allow commercial uses and only allows one single-unit dwelling as a principal residential use. Variances to lot width, lot area, building lines, minimum required side yards, and a parking space reduction from 31 required to three provided spaces are included in this request. The site is located with the planning area of the *Near Southside Plan (2011)*, which recommends "Medium Density Mixed Residential" land uses for this location, and includes adoption of *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)*. While the proposed use is not entirely consistent with the Plan's recommendation, staff notes the proposed building expansion is consistent with C2P2 Design Guidelines stating that building additions should be based on nearby structures in terms of height, setback, width and overall size. Additionally, the parking variance is supported with additional bike racks being provided on-site.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Required parking; 3321.05(B)(1), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.21, Building lines; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **678 MILLER AVE. (43205)**, to allow a mixed-use development with reduced development standards in the R-3, Residential District (Council Variance #CV23-124).

WHEREAS, by application #CV23-124, the owner of property at **678 MILLER AVE. (43205)**, is requesting a Council variance to allow a mixed-use development with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, prohibits commercial uses and only allows single-unit dwellings as principal residential uses, while the applicant proposes to expand the existing building to provide a total of 2,000 square feet of eating and drinking establishment space with two dwellings units above; and

WHEREAS, Section 3312.49, Required parking, requires one parking space per 75 square feet of eating and drinking establishment space and two parking spaces per dwelling unit, or a total of 27 spaces for 2,000 square feet of eating and drinking establishment space, and a total of four spaces for two dwelling units, while the applicant proposes a total of three parking spaces; and

WHEREAS, Section 3321.05(B)(1), Vision clearance, requires clear vision triangles of 10 feet at the intersections of streets and alleys, while the applicant proposes a 9.83 foot vision clearance at the intersection of Miller Avenue and the alley along the southern property line; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet, while the applicant proposes to maintain the existing lot width of 29 feet; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes a mixed-use development on a reduced lot area of 2,523± square feet in area, pursuant to lot area calculation in 3332.18(C); and

WHEREAS, Section 3332.21, Building lines, requires the building line to be 15 feet, while the applicant maintains a reduced building line of zero feet; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.33 feet for a building with a height of 32.13 feet, while the applicant proposes to maintain no side yard along the northern property line; and

WHEREAS, the Livingston Avenue Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposed building addition is compatible with the design characteristics of nearby structures and because there will be additional bike racks on-site, as well as providing additional housing consistent with the City's objectives; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **678 MILLER AVE. (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 3332.035, R-3 residential district; 3312.49, Required parking; 3321.05(B)(1), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.21, Building lines; and 3332.26, Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **678 MILLER AVE. (43205)**, insofar as said sections prohibit a 2,000 square foot eating and drinking establishment with two dwelling units above in the R-3, Residential District; with a parking space reduction from 31 spaces to three spaces; reduced vision clearance triangle from 10 to 9.83 feet at the intersection of Miller Avenue and the alley along the southern property line; a reduced lot width from 50 to 29 feet; reduced lot area from 5,000 to 2,523 square feet; a reduced building line from 15 feet to zero feet; and no minimum side yard along the northern property line; said property being more particularly described as follows:

678 MILLER AVE. (43206), being 0.10± acres located on the east side of Miller Avenue, 150± feet south of Mooberry Street:

Situated in the County of Franklin. In the State of Ohio. And in the City of Columbus:

Being a part of Lot Number Eighty-two (82) of THOMAS MILLER'S AMENDED SUBDIVISION and a 2.5 foot strip

south of the south side of said Lot as the same is of record in Plat Book 2, page 228, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a point in the East Line of Miller Avenue and at the South-west Corner of said Lot No.82, thence south along the West line of Lot No.82, produced 2,5 feet to an iron pipe (Being a 2.5 feet strip vacated off the north side of the alley); thence in an easterly direction (parallel to and 2.5 feet south of the south line of the abovementioned Lot No.82) 150 feet to an iron pipe; thence in a northerly direction (passing the southeast corner of Lot 82 at 2.5 feet to an iron pipe in the east line of said Lot; thence in a westerly direction 150 feet to an iron pipe in the east line of Miller Avenue; thence along the said East Line 1 a southerly direction 26.5 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 for up to 2,000 square feet of eating and drinking establishment space with up to two dwelling units above, in accordance with the submitted site plan, or those uses allowed in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**", dated April 23, 2024, signed by Leo Neal Jr., Engineer for the Applicant. 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 adjustments to the plan shall be subject to review and approval 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 upon the applicant obtaining all applicable permits and Certificate 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.