



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 2179-2015, **Version:** 1

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**Council Variance Application: CV15-029**

**APPLICANT:** Victoria Hink; c/o Brian Linhart, Atty.; 52 East Gay Street; Columbus, OH 43215.

**PROPOSED USE:** Eating and drinking establishment with three apartments above.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a mixed-use commercial structure with three second-story apartments in the R-3, Residential District. The requested Council variance will permit conversion of an existing retail space to an eating and drinking establishment while maintaining the existing residential units. Variances for setbacks, vision clearance, yard and area standards, and a reduction of 36 required parking spaces are included in the request. The site is located within the planning area of the *Near East Plan (2005)*, which contains a series of 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, brings a desirable business to the area, and is located in a dense, pedestrian-oriented neighborhood. Maintaining the site's mixed commercial and residential uses is consistent with the development pattern of the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **901-903 OAK STREET (43205)**, to permit an eating and drinking establishment and three second-story apartments with reduced development standards in the R-3, Residential District (Council Variance # CV15-029).

**WHEREAS**, by application No. CV15-029, the owner of property at **901-903 OAK STREET (43205)**, is requesting a Council Variance permit an eating and drinking establishment and three second-story apartments with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, prohibits commercial uses and only permits one dwelling unit per building, while the applicant proposes an eating and drinking establishment on the first floor while maintaining three second-story apartments in an existing mixed-use building; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires one (1) parking space per seventy-five (75) square feet for an eating and drinking establishment, for a total requirement of thirty-six (36) additional parking spaces for the change of use from retail per 3312.03(C)(2)(c), Administrative requirements for 3,204 square feet, while the applicant proposes to maintain zero (0) parking spaces, and has entered into a lease agreement with the church property directly across Oak Street for twenty-six parking spaces; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a thirty (30) foot right angle clear vision triangle

shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain no clear vision triangle at the intersection of Oak and South Eighteenth Streets; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-3 district, while the applicant proposes to maintain a lot width of forty-three and one-half (43.5) 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 to maintain an existing mixed-use building on a lot that contains 3,815± square feet; and

**WHEREAS**, Section 3332.18, Basis of computing area, requires that no dwelling shall occupy alone or together with any other building greater than fifty (50) percent of the lot area, while the applicant proposes to maintain eighty-four (84) percent lot coverage by the existing building and detached garage; and

**WHEREAS**, Section 3332.21, Building lines, requires a building line of not less than ten (10) feet, while the applicant proposes to maintain building lines of zero (0) feet along Oak and South Eighteenth Streets; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of not less than five (5) feet, while the applicant proposes to maintain the existing minimum side yards of approximately three (3) feet along the east property line; and

**WHEREAS**, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than twenty-five (25) percent of the total lot area, while the applicant proposes to maintain a rear yard of 7.98 percent for the existing building; and

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

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow an eating and drinking establishment within existing mixed-use building substantially meets evaluation criteria contained in the *Near East Plan (2005)* for consideration of new non-residential uses in residential areas. Maintaining the site's mixed commercial and residential uses is consistent with the development pattern of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed eating and drinking establishment; 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 **901-903 OAK 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 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **901-903 OAK STREET (43205)**, insofar as said sections prohibit an eating and drinking establishment on the first floor

and three second-story apartments in an existing mixed-use building in the R-3, Residential District; with zero (0) parking spaces where thirty-six (36) is required; no clear vision triangle at the intersection of Oak and South Eighteenth Streets; a reduced lot width from fifty (50) feet to 43.5 feet; a reduced area district requirement from 5,000 square feet to 3,815± square feet; an increased maximum lot coverage from fifty (50) percent to eighty-four (84) percent; a reduced building line from ten (10) feet to zero (0) feet along Oak and South Eighteenth Street; a reduced minimum side yard of approximately three (3) feet along the east property line, and a reduced rear yard from twenty-five (25) percent to 7.98± percent; said property being more particularly described as follows:

**901-903 OAK STREET (43205)**, being 0.13± acres located at the southeast corner of Oak and South Eighteenth Streets, and being more particularly described as follows:

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

Being a part of Lots Nos. 32 and 33 of Mitchell, Watson and Morrison's Addition, as amended by Mitchell, Watson and Hoffman, as said Lots Nos. 32 and 33 are designated and delineated upon the recorded plat thereof, of record in Plat Book 2, page 164, Recorder's Office, Franklin County, Ohio, more particularly described as follows:

Beginning at the Northwest corner of said Lot No. 32, thence southerly along the east line of 18<sup>th</sup> Street 87.70 feet to the Northwest corner of that portion of said Lots Nos. 32 and 33, heretofore conveyed to Jacob Yaekle; thence easterly along the north line of said Yaekle tract 43.5 feet to a point, said point being the southwest corner of that part of said Lot No. 33 heretofore conveyed to Frank E. Waterman; thence northerly along the west line of said Waterman tract 87.70 feet to a point in the south line of Oak Street; thence westerly along the south line of Oak Street 43.5 feet to the place of beginning and being the same premises heretofore conveyed by Warranty Deed from Edith O. Doe and Edwin Doe, her husband to William Loos by deed dated July 27, 1926 and recorded in Deed Book 837, page 246, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-043084

Commonly known as 901-903 Oak Street, Columbus, OH 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 3,204± square-foot eating and drinking establishment and up to three second-story apartments, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed eating and drinking establishment.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.