



## Legislation Text

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File #: 0976-2012, Version: 2

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### Council Variance Application: CV12-012

**APPLICANT:** Peak Property Group, LLC; c/o ~~Juliet Bullock, Architect; 1182 Wyandotte Road~~ **Donald Plank, Attorney, Plank law Firm, 145 East Rich Street, 3<sup>rd</sup> Flr.;** Columbus, OH 43212 **43215.**

**PROPOSED USE:** First-floor residential use.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow first-floor residential use in approximately half of a mixed-use commercial building zoned C-4, Commercial District, and located within the Urban Commercial Overlay (UCO). A total of seven apartment units are proposed on the first and second floors. The building was originally constructed as a thirteen-unit apartment building, but all of the first floor was converted to commercial uses in the 1990's. The requested Council variance will allow part of the first floor to be converted back to apartment units. A Council variance is necessary because dwellings are only permitted above specified commercial uses in the C-4, Commercial District. ~~A variance to conform the existing building setback in the UCO is included in the request.~~ The site has been subject of two recent Board of Zoning Adjustment parking variances (09310-00107 & 12310-00077), and since residential uses require less parking than commercial uses, a parking variance is not required for this request. The site lies within the boundaries of the *University Neighborhoods Revitalization Plan* (1996), which recommends community commercial uses for this location. Given that the building was originally constructed for residential purposes, and that commercial uses will still be located in the building along the High Street frontage, Staff is supportive of this request which will not add an incompatible use to the neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted Uses; ~~and 3372.604(A), Setback requirements,~~ of the Columbus City codes; for the property located at **1644 NORTH HIGH STREET (43201)**, to permit a maximum of seven apartment units within **the east 98± feet** of an existing mixed-use building ~~with an increased building setback~~ in the C-4, Commercial District (Council Variance # CV12-012).

**WHEREAS**, by application No. CV12-012, the owner of property at **1644 NORTH HIGH STREET (43201)**, is requesting a Council Variance to permit a maximum of seven apartment units within **the east 98± feet** of an existing building, **including ground floor residential use and second floor residential use located over ground floor residential use** ~~with an increased building setback~~ in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, does not permit ground floor residential use, and only permits dwelling units above specified commercial uses, while the applicant proposes to convert **the east 98± feet part** of an existing mixed-use commercial building to four apartment units on the first floor, and three apartment units on the second floor, as shown on the Site Plan; and

**WHEREAS**, Section 3372.604(A), ~~Setback requirements,~~ requires a maximum building setback of no greater than ten (10) feet, while the applicant proposes to maintain a setback of 16.6 feet along Chittenden Avenue; and

**WHEREAS, an existing second floor dwelling unit on the west end of the building shall remain; and,**

**WHEREAS,** the University Area Commission recommends disapproval; and

**WHEREAS,** City Departments recommend approval because the building was originally constructed for residential purposes, and commercial uses will still be located in the building along the High Street frontage. Staff is supportive of this request which will not add an incompatible use to the neighborhood; 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 owner of the property located at **1644 NORTH HIGH STREET (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, C-4 Permitted Uses; and ~~3372.604(A), Setback requirements,~~ of the Columbus City Codes, is hereby granted for the property located at **1644 NORTH HIGH STREET (43201)**, insofar as said sections prohibits ground floor residential use **with second floor residential uses above,** ~~with an increased building setback line along Chittenden Avenue from ten feet (10') to 16.6 feet;~~ said property being more particularly described as follows:

**1644 NORTH HIGH STREET (43201)**, being 0.31± acres located at the northeast corner of North High Street and Chittenden Avenue, and being more particularly described as follows:

**DESCRIPTION OF A 0.301 ACRE TRACT  
LYING NORTH OF CHITTENDEN AVENUE  
AND EAST OF NORTH HIGH STREET**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 1, Range 18, United States Military Lands, and being all of Lot 1 of DENNISON'S NORTH HIGH STREET ADDITION, of record in Plat Book 7, Page 406, as conveyed to James P. Dawson, of record in Instrument Number 199912160308263, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

**Beginning** at a mag nail set at the intersection of the northerly right-of-way line of Chittenden Avenue (60 feet wide) and North High Street (66 feet wide), being the southwest corner of said Lot 1;

Thence North 09° 06' 28" West, a distance of 70.00 feet, along the westerly line of said Lot 1 and the easterly right-of-way line of said Cleveland Avenue, to a pk nail found at the westerly common corner of said Lot 1 and Lot 2 of said DENNISON'S NORTH HIGH STREET ADDITION;

Thence South 87° 03' 03" East, a distance of 191.59 feet, along the line common to said Lots 1 and 2, to a pk nail found at the easterly common corner of said Lots 1 and 2, in the westerly line of Pearl Alley (20 feet wide);

Thence South 09° 07' 46" East, a distance of 69.97 feet, along the easterly line of said Lot 1, and the westerly line of said Pearl Alley, to a mag nail set at the intersection of the westerly line of said Pearl Alley and the northerly right-of-way line of said Chittenden Avenue, and at the southeasterly corner of said Lot 1;

Thence North 87° 03' 41" West, a distance of 191.54 feet, along the northerly right-of-way line of said Chittenden Avenue and the southerly line of said Lot 1, to the **Point of Beginning**, containing 0.301 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the assumed bearing of North 09° 06' 28" West for the easterly right-of-way line of North High Street, and are intended to denote angles only.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in October of 2009.

Parcel No. 010-038826

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of seven apartment units **within the east 98 ± feet of the existing building, including ground floor residential use and second floor residential use located over ground floor residential use, and/or** those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled, **"SITE PLAN - 1644 NORTH HIGH STREET" dated May 17, 2012, and signed by Donald Plank, Attorney for Applicant. 1644 HIGH STREET: PROPOSED FIRST FLOOR PLAN; PROPOSED SECOND FLOOR PLAN; SITE PLAN,** dated April 24, 2012, and drawn and signed by Juliet Bullock, Architect. 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 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.