



## Legislation Details (With Text)

**File #:** 1179-2005      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/20/2005      **In control:** Zoning Committee

**On agenda:** 7/11/2005      **Final action:** 7/14/2005

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3342.17, Parking lot screening; 3342.19, Parking space; and 3342.28, Minimum number of parking spaces required of the Columbus City Codes for the property located at 2734 EAST FIFTH AVENUE (43219), to permit a six-unit apartment building in the C-4, Commercial District with reduced parking standards (Council Variance # CV05-024).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1179-2005Hardship&Maps.pdf, 2. ORD1179-2005Labels.pdf, 3. ORD1179-2005DataSheet.pdf

Date	Ver.	Action By	Action	Result
7/14/2005	1	ACTING CITY CLERK	Attest	
7/13/2005	1	MAYOR	Signed	
7/11/2005	1	Zoning Committee	Approved	Pass
7/11/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
7/11/2005	1	COUNCIL PRESIDENT	Signed	
6/23/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
6/23/2005	1	Dev Zoning Drafter	Sent for Approval	
6/23/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
6/23/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/22/2005	1	Dev Zoning Drafter	Sent for Approval	

### Council Variance Application: CV05-024

**APPLICANT:** Jack D. Walters; c/o Jack D. Walters & Associates, Inc.; 5166 Blazer Memorial Parkway; Dublin, OH 43017.

**PROPOSED USE:** Six-unit apartment building.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant six-unit apartment building. The applicant requests a Council variance to rehabilitate the structure and make it conforming in the C-4, Commercial District. A three-space parking variance and a variance to allow stacked parking are also included in the request. The site is located on the edge of the Mid-Corridor Subarea of the *I-670 Corridor Development Plan* (1989), which recommends office, commercial, and apartment residential uses for this location. This portion of East Fifth Avenue is of a mixed-use nature with residential uses existing in the immediate area. Multi-family residential development also borders the site to north. A hardship exists because the C-4, Commercial District only allows apartments when they are above certain commercial uses.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3342.17, Parking lot screening; 3342.19, Parking

space; and 3342.28, Minimum number of parking spaces required of the Columbus City Codes for the property located at **2734 EAST FIFTH AVENUE (43219)**, to permit a six-unit apartment building in the C-4, Commercial District with reduced parking standards (Council Variance # CV05-024).

**WHEREAS**, by application No. CV05-024, the owner of property at **2734 EAST FIFTH AVENUE (43219)**, is requesting a Council variance to allow a six-unit apartment building in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits apartments only above certain commercial uses, while the applicant proposes to rehabilitate a vacant six-unit apartment building with reduced parking standards; and

**WHEREAS**, Section 3342.17, Parking Lot Screening, requires minimum five-foot high, 75% opaque screening for parking lots located within eighty feet of residentially zoned property, while the applicant proposes to eliminate parking lot screening due to allow for maneuvering; and

**WHEREAS**, Section 3342.19, Parking space, allows stacked parking for only single-family and two-family dwellings, while the applicant proposes three stacked parking spaces as shown on the site plan; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two parking spaces per dwelling unit, while the applicant proposes to reduce the number of required parking spaces from twelve (12) to nine (9); and

**WHEREAS**, City Departments recommend approval and note a hardship exists because the site is developed with a vacant six-unit apartment building which is prohibited in the C-4, Commercial District. The applicant requests a Council variance to rehabilitate the structure and make it conforming. A three-space parking variance and a variance to allow stacked parking are also included in the request. The site is located on the edge of the Mid-Corridor Subarea of the *I-670 Corridor Development Plan* (1989), which recommends office, commercial, and apartment residential uses for this location. This portion of East Fifth Avenue is of a mixed-use nature with residential uses existing in the immediate area. Multi-family residential development also borders the site to north; 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 **2734 EAST FIFTH AVENUE (43219)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; 3342.17, Parking lot screening; 3342.19, Parking space; and 3342.28, Minimum number of parking spaces required of the Columbus City Codes is hereby granted for the property located at **2734 EAST FIFTH AVENUE (43219)**, in that said section prohibits a six-unit apartment in the C-4, Commercial District with no parking lot screening, three (3) stacked parking spaces, and a parking space reduction from twelve (12) spaces to nine (9); said property being more particularly described as follows:

**2734 EAST FIFTH AVENUE (43219)**, being 0.18± acres located on the north side of E. Fifth Avenue, 105± feet east of Cassady Avenue, and being more particularly described as follows:

Situated In The State Of Ohio, County Of Franklin, And In The City Of Columbus:  
Being Lot Numbers Four Hundred Seventy-Seven (477) And Four Hundred Seventy-Eight (478), in Charles Norris, Trustee, and Others, East Columbus Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 364 and 365, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-40569

Property Address: 2730-2740 E. Fifth Ave, Columbus, Ohio 43219

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a six-unit apartment building, 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 site plan titled, "**EXISTING APARTMENT BUILDING REPAIRS**," drawn by Jack D. Walters and Associates Inc., dated June 9, 2005, and signed by Joseph P. Borghese, architect. The site 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 Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his 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.