



Legislation Details (With Text)

File #: 1651-2013 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/24/2013 **In control:** Zoning Committee

On agenda: 7/15/2013 **Final action:** 7/18/2013

Title: To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 739 SOUTH THIRD STREET (43206), to permit an eating and drinking establishment and general office uses with reduced parking in the R-2F, Residential District (Council Variance # CV13-021).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1651-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130715

Date	Ver.	Action By	Action	Result
7/18/2013	2	CITY CLERK	Attest	
7/16/2013	2	MAYOR	Signed	
7/15/2013	2	COUNCIL PRESIDENT	Signed	
7/15/2013	1	Zoning Committee	Waive the 2nd Reading	Pass
7/15/2013	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/15/2013	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV13-021

APPLICANT: American Blue Ribbon Holdings LLC; c/o Scott Draughn, Architect; Creative Architectural Solutions; 355 South Ludlow Street; Columbus, OH 43215.

PROPOSED USE: Mixed-commercial building with ~~apartments~~ **general office uses** above ~~along with a single-unit dwelling on one lot~~ **an existing eating and drinking establishment.**

GERMAN VILLAGE COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The property is zoned R-2F, Residential District, and is developed with a eating and drinking establishment on the first floor, and a total of four apartments on the second and third floors. The requested Council variance will conform the existing eating and drinking establishment, and will allow the conversion of the apartments into corporate office space for the eating and drinking establishment. A variance to maintain zero parking spaces is included in the request. The main impact of this development would be on parking in the neighborhood, and the conversion from residential to general office creates the need for a minimum of four parking spaces. Because the offices will be used predominantly during the day, and the apartment residents utilize on-street parking mainly on nights and weekends, the proposed conversion may actually alleviate on-street parking for neighborhood residents and business patrons. The Department of Public Service Division of Planning and Operations supports the parking variance, and it should be noted that two previous Board of Zoning Adjustment actions (SP83-189 and V86-1027) resulted in fourteen parking spaces being varied.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **739 SOUTH THIRD STREET (43206)**, to permit an eating and drinking establishment and general office uses with reduced parking in the R-2F, Residential District (Council Variance # CV13-021).

WHEREAS, by application #CV13-021, the owner of the property at **739 SOUTH THIRD STREET (43206)**, is requesting a Variance to permit an eating and drinking establishment and general office uses with reduced parking in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits commercial uses, while the applicant proposes to conform an existing eating and drinking establishment on the first floor, and the conversion of the second and third-story residential units into corporate offices in conjunction with the eating and drinking establishment; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet for an eating and drinking establishment, and 1 parking space per 450 square feet of general office space, or a total of thirty-five (35) spaces for a 2,596± square-foot eating and drinking establishment, and ten (10) spaces for a 4,246± square-foot office, while the applicant proposes to maintain zero (0) parking spaces; and

WHEREAS, the German Village Commission recommends disapproval; and

WHEREAS, City Departments recommend approval because the requested Council variance to allow the new use of general offices in an existing mixed-use building is consistent with the development pattern of the area. The main impact of this development would be on parking in the neighborhood, but because the offices will be used predominantly during the day, and the apartment residents utilize on-street parking mainly on nights and weekends, the proposed conversion may actually alleviate on-street parking for residents and business patrons. The Department of Public Service Division of Planning and Operations supports the parking variance; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed office 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 owners of the property located at **739 SOUTH THIRD STREET (43206)**, in using said property as desired; and

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.037, R-2F, Residential district; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **739 SOUTH THIRD STREET (43206)**, insofar as said sections prohibit a 2,596± square-foot eating and drinking establishment and a 4,246± square-foot general office, with a parking space reduction from forty-five (45) required spaces to zero (0) spaces; said property being more particularly described as follows:

739 SOUTH THIRD STREET (43206), being 0.08± acres located at the southwest corner of South Third and East Frankfort Streets, and being more particularly described as follows:

Parcel Number: 010-037863

Includes Property Address 739-741 South Third Street, Columbus Ohio 43206

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

Being all of the east one-half (1/2) of Lot Twenty-One (21) in C.F. Jaeger's Second Addition to Columbus, Ohio as said lot in numbered and delineated upon the recorded plat thereof, of record in Plat Book 38, page 403, Recorder's Office, Franklin County, Ohio, excepting, however, therefrom 29.62 feet off the south side thereof. Subject to: all covenants, restrictions, conditions, reservations, reverts, legal highways, zoning ordinances and easements, if any of record.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 2,596± square-foot eating and drinking establishment and a 4,246± square-foot general office.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed office use.

SECTION 4. That this ordinance is further conditioned upon the applicant providing bicycle parking on the public sidewalk at a location approved by the Department of Public Service and preserving the existing street trees.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.