



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 2/23/2015 **Final action:** 2/25/2015

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.21(B)(1), (D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3332.20, Building lines, definitions; 3332.21(D), Building lines; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, for the property located at 3870 NORTH HIGH STREET (43214), to permit an educational kitchen and a floral design studio, including limited retail and café areas, with reduced development standards in the R-3, Residential District (Council Variance CV14-061).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0417-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20150223

Date	Ver.	Action By	Action	Result
2/25/2015	1	CITY CLERK	Attest	
2/24/2015	1	MAYOR	Signed	
2/23/2015	1	COUNCIL PRESIDENT	Signed	
2/23/2015	1	Zoning Committee	Waive the 2nd Reading	Pass
2/23/2015	1	Zoning Committee	Approved	Pass

Council Variance Application: CV14-061

APPLICANT: Tricia Wheeler and Sarah Lagrotteria; c/o Kimberly Mikanik, Architect; 1116 West Second Avenue; Columbus, OH 43214.

PROPOSED USE: Educational kitchen and floral design studio with limited retail and café areas.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-3, Residential District, and is developed with a former single-unit dwelling that has been converted to a religious facility. This site and the parcel to the north, across Acton Road, were the subject of Council variance CV09-021 (Ordinance #1658-2009, passed September 13, 2010) which permits office uses in the existing structures. The religious facility no longer occupies the building, and the applicant proposes this Council variance to permit cooking classes and floral design classes with accessory retail sales, a small café, and a 380 square foot addition to the building as reflected on the attached site plan. Variances are included for the parking setback and related landscaping and headlight screening, and the building setback and rear yard, to reflect existing conditions. A parking space reduction variance from 15 spaces to 12 spaces is also requested. The site lies within the Green District of the *Clintonville Neighborhood Plan* (2009) which recommends preservation of the existing mixed-use nature of the area with office, institutional, and mixed residential uses. Although this proposal includes a small café and limited retail sales, those uses are accessory and incidental to the primary proposed use which is an educational kitchen and an educational floral design studio. Staff recognizes this proposal as consistent with the land use

recommendations of the area plan and believes that the reduction of three parking spaces is negligible. CV09-021 remains in effect for the parcel north of Acton Road.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.21(B)(1), (D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3332.20, Building lines, definitions; 3332.21(D), Building lines; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, for the property located at **3870 NORTH HIGH STREET (43214)**, to permit an educational kitchen and a floral design studio, including limited retail and café areas, with reduced development standards in the R-3, Residential District (Council Variance CV14-061).

WHEREAS, by application No. CV14-061, the owner of the property at **3870 NORTH HIGH STREET (43214)**, is requesting a Council Variance to permit an educational kitchen and a floral design studio, including limited retail and café areas, with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, prohibits commercial uses, while the applicant proposes an educational kitchen and floral design studio with limited retail and café areas; and

WHEREAS, Section 3312.21(B)(1), Landscaping and screening, requires landscaping between the parking setback line and right-of-way with plant material, while the applicant proposes to maintain no plantings along Acton Road; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires screening of vehicle headlights to a height of three feet, while the applicant proposes to maintain no headlight screening; and

WHEREAS, Section 3312.27(3), Parking setback line, requires a parking setback of ten (10) feet along Acton Road, while the applicant proposes to maintain a reduced parking setback that varies between 5.5 and 7.5 feet; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires a total of fifteen (15) spaces for the mix of uses proposed, while the applicant will provide twelve (12) parking spaces; and

WHEREAS, Section 3332.20, Building lines, definitions, permits an unenclosed porch in advance of the building setback, while the applicant proposes an unenclosed patio/pergola as permitted by this section, but with retail display within the required setback area along North High Street as shown on the Site Plan; and

WHEREAS, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain a building line of eight (8) feet along Acton Road as shown on the Site Plan; and

WHEREAS, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes to maintain pavement for parking and maneuvering in the rear yard; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, The City Departments recommend approval of the requested variances because the proposal is consistent with the *Clintonville Neighborhood Plan* land use recommendations, which call for preservation of the existing mixed-use nature of the area with office, institutional, and mixed residential uses. Although this proposal includes a small café and limited retail sales, those uses are accessory and incidental to the primary proposed use which is an educational kitchen and an educational floral design studio, and the reduction of three parking spaces is negligible; 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 owners of the property located at **3870 NORTH HIGH STREET (43214)**, 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; 3312.21(B)(1), (D)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3332.20, Building lines, definitions; 3332.21(D), Building lines; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, is hereby granted for the property located at **3870 NORTH HIGH STREET (43214)**, insofar as said sections prohibit an educational kitchen and a floral design studio with limited retail and café areas in the R-3, Residential District, with no parking lot screening; a parking setback varying between 5.5 and 7.5 feet where ten (10) feet is required; a parking space reduction from fifteen (15) required spaces to twelve (12) spaces; retail display areas in advance of the building line along North High Street; a reduced building line of eight (8) feet along Acton Road; and obstruction of the required rear yard by the existing parking lot; said property being more particularly described as follows:

3870 NORTH HIGH STREET (43214), being 0.23± acres located at the southeast corner of North High Street and Acton Road, and being more particularly described as follows:

Being Lot Number Three (3) and Twenty-one and Seventy-Six hundredths (21.76) feet off the north side of Lot No. 2 of NORTHRIDGE SUBDIVISION as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 11, Page 29, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an educational kitchen/floral design studio with limited retail and café areas, or those uses permitted 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 Plan titled, "**FLOWERS & BREAD - BUILDING AND SITE RENOVATION**," dated January 9, 2015, and drawn and signed by Kimberly Mikanik, 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 plans 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 on 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.