



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 9/14/2016 **In control:** Zoning Committee

On agenda: 10/3/2016 **Final action:** 10/7/2016

Title: To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback line, of the Columbus City codes; for the property located at 21 EAST FRANKFORT STREET (43206), to permit a three-unit dwelling in the C-4, Commercial District (Council Variance # CV16-036).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2369-2016 Attachments, 2. ORD2369-2016 Labels

Date	Ver.	Action By	Action	Result
10/7/2016	1	CITY CLERK	Attest	
10/6/2016	1	MAYOR	Signed	
10/3/2016	1	COUNCIL PRESIDENT	Signed	
10/3/2016	1	Zoning Committee	Approved	Pass
9/26/2016	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV16-036

APPLICANT: Daniel M. Lavon; 4009 James River Road; New Albany, OH 43054.

PROPOSED USE: A three-unit dwelling.

BREWERY DISTRICT COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with an office suite and parking lot zoned in the C-4, Commercial District. The requested Council variance will permit the renovation of the offices into a three-unit dwelling on one parcel. The variance is necessary because the C-4, Commercial District does not permit ground floor residential uses. Variances to reduce the parking setback along East Frankfort Street and to maintain the building lines along East Frankfort Street and South Pearl Alley are included in the request. The site is located within the boundaries of the *Brewery District Plan* (1992), specifically within the Southern Tier subarea. The Southern Tier subarea is characterized as being primarily residential with one to two-and-a-half story structures, which matches the applicant's proposal. Staff finds the proposal to be compatible with the surrounding residential uses along East Frankfort Street and South Pearl Alley. Additional support of this proposal stems from the residential use being less intense than the existing office uses, and the applicant providing the minimum required parking spaces.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted uses; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback line, of the Columbus City codes; for the property located at **21 EAST FRANKFORT STREET (43206)**, to permit a three-unit dwelling in the C-4, Commercial District (Council Variance # CV16-036).

WHEREAS, by application No. CV16-036, the owner of property at **21 EAST FRANKFORT STREET (43206)**, is requesting a Council variance to permit a three-unit dwelling in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4, Permitted uses, does not permit ground-floor residential uses, while the applicant proposes to permit three (3) residential units; and

WHEREAS, Section 3312.27(4), Parking setback line, requires a parking setback of ten (10) feet from the street right-of-way line, while the applicant proposes a zero (0) foot parking setback along East Frankfort Street; and

WHEREAS, Section 3356.11, C-4 district setback line, requires a building setback line that equals one-half of the right-of-way as denoted on the Columbus Thoroughfare Plan, or twenty-five (25) feet along East Frankfort Street and South Pearl Alley, while applicant proposes to maintain a building line of six (6) inches; and

WHEREAS, the Brewery District Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal does not introduce incompatible land uses to the area and is compatible to the *Brewery District Plan*'s characterization of the Southern Tier subarea; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **21 EAST FRANKFORT STREET (43206)**, 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; 3312.27(4), Parking setback line; and 3356.11, C-4 district setback line, of the City of Columbus codes, is hereby granted for the property located at **21 EAST FRANKFORT STREET (43206)**, insofar as said sections prohibit a three-unit dwelling in the C-4, Commercial District; a parking setback reduction from ten (10) to zero (0) feet along East Frankfort Street; and a building line reduction from twenty-five (25) feet to six (6) inches; said property being more particularly described as follows:

21 EAST FRANKFORT STREET (43206), being 0.14± acres located on the southwest corner of East Frankfort Street and South Pearl Street, and being more particularly described as follows:

Legal description for:

21 East Frankfort Street
Columbus, Ohio 43206

Beginning at an iron pin set in the South line of east Frankfort Street (66.0 feet wide), and West line of South Pearl Street (33.0 feet wide), and which said iron pin represents the Northeast corner of said Lot 13; thence South along the East line of said Lot 13, and West Line of South Pearl Street, a distance of 62.65 feet to an iron pin representing the Southeast corner of said lot 13, (62.50 feet, plus 0.15 surplus by actual field survey = 62.65 feet); thence West along the South line

of said lot 13, 100.00 feet, to an iron pin; thence North, parallel to the East line of said lot 13, 62.65 feet to an iron pin set in the North line of said lot 13, and South line of said East Frankfort Street; thence East along the North line of said Lot 13, and South line of East Frankfort Street 100.00 feet to the place of beginning subject to all easements of public record, and of record in respective utility offices; the interest being conveyed consisting of an undivided one-half (1/2) interest in said described real estate .

Parcel No: 010-019468

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a three-unit dwelling, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**3 UNIT RESIDENTIAL**," signed by Juliet Bullock, Architect, dated July 16, 2016. 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 adjustment to the plan shall be reviewed and may be approved 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 Certificates of Occupancy for the proposed uses.

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