



Legislation Details (With Text)

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On agenda: 9/24/2018 **Final action:** 9/27/2018

Title: To grant a Variance from the provisions of Sections 3332.037 R-2F, Permitted Uses; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 310-312 EAST HUDSON STREET (43202), to permit a building containing a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio, and a separate single-unit dwelling on the same lot with reduced development standards in the R-2F, Residential District (Council Variance # CV18-019).

Sponsors:

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Attachments: 1. ORD2026-2018.Attachments, 2. ORD2026-2018.Labels

Date	Ver.	Action By	Action	Result
9/27/2018	1	CITY CLERK	Attest	
9/26/2018	1	MAYOR	Signed	
9/24/2018	1	COUNCIL PRESIDENT	Signed	
9/24/2018	1	Zoning Committee	Approved	Pass
9/17/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-019

APPLICANT: MJMJ Property Limited; c/o John Lynch; 213 West Como Avenue; Columbus, OH 43202.

PROPOSED USE: Eating and drinking establishment and single-unit dwelling.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Incomplete.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a single-unit dwelling and an eating and drinking establishment. The eating and drinking establishment has been operating for several years without ever obtaining the necessary zoning clearance and permits. This Council variance will bring the existing non-compliant 1,728 square foot commercial building into zoning compliance and will permit a 420 square foot patio. Variances to minimum number of required parking spaces, vision clearance, lot area, maximum and minimum side yards, lot width, lot coverage, maximum floor area ratio, landscaping, and rear yard are included in this request. The site is subject to the University District Zoning Overlay and located within the boundaries of the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses for this location. While inconsistent with the Plan recommendation, Planning Staff notes that the existing use is commercial. Because the variances will not alter the overall use of the site, the request will not adversely affect the surrounding property or neighborhood.

To grant a Variance from the provisions of Sections 3332.037 R-2F, Permitted Uses; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **310-312 EAST HUDSON STREET (43202)**, to permit a building containing a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio, and a separate single-unit dwelling on the same lot with reduced development standards in the R-2F, Residential District (Council Variance # CV18-019).

WHEREAS, by application # CV18-019, the owner of the property at **310-312 EAST HUDSON STREET (43202)**, is requesting a Variance to permit a building containing a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio, and a separate single-unit dwelling on the same lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037 R-2F, Permitted Uses, allows a single-unit dwelling but does not permit commercial uses, while the applicant proposes to legitimize an existing eating and drinking establishment including a 420± square foot accessory patio and single-unit dwelling on the same lot, as shown on the site plan; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, 1 parking space per 75 square feet of eating and drinking establishment space, and 1 parking space per 150 square feet of patio space, or 28 spaces total, while the applicant proposes to maintain 0 on-site parking spaces; and

WHEREAS, Section 3321.05(B)(1)(2), Vision clearance, requires a ten-foot vision clearance triangle at the corner of Hudson Street and the abutting alley and a thirty-foot vision clearance triangle at the corner of Deming Avenue and Hudson Street, while the applicant proposes to maintain encroachment into the vision clearance triangles with the existing commercial building and single-unit dwelling as shown on the site plan; and

WHEREAS, Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain a lot coverage of 56 percent; and

WHEREAS, Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes an increased FAR of 0.76; and

WHEREAS, Section 3325.809, Landscaped Area and Treatment, requires at least 10 percent of the lot area be planted and maintained with grass and/or other live vegetation and be located behind the most rear portion of the principle residential building, while the applicant proposes to 5.7± percent landscaped area; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot of no less than 50 feet wide, while the applicant proposes to maintain the existing 36 foot wide lot; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less 6,000 square feet in area, while the applicant proposes a single-unit dwelling and a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio on a 4,321 square-foot lot; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, or 7.2 feet, while the applicant proposes to maintain a reduced maximum side yard of zero feet for the commercial building; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain reduced minimum side yards of zero feet for the commercial building; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain no rear yard as shown on the site plan; and

WHEREAS, the University Area Commission recommended approval on all of the requested variances except for the parking (Section 3312.49) and vision clearance (Section 3321.05(B)(2)) variances which were revised/added after their recommendation was rendered. The changes to these variances could not be considered due to the University Area Commission's bylaws which prohibit them from voting again on the same application. Therefore, a vote was not taken by the University Area Commission on the requested variances.

WHEREAS, City Departments recommend approval because the requested Council variance will not add an incompatible use or adversely affect the surrounding neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **310-312 EAST HUDSON STREET (43202)**, in using said property as desired; now, therefore:

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, Permitted Uses; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **310-312 EAST HUDSON STREET (43202)**, insofar as said sections prohibit a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio, and a separate single-unit dwelling on the same lot in the R-2F, Residential District; with a parking space reduction from 28 required spaces to 0 on-site spaces; with encroachment of the existing single-unit dwelling into the clear vision triangle at the corner of Hudson Street and Deming Avenue and encroachment of the existing commercial building into the clear vision triangle at the corner of Hudson Street and the abutting alley; an increased maximum lot coverage from 25 percent to 56 percent; an increased FAR from 0.4 to 0.76; a decreased landscaped area from 10 percent to 5.7± percent; a reduced lot width from 50 feet to 36 feet; a reduction in lot area from 6,000 square feet to 4,321 square feet; a reduced maximum side yard from 7.2 feet to zero feet for the commercial building; a reduced minimum side yard from 5 feet to zero feet for the commercial building; and no rear yard; said property being more particularly described as follows:

310-312 EAST HUDSON STREET (43202), being 0.10± acres located at the northwest corner of East Hudson Street and Deming Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Lot # 324 of GEORGE WILLIAMS NORTHWOOD ADDN, as the same is numbered and delineated upon the

recorded plat thereof, of record in Plat Book 2 Page 121-123, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-010780

Property known as: 310-312 East Hudson Street

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a building containing a 1,728± square foot eating and drinking establishment with a 420± square foot accessory patio, and a separate single-unit dwelling on the same lot with reduced development standards in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled “**NEW OUTDOOR PATIO, RAMBLING HOUSE,**” dated June 14, 2018 and signed by John Lynch, Applicant. 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 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 is further conditioned upon there being no outdoor amplification, televisions, or equipment that will generate noise on the proposed patio.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.