



Legislation Details (With Text)

File #: 2835-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/4/2018 **In control:** Zoning Committee

On agenda: 10/22/2018 **Final action:** 10/24/2018

Title: To grant a Variance from the provisions of Section 3356.03, C-4 Permitted Uses, of the Columbus City codes; for the property located at 259 EAST LIVINGSTON AVENUE (43215), to permit first-floor residential uses in the C-4 , Commercial District (Council Variance #CV18-044).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2835-2018.Attachments.pdf, 2. ORD2835-2018.Labels.pdf

Date	Ver.	Action By	Action	Result
10/24/2018	1	CITY CLERK	Attest	
10/23/2018	1	MAYOR	Signed	
10/22/2018	1	COUNCIL PRESIDENT	Signed	
10/22/2018	1	Zoning Committee	Approved	Pass
10/15/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-044

APPLICANT: Donald T. Plank; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Twelve dwelling units.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with seven buildings zoned in the C-4, Commercial District. The requested Council variance will allow the conversion of five office buildings into a total of twelve dwelling units. All structures were originally constructed as dwellings and later converted to office uses. The variance is necessary because dwelling units are only permitted above specified commercial uses in the C-4, Commercial District. Staff supports the proposal given the mixed-use nature of this historic neighborhood and because the structures will be restored to their original residential purpose. The request will not add incompatible uses to the neighborhood.

To grant a Variance from the provisions of Section 3356.03, C-4 Permitted Uses, of the Columbus City codes; for the property located at **259 EAST LIVINGSTON AVENUE (43215)**, to permit first-floor residential uses in the C-4 , Commercial District (Council Variance #CV18-044).

WHEREAS, by application #CV18-044, the owner of property at **259 EAST LIVINGSTON AVENUE (43215)**, is requesting a Council Variance to permit offices to be converted into twelve dwelling units in the C-4, Commercial

District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, does not permit ground floor residential use, and only permits dwelling units above specified commercial uses, while the applicant proposes to convert the office buildings into a total of twelve dwelling units; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval of the proposal to convert offices to a total of twelve residential units given the mixed-use nature of this historic neighborhood, and because the structures will be restored to their original residential purpose. The request will not add incompatible uses to the neighborhood; 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 **259 EAST LIVINGSTON AVENUE (43215)**, 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 Section 3356.03, C-4 Permitted Uses, of the Columbus City Codes, is hereby granted for the property located at **259 EAST LIVINGSTON AVENUE (43215)**, insofar as said section prohibits conversion of offices into a total of twelve dwelling units in the C-4, Commercial District; said property being more particularly described as follows:

259 EAST LIVINGSTON AVENUE (43215), being 0.98± acres located at the southwest corner of Livingston Avenue and South Sixth Street, and being more particularly described as follows:

Situate in the City of Columbus, County of Franklin, in the State of Ohio and being further described as:

Lot Numbers One (1), Two (2), Three (3), Four (4) and Five (5) of BRYDEN'S ADDITION to Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Deed Book 31, Page 113, Recorder's Office, Franklin County, Ohio, together with that portion of Cedar Alley vacated pursuant to Ordinance No. 2657-79, and Lot Number Nineteen (19), excepting the north 70 feet, and Lot Number Twenty (20) of SAMUEL PARSONS ADDITION, to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 48, Recorder's Office, Franklin County, Ohio.

PARCEL NUMBERS: 010-032698, 010-044326, 010-056196, 010-030544, 010-018301, 010-043847, 010-030661, and 010-038792

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a total of twelve dwelling units distributed amongst the five existing buildings, or those uses permitted in the C-4, Commercial District. Buildings addressed to 247-257 East Livingston Avenue and 279-281 East Livingston Avenue are not included within this request.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a

Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.