



## Legislation Details (With Text)

**File #:** 1281-2019      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/1/2019      **In control:** Zoning Committee

**On agenda:** 7/22/2019      **Final action:** 7/25/2019

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building line; 3332.25(B), Maximum side yards required; 3332.26(C), Minimum side yard permitted, of the Columbus City Codes; for the property located at 364 E. WHITTIER STREET (43206), to permit a mixed-use development with reduced development standards in the R-2F, Residential District (Council Variance #CV18-089).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1281-2019\_Attachments

Date	Ver.	Action By	Action	Result
7/25/2019	1	CITY CLERK	Attest	
7/24/2019	1	MAYOR	Signed	
7/22/2019	1	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Zoning Committee	Approved	Pass
7/15/2019	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV18-089

**APPLICANT:** Whittier ABC Co., LLC, 8518 Stonechat Loop, Dublin, Ohio 43017.

**PROPOSED USE:** Mixed-use development.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant appliance store which was rendered nonconforming with a city-sponsored down-zoning of the area to the R-2F, Residential District in 1999. The requested Council variance will permit the western half of the commercial building to be converted into 2,945 square feet of eating and drinking establishment space, and will permit the eastern half of the building to be replaced by a five-unit apartment building including 510 square feet of live/work office space. A Council variance is necessary because the R-2F, Residential District does not permit commercial uses nor does it permit more than two dwelling units on one lot. The request also incorporates variances for parking setback, required number of parking spaces (reduced from 48 to 5), vision clearance, area district requirements, lot coverage, building setback, and side yard standards. The site is within the planning area of the *South Side Plan* (2014) which recommends medium-high density residential uses (10-16 units/acre) at this location, however, the site has existing commercial uses and is located in a walkable, transit-served corridor. As such, the parking variance to provide one parking space per residential unit is appropriate. Additionally, there already exists a commercial parking deficit, and the total commercial square footage is being reduced. Finally, the building elevations reviewed by the Planning Division are consistent with the recommendations of the *South Side Plan*

and the *Columbus Citywide Planning Policies* (C2P2) design guidelines.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building line; 3332.25(B), Maximum side yards required; 3332.26(C), Minimum side yard permitted, of the Columbus City Codes; for the property located at **364 E. WHITTIER STREET (43206)**, to permit a mixed-use development with reduced development standards in the R-2F, Residential District (Council Variance #CV18-089).

**WHEREAS**, by application #CV18-089, the owner of property **364 E. WHITTIER STREET (43206)**, is requesting a Council Variance to permit a mixed-use development with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037 R-2F, residential district, permits one single- or one two-unit dwelling per lot; while the applicant proposes to redevelop the site with 2,945 square feet of eating and drinking establishment space and a five-unit apartment building including 510 square feet of live/work office space on one lot; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires a minimum parking setback line of 10 feet along public streets; while the applicant proposes to reduce the minimum parking setback from Bruck Street to 8 feet; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 48 total parking spaces for 5 apartment units, 2,945 square feet of eating and drinking establishment space, and 510 square feet of general office space; while the applicant proposes to reduce the required minimum number of parking spaces to 5; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires clear vision triangles of 30 feet on residential lots adjacent to street intersections; while the applicant proposes to maintain no clear vision triangle at the intersection East Whittier Street and Bruck Street; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires one principal building to be situated on a lot of no less than 6,000 square feet in area; while the applicant proposes two principal buildings on a total lot area of 8,580 square feet; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, requires a dwelling hereafter erected to occupy alone or together with any other building no greater than 50 percent of the lot area; while the applicant proposes to develop the site with buildings which occupy 54 percent of the lot area; and

**WHEREAS**, Section 3332.21, Building line, establishes a minimum building line of 25 feet along public streets; while the applicant proposes to reduce the minimum building line along East Whittier Street and Bruck Street to zero feet; and

**WHEREAS**, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 13.2 feet; while the applicant proposes to reduce the maximum side yards to 1 foot; and

**WHEREAS**, Section 3332.26(C), Minimum side yard permitted, requires a minimum side yard of 5 feet; while applicant proposes to reduce the minimum side yard to 1 foot; and

**WHEREAS**, the Columbus South Side Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval because the requested variances would permit a mixed-use development in character and scale of the surrounding neighborhood as recommended by the Columbus Citywide Planning Policies (C2P2) Design Guidelines. Although the *South Side Plan* recommends the site for medium-high density residential at 10-16 units per acre, the site has existing commercial uses and is located in a walkable, transit-served

corridor. As such, the area variances are supportable; 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 **364 E. WHITTIER 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 be granted from the provisions of Sections 3332.037, R-2F residential district; 3312.27(3), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building line; 3332.25(B), Maximum side yards required; 3332.26(C), Minimum side yard permitted, of the Columbus City Codes; for the property located at **364 E. WHITTIER STREET (43206)**, insofar as said sections prohibit 2,945 square feet of eating and drinking establishment space and a five-unit apartment building including 510 square feet of live/work office space on one lot in the R-2F, Residential District; with a reduced parking setback line along Bruck Street from 10 to 8 feet; a reduction in the required number of parking spaces from 48 to 5 spaces; no vision clearance triangle at the intersection of E. Whittier Street and Bruck Street; a lot area of 8,580± square feet for two principal buildings where 6,000 square feet is required for one building; increased lot coverage from 50% to 54%; reduced building lines along E. Whittier Street and Bruck Street from 25 to zero feet; a reduced maximum side from 13.2 feet to 1 foot; and a reduced minimum side yard from 5 feet to 1 foot; said property being more particularly described as follows:

**364 E. WHITTIER STREET (43206)**, being 0.18± acres located at the northeast corner of East Whittier Street and Bruck Street, and being more particularly described as follows:

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

Tract 1

Being Lot Number One Hundred Nineteen (119) of Blesch and Kremer's Subdivision of part of Lots Numbers Four (4) and Five (5) of C.F. Jaeger's Estate, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 24, Recorder's Office Franklin County, Ohio.

Parcel No.: 010-018728

Tract 2

Being Lot Number One Hundred Eighteen (118) of Blesch and Kremer's Subdivision of part of Lots Numbers Four (4) and Five (5) of C.F. Jaeger's Estate, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 24, Recorder's Office Franklin County, Ohio

Parcel No.: 010-011493

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development comprised of a 2,945 square foot eating and drinking establishment and a five-unit apartment

building with 510 square feet of live/work office space in accordance with the submitted site plan, or those uses permitted 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, "**SITE PLAN FOR 364 E. WHITTIER ST.**," signed by David Hodge, Attorney for Applicant, and dated May 1, 2019. 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 plan 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 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.