



## Legislation Details (With Text)

**File #:** 1971-2019 **Version:** 1

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

**File created:** 7/9/2019 **In control:** Zoning Committee

**On agenda:** 7/29/2019 **Final action:** 7/31/2019

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; and 3312.49 (C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 529 S. 3RD ST. (43215), to permit retail and office uses within a residential structure with a parking reduction in the R-2F, Residential District, and to repeal ORD #2388-83, passed December 19, 1983 (Council Variance #CV19-056).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1971-2019\_Attachments, 2. ORD1971-2019\_Labels

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-056**

**APPLICANT:** James M. Thicken; 529 South Third Street; Columbus, OH 43215.

**PROPOSED USE:** Office and retail uses.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single-unit dwelling in the R-2F, Residential District and is subject to ORD #2388-83 (CV83-063), which permits office uses in the existing residential structure with a parking reduction from 9 spaces to 0 spaces. This requested Council variance permits a maximum of 1,500 square feet of retail space or a combination of a maximum of 1,800 square feet of office space and/or 1,000 square feet of retail space within the existing residential structure. The balance of the building will remain a single-unit dwelling. A Council variance is required because commercial offices and retail uses are not permitted in the R-2F, Residential District. A parking reduction from 8 spaces to 0 spaces is included in this request. Staff supports the requested variance because the commercial uses will be located within the existing residential building with no expansion occurring, are limited to maximum square footage amounts, and result in a smaller parking variance than what exists on site presently. Additionally, the requested uses fit the historic development pattern of South Third Avenue, are supported by the German Village Commission, and will not introduce incompatible land uses to the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; and 3312.49(C), Minimum

numbers of parking spaces required, of the Columbus City Codes; for the property located at **529 S. 3RD ST. (43215)**, to permit retail and office uses within a residential structure with a parking reduction in the R-2F, Residential District, and to repeal ORD #2388-83, passed December 19, 1983 (Council Variance #CV19-056).

**WHEREAS**, by application #CV19-056, the owner of the property at **529 S. 3RD ST. (43215)**, is requesting a Variance to permit retail and office uses within a residential structure with a parking reduction in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, residential district, prohibits office and retail uses, while the applicant proposes a maximum of 1,500 square feet of retail space or a combination of a maximum of 1,800 square feet of office space and/or 1,000 square feet of retail space within the existing residential structure; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 2 parking spaces for the single-unit dwelling, 1 space per 250 square feet of retail space, and 1 space per 450 square feet of office space, not to exceed a total parking requirement of 8 spaces, while the applicant proposes zero off-street parking spaces; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested variance because the commercial uses will be located within the existing residential building with no expansion occurring, are limited to maximum square footage amounts, result in a smaller parking variance than what exists on site presently, and are consistent with the historic development pattern of the area; 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 **529 S. 3RD ST. (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 is hereby granted from the provisions of Sections 3332.037, R-2F, residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **529 S. 3RD ST. (43215)**, insofar as said sections prohibit retail and office uses in the R-2F, Residential District, with a reduction from 8 required parking spaces to 0 spaces; said property being more particularly described as follows:

**529 S. 3RD ST. (43215)**, being 0.10± acres located on the west side of South Third Street, 25± feet north of East Hoster Street, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and being part of the East one-half of the South one-third of Block #7, of JOHN MCGOWAN'S ADDITION, Plat Book "G", Page 70. The part of said Lot 7 is more particularly described as follows:

Being at a cross in the east line of said block and in the west line of S. Third St., and cross being Northerly 27.3 feet from the southeast corner of said block; thence westerly, parallel with the south line of said block 94.04 feet to a stake in the west line of the east one-half of Block 7; thence northerly, with the said west line 35.48 feet to a point in the north line of

the South One-third of said block; thence with said north line Easterly 94.05 feet to a point in the west line of South Third Street, said point being witnessed by a bolt driven in the walk in said North line extended Easterly, said bolt being .42 feet from the true corner; thence Southerly with the west line of South Third Street and along the east line of Block 7, a distance of 35.42 feet to the place of beginning.

Property Address: 529 S. 3<sup>rd</sup> St., Columbus, OH 43215

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of 1,500 square feet of retail space, or a combination of a maximum of 1,800 square feet of office space and/or 1,000 square feet of retail space within the existing structure, with the combination of uses not to exceed a total parking requirement of 8 parking spaces, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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

**SECTION 5.** That Ordinance #2388-83 (CV83-63), passed December 19, 1983, be and is hereby repealed.