City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Details (With Text)

File #:	1656-2020 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	7/6/2020	**In control:**	Zoning Committee
On agenda:	7/27/2020	**Final action:**	7/30/2020
Title:	To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at 1050 N. 4TH ST. (43201), to permit up to 2,500 square feet of retail commercial or art gallery space within an apartment building with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV19-058).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD1656-2020.Attachments, 2. ORD1656-2020.Labels		

Date	Ver.	Action By	Action	Result
7/30/2020	1	CITY CLERK	Attest	
7/29/2020	1	MAYOR	Signed	
7/27/2020	1	COUNCIL PRESIDENT	Signed	
7/27/2020	1	Zoning Committee	Approved	Pass
7/20/2020	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV19-058

APPLICANT: DSC Holdings 1050 N Fourth St, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Mixed-use development.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-3, Apartment Residential District (Ordinance #1655-2020; Z19-040) to allow a multi-unit residential development. The requested Council variance proposes a 67-unit apartment building and will permit up to 2,500 square feet of ground-floor retail commercial or art gallery space. The request includes variances to increase lot coverage, and to reduce building lines and rear yard. Staff supports the variances for this proposal as it is consistent with the land use recommendation of the *Italian Village East Redevelopment Plan* (2000) for a mixed-use corridor. The request is also consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3333.15(C), Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property

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located at **1050 N. 4TH ST. (43201),** to permit up to 2,500 square feet of retail commercial or art gallery space within an apartment building with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV19-058).

WHEREAS, by application #CV19-058, the owner of property at **1050 N. 4TH ST. (43201),** is requesting a Council variance to permit up to 2,500 square feet of retail commercial or art gallery space within an apartment building with reduced development standards in the AR-3, Apartment Residential District; and

WHEREAS, Section 3333.03, AR-3 apartment residential district use, prohibits commercial uses, while the applicant proposes a maximum of 2,500 square feet of retail commercial or art gallery space on the ground floor; and

WHEREAS, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 89 percent; and

WHEREAS, Section 3333.18(F), Building lines, requires a building line of no less than the average of buildings on contiguous lots, in this case 20 feet, while the applicant proposes a reduced building line of zero feet along North 4th Street, as shown on the site plan; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 2 percent of the total lot area; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances are consistent with recent urban infill development projects that have been approved in this neighborhood, and achieve the mixed-use recommendation of the *Italian Village East Redevelopment Plan*; 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 roads, 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 **1050 N. 4TH ST. (43201),** in using said property as desired, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That variances from the provisions of Sections 3333.03, AR-3 apartment residential district use; 3333.15 (C), Basis of computing area; 3333.18(F), Building lines; 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1050 N. 4TH ST. (43201),** insofar as said sections prohibit 2,500 square feet of retail commercial or art gallery space on the ground floor; with increased maximum lot coverage from 50 to 89 percent; a reduced building line along North 4th Street from 20 to zero feet; and a reduced rear yard from 25 to 2 percent; said property being more particularly described as follows:

1050 N. 4TH ST. (43201), being 0.68± acres located at the southeast corner of North Fourth Street and Detroit Avenue, and being more particularly described as follows:

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Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4 and 5, Township 5, Range 22, Refugee Lands, being all of that tract of land as conveyed to DSC Holdings 1050 N. Fourth Street LLC of record in Instrument No. 201412030160514, said tract being also being all of Lots 4, 5, 6 and 7 of E. Sorin's Subdivision of Lots 65 & 66 of William Phelan's Mount Pleasant Addition of record in P.B. 1, Page 286 and more particularly described as follows:

Beginning at the southwesterly corner of said DSC Holdings tract and said Lot 4, said corner also being the northwesterly corner of that tract of land as conveyed to New Victorians Inc. of record in Instrument No. 200311260379492 and Lot 3 of said plat, also being in the easterly right-of-way line of N. Fourth Street;

Thence N 08° 17’ 26” W, along the westerly line of said DSC Holdings tract and said easterly right-of-way line of said N. Fourth Street, 204.0 feet+/- to the northwesterly corner of said DSC Holdings tract and Lot 7 of said plat and at the southeasterly right-of-way intersection of said N. Fourth Street and Detroit Avenue;

Thence S 86° 29’ 29” E, along the northerly line of said DSC Holdings tract and along the southerly right-of-way line of said Detroit Avenue, 148.6 feet+/- to the northeasterly corner of said DSC Holdings tract, being the northeasterly corner of said Lot 7 and being the southwesterly right-of-way intersection of said Detroit Avenue and a Peru Alley;

Thence S 08° 29’ 06” E, along the easterly line of said DSC Holdings tract and the westerly right-of-way line of said Peru Alley, 204.1 feet+/- to the southeasterly corner of said DSC Holdings tract and said Lot 4, also being the northeasterly corner of said New Victorians tract and said Lot 3;

Thence N 86° 29’ 29” W, along the southerly line of said DSC Holdings tract, the northerly line of said New Victorians tract and along the common line of said Lot 3 and Lot 4, 149.3 feet+/- to the Point of Beginning. Containing 0.68+/- acre.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a multi-unit residential development containing up to 2,500 square feet of retail commercial or art gallery space and a maximum of 67 units, or those uses permitted in the AR-3, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, “**1050 N. 4TH STREET,”** dated June 29, 2020, and signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the 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 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.

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