



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 5/20/2021 **In control:** Zoning Committee

On agenda: 6/7/2021 **Final action:** 6/10/2021

Title: To grant a Variance from the provisions of Section 3332.037, R-2F, residential district, of the Columbus City Codes; for the property located at 650 S. 3RD ST. (43206), to permit limited commercial uses within an existing building in the R-2F, Residential District (Council Variance #CV21-035) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1306-2021_Attachments, 2. ORD1306-2021_Labels

Date	Ver.	Action By	Action	Result
6/10/2021	2	CITY CLERK	Attest	
6/8/2021	2	MAYOR	Signed	
6/7/2021	2	COUNCIL PRESIDENT	Signed	
6/7/2021	1	Zoning Committee	Amended to Emergency	Pass
6/7/2021	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV21-035

APPLICANT: Tiki Botanicals, LLC c/o Michael Shannon, Atty.; 8000 Walton Pkwy., Suite 260; New Albany, OH 43054.

PROPOSED USE: C-1, Commercial District uses.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a nonconforming mixed-use building with two commercial tenant spaces on the first floor and apartments on the second and third floors in the R-2F, Residential District. The requested Council variance proposes C-1, Commercial District uses to permit a retail use in a tenant space most recently used as a coffee shop within the existing building. A Council variance is required because commercial uses are not permitted in the R-2F, Residential District. Staff supports the requested variance because the commercial uses will be located within the existing building with no expansion occurring, and are limited to neighborhood-scale commercial uses. The requested uses fit the historic development pattern of South 3rd Street, 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 Section 3332.037, R-2F, residential district, of the Columbus City Codes; for the property located at **650 S. 3RD ST. (43206)**, to permit limited commercial uses within an existing building in the R-2F, Residential District (Council Variance #CV21-035) **and to declare an emergency.**

WHEREAS, by application #CV21-035, the owner of the property at **650 S. 3RD ST. (43206)**, is requesting a Variance to permit limited commercial uses within an existing mixed-use building in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district, prohibits commercial uses, while the applicant proposes C-1, Commercial District uses within the mixed-use building; 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 an existing commercial building with no expansion occurring, 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 **650 S. 3RD ST. (43206)**, in using said property as desired;

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to relieve the business of a substantial financial hardship for the immediate preservation of the public peace, property, health and safety; 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 Section 3332.037, R-2F, residential district, of the Columbus City Codes; for the property located at **650 S. 3RD ST. (43206)**, insofar as said sections prohibit C-1, Commercial District uses in the R-2F, Residential District; said property being more particularly described as follows:

650 S. 3RD ST. (43206), being 0.06± acres located at the southeast corner of South 3rd Street and Sycamore Street, and being more particularly described as follows:

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

Being part of Henry Olnhausen's Subdivision of Lots on Sycamore Street, shown of record in Plat Book 5, page 405, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at the southeast corner of Third Street 82.5 feet wide and Sycamore Street 34 feet wide; thence with the southerly line of Sycamore Street South 88 deg. and 30 min. East 73.5 feet to a point; thence South 2 deg. and 19 min. East, 33.05 feet to an iron pipe which is on a line extended easterly from the south face of a three story brick building located on the premises herein described; thence on said extended line and the south face of said three story brick building, westerly 66 feet, more or less, to the southwest corner of said three story brick building which is located in the east line of Third Street; thence with the east line of Third Street, North 10 deg. and 03 min. West 36.2 feet to the place of beginning.

Parcel No. 010-026965

And known as: 650-652 S. Third Street, Columbus, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for C-1, Commercial District uses, 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**