



## Legislation Details (With Text)

**File #:** 1592-2021      **Version:** 1

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

**File created:** 6/11/2021      **In control:** Zoning Committee

**On agenda:** 7/12/2021      **Final action:** 7/15/2021

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.21(D)(1), Parking lot screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3332.21, Building lines; and 3332.26(F), Minimum side yard permitted, of the Columbus City Codes; for the property located at 313 WEST 5TH AVE, (43201), to permit a bed and breakfast establishment with reduced development standards in the R-2F Residential District (Council Variance #CV21-047).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1592-2021\_Attachments, 2. ORD1592-2021\_Labels

Date	Ver.	Action By	Action	Result
7/15/2021	1	CITY CLERK	Attest	
7/13/2021	1	MAYOR	Signed	
7/12/2021	1	COUNCIL PRESIDENT	Signed	
7/12/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
7/12/2021	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV21-047**

**APPLICANT:** HH21, LLC; c/o Benjamin MacDowell, Atty.; Anthony Law, LLC; 978 S. Front St.; Columbus OH 43206.

**PROPOSED USE:** Bed and breakfast.

**HARRISON WEST SOCIETY RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a dwelling built in 1860, which has been used as a bed and breakfast since 1990 and is zoned in the R-2F, Residential District. The requested Council variance will legitimize the existing bed and breakfast, permitting up to 10 guest rooms. Variances to conform existing site conditions include parking lot screening, parking setback line, vision clearance, minimum side yard, building setback line, and minimum number of parking spaces. The site is within boundaries of the *Harrison West Plan* (2005), which recommends "One and Two Family" land use at this location. The Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). C2P2 encourages building owners to conserve and rehabilitate historic buildings and architectural elements; and that consideration should be given for preservation of historic buildings and homes that contribute to the character of existing neighborhoods. Staff notes the proposed use is an existing use in a historically contributing building. Additionally, staff notes the bed and breakfast utilizes existing off-street parking, is in close proximity to ample on-street parking, and is located on 5th Avenue which is a transit corridor with commercial uses in close proximity to the property. Staff finds that the proposal will not add incompatible uses to the area, and is consistent with the development pattern in this historic urban neighborhood.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.21(D)(1), Parking lot screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3332.21, Building lines; and 3332.26(F), Minimum side yard permitted, of the Columbus City Codes; for the property located at **313 WEST 5TH AVE, (43201)**, to permit a bed and breakfast establishment with reduced development standards in the R-2F Residential District (Council Variance #CV21-047).

**WHEREAS**, by application #CV21-047, the owner of the property at **313 WEST 5TH AVE. (43201)**, is requesting a Variance to permit a bed and breakfast with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F residential district, does not permit a bed and breakfast use, while the applicant proposes to maintain an existing building to operate a bed and breakfast with a maximum of 10 guest rooms; and

**WHEREAS**, Section 3312.21(D)(1), Parking lot screening, requires headlight screening of a parking lot along a public street, and requires screening of a parking lot within 80 feet of residentially zoned property, while the applicant proposes to not provide such screening and to maintain existing conditions; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires the parking setback line to follow the building line, while the applicant proposes to maintain the West 5th Avenue parking setback at zero feet; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one off-street parking space per guest room, or 10 spaces for 10 rooms, while the applicant proposes to maintain 5 parking spaces; and

**WHEREAS**, Section 3321.05(B)(1), requires unobstructed vision clearance at the intersection of streets and alleys, the applicant proposes that a vehicle in the parking lot may obstruct vision clearance at the intersection of West 5th Avenue and the west alley; and

**WHEREAS**, Section 3321.05(B)(2), requires unobstructed vision clearance on residential lots at the intersection of streets, the applicant proposes that the existing building and landscaping may obstruct vision clearance at the intersection of West 5th Avenue and Harrison Avenue; and

**WHEREAS**, Section 3332.21, Building lines, limits buildings and structures to be located no closer than 10.5 feet from the property line, while the applicant proposes to maintain the existing privacy fence in advance of the building line along West 5th Avenue; and

**WHEREAS**, Section 3332.26(F), Minimum side yard permitted, requires a minimum side yard of one-sixth the height of a building that exceeds 2.5 stories in height, while the applicant proposes to maintain the existing zero-foot side yard along the south property line; and

**WHEREAS**, the Harrison West Society recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area and is consistent with C2P2 Design Guidelines that speak to conservation of an historic building, with consideration given for preservation of historic buildings and homes that contribute to the character of existing neighborhoods. Staff notes the proposed use is an existing use in a historically contributing building; 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 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 **313 WEST 5TH AVE. (43201)**, in using said property as desired and; 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; 3312.21(D)(1), Parking lot screening; 3312.27(3), Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(1)(2), Vision clearance; 3332.21, Building lines; and 3332.26(F), Minimum side yard permitted, of the Columbus City codes; for the property located at **313 WEST 5TH AVE. (43201)**, insofar as said sections prohibit a bed and breakfast in the R-2F, Residential District; with no parking lot landscaping or screening; a reduced parking setback line from 10.5 feet to zero feet on West Fifth Avenue; a parking space reduction from 10 required spaces to a minimum of 5 spaces; reduced vision clearance at the intersection of West 5th Avenue and the west alley, and at the intersection of West 5th Avenue and Harrison Avenue; a privacy fence in advance of the building setback line along West 5th Avenue; and reduced side yard from one-sixth the building height to zero feet along the south property line; said property being more particularly described as follows:

**313 WEST 5TH AVE. (43201)**, being 0.18± acres located at the southwest corner of West 5th Avenue and Harrison Avenue, and being more particularly described as follows:

**Tract One:**

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

Being 65.15 feet off the east end of Lot No. Four Hundred Fifty-Three (453) of COLLINS, ATKINSON AND GUITNER'S THIRD ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 222, Recorder's Office, Franklin County, Ohio.

**Tract Two:**

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

Being a part of Lot Number Four Hundred Fifty-Three (453) of COLLINS, ATKINSON AND GUITNER'S THIRD ADDITION, to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 222, Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Beginning at a point in the north line of said Lot, 50.25 feet east of the northwest corner thereof;

Thence south parallel with Harrison Avenue 52.50 feet to the south line of said lot;

Thence east along the south line of said lot 35.10 feet;

Thence north on a line parallel with the west line of Harrison Avenue, 52.50 feet to the north line of said lot which is the south line of Fifth Avenue;

Thence west along the north line of said lot 35.10 feet to the place of beginning.

**Tract Three:**

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

Being fifty and twenty-five hundredths (50.25) feet off the rear (west) end of Lot Number Four Hundred Fifty-Three (453) of COLLINS, ATKINSON AND GUITNER'S THIRD ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 222, Recorder's Office, Franklin County, Ohio.

The above three parcels compile all of Lot Number Four Hundred Fifty-Three (453) of COLLINS, ATKINSON AND GUITNER'S THIRD ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 222, Recorder's Office, Franklin County, Ohio.

**Commonly Known as:** 313 West 5th Avenue, Columbus, Ohio 43201

**Tax Parcel No.:** 010-004447-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a bed and breakfast with a maximum of 10 guest rooms, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on 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.