Legislation Details (With Text)

File #:	1760-2021 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	6/23/2021	**In control:**	Zoning Committee
On agenda:	7/12/2021	**Final action:**	7/15/2021
Title:	To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; and 3312.49 (C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 267 KELTON AVE. (43205), to permit an artisan shop within a single-unit dwelling with reduced parking in the R-3, Residential District (Council Variance #CV21-041).		
Sponsors:			
Indexes:			
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Attachments:	1. ORD#1760-2021_Attachments, 2. ORD#1760-2021_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: CV21-041

APPLICANT: Brandon Ault; c/o Becca Lynn, Agent; 267 Kelton Avenue; Columbus, OH 43205.

PROPOSED USE: Artisan shop within a single-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling zoned in the R-3, Residential District. The requested Council variance will allow one room of the existing dwelling to be used as an artisan shop with onsite retail sales and gallery space while maintaining the residential use. A Council variance is necessary because the R-3, Residential district does not permit commercial uses. A variance is included to reduce the parking requirement from three required spaces to zero provided spaces. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location, but discourages non-residential uses in residential areas. Staff supports the request, as this is a live-work scenario and no exterior alterations are proposed to the dwelling that could compromise the site's residential character and compatibility with the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **267 KELTON AVE. (43205)**, to permit an artisan shop within a single-unit dwelling with reduced parking in the R-3, Residential District (Council Variance #CV21-041).

WHEREAS, by application #CV21-041, the owner of the property at **267 KELTON AVE. (43205)**, is requesting a Variance to permit an artisan shop within a single-unit dwelling with reduced parking in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, residential district, prohibits commercial uses, while the applicant proposes to operate an artisan shop within a single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces for the single-unit dwelling use and 1 parking space per 250 square feet of retail area, a total requirement of 3 spaces, while the applicant proposes to maintain zero parking spaces; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because while the *Near East Area Plan* (2005) discourages non-residential uses in residential areas, staff supports this request as this is a live-work scenario, and no exterior alterations are proposed which could compromise the site's residential character and compatibility with the surrounding neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance 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 **267 KELTON AVE. (43205)**, 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 3332.035, R-3, residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **267 KELTON AVE. (43205)**, insofar as said sections prohibit an artisan shop within a single unit dwelling in the R-3, Residential District, with a parking space reduction from 3 spaces to 0 (zero) spaces; said property being more particularly described as follows:

267 KELTON AVE. (43205), being 0.05± acres located at the northwest corner of Kelton Avenue and Franklin Avenue, and being more particularly described as follows:

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

Being 61 feet off of the South end of Lot Number Thirty-six (36), in Louis Zettler's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 324, Recorder's Office, Franklin County, Ohio.

Subject to all legal highways, easements, covenants and restrictions and rights-of-way of record, if any.

The property address and tax parcel identification number listed below are provided solely for information purposes, without warranty as to accuracy or completeness and are not hereby insured:

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Parcel No. 010-024182-00
Commonly Known As: 267 Kelton Avenue, Columbus OH 43205

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an artisan shop with a maximum floor area of 250 square feet in conjunction with a single-unit dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance 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.