



## Legislation Details (With Text)

**File #:** 1586-2023      **Version:** 1

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

**File created:** 5/19/2023      **In control:** Zoning Committee

**On agenda:** 6/5/2023      **Final action:** 6/9/2023

**Title:** To grant a Variance from the provisions of Section 3363.01, M-manufacturing districts for the property located at 803 N. 4TH ST. (43215), to permit one live-work unit in the M, Manufacturing District (Council Variance # CV23-028).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1586-2023.Attachments, 2. ORD1586-2023.Labels

| Date     | Ver. | Action By         | Action   | Result |
|----------|------|-------------------|--|--------|
| 6/9/2023 | 1    | CITY CLERK        | Attest   |        |
| 6/8/2023 | 1    | MAYOR             | Signed   |        |
| 6/5/2023 | 1    | COUNCIL PRESIDENT | Signed   |        |
| 6/5/2023 | 1    | Zoning Committee  | Waive the 2nd Reading                                  | Pass   |
| 6/5/2023 | 1    | Zoning Committee  | Approved   | Pass   |
| 6/5/2023 | 1    | Zoning Committee  | Accept entire staff report into evidence as an exhibit | Pass   |
| 6/5/2023 | 1    | Zoning Committee  | Adopt the findings of staff as the findings of Council | Pass   |

### Council Variance Application: CV23-028

**APPLICANT:** Realej LLC; c/o Eugene and Jacqueline Cobb; 3923 Milner Road Northeast; Newark, OH 43055.

**PROPOSED USE:** One live-work unit.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a four-story mixed-use building comprised of 46 apartment units, approximately 4,900 square feet of vacant commercial space, and enclosed parking in the M, Manufacturing District as permitted by Ordinance #0772-2005 (CV03-039), passed July 18, 2005. The applicant proposes to convert the commercial space to a live-work unit. A Council variance is necessary because residential uses, including live-work units, are prohibited in the M, district, and this use was not permitted with CV03-039. The site is located within the Italian Village Urban Commercial Overlay (UCO), and is within the planning boundaries of the *Italian Village East Redevelopment Plan* (2000), which encourages a mix of commercial, residential and office uses along the North Fourth Street corridor. The requested use is consistent with the development pattern and historic character of the surrounding neighborhood.

To grant a Variance from the provisions of Section 3363.01, M-manufacturing districts for the property located at **803 N.**

**4TH ST. (43215)**, to permit one live-work unit in the M, Manufacturing District (Council Variance # CV23-028).

**WHEREAS**, by application #CV23-028, the owner of property at **803 N. 4TH ST. (43215)**, is requesting a Variance to permit one live-work unit within an existing building that contains 46 apartment units in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M, Manufacturing District, prohibits live-work units, and allows only limited residential uses, while the applicant proposes to convert vacant commercial space into one live-work unit within an existing building that contains 46 apartment units; and

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

**WHEREAS**, City Departments recommend approval because the requested variance would allow a live-work unit within a building that already contains residential uses, and does not add an incompatible use. The Council variance is the only mechanism to allow the proposed live-work unit, and the request is consistent with the development pattern and historic character of the surrounding neighborhood; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **803 N. 4TH ST. (43215)**, 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 from the provisions of Section 3363.01, M, Manufacturing District; for the property located at **803 N. 4TH ST. (43215)**, insofar as said section prohibits one live-work unit within an existing building containing 46 apartment units; said property being more particularly described as follows:

**803 N. 4TH ST. (43215)**, being 1.0± acres located on the west side of North 4th Street, 410+ feet south of East 1st Avenue, and being more particularly described as follows:

#### **LEGAL DESCRIPTIONS FOR KRAMER PROPERTY**

Situated in the County of Franklin, State of Ohio, and City of Columbus, being Lot Numbers Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27) and Twenty-eight (28) of William A. Neil's Trustees First Subdivision to said city, as the same are numbered and delineated upon the recorded plat thereof, of recorded in Plat Book No. 7, Page 2, Recorder's office, Franklin County, Ohio, and containing tax parcel numbers 010-040590, 010-041525, 010-041333, 010-041527, 010-056110, and 010-021092.

Situated in the County of Franklin, State of Ohio, and City of Columbus, being Lot Numbers Eight (8), Nine (9), Ten (10), and Eleven (11) of Charles W. Rice's Subdivision of Lot Nos. Fifty-three (53) and Fifty-four (54) of William Phelan's Mt. Pleasant Addition to said city as the same are numbered and delineated upon the recorded plat thereof, of recorded in Plat Book No. 1, Page 393, Recorder's office, Franklin County, Ohio, and containing tax parcel numbers 010-013163, 010-021456, 010-001133, and 010-008906.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for one live-work unit within an existing building containing 46 apartment units, or those uses permitted in the M, Manufacturing District or by Ordinance #0772-2005 (CV03-039), passed July 18, 2005.

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