



## Legislation Text

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**File #:** 2692-2012, **Version:** 1

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**Council Variance Application: CV12-037**

**APPLICANT:** OSU Properties, LLC; c/o Donald Plank, Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** First-floor residential use.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is currently developed with a mixed-use building with six second-story apartments and an attached two-unit townhouse in the C-4, Commercial District. The requested Council variance will permit the three first-floor commercial tenant spaces to be converted to three residential units, and will conform the two townhouse units, allowing a total of eleven apartment units (five on the first floor and six on the second floor). A Council variance is necessary because dwellings are only permitted above specified commercial uses in the C-4, Commercial District. The site lies within the boundaries of the *University Neighborhoods Revitalization Plan* (1996), which recommends community commercial uses for this location. The Zoning Staff supports the proposed use because the majority of the properties within the C-4 District in this area are used for residential purposes, and since the request will not change the zoning designation, commercial development is not prohibited. The request will not add incompatible uses to the neighborhood.

To grant a Variance from the provisions of Section 3356.03, C-4 Permitted Uses of the Columbus City codes; for the property located at **1277 FORSYTHE AVENUE (43201)**, to permit first-floor residential use in the C-4, Commercial District (Council Variance # CV12-037).

**WHEREAS**, by application No. CV12-037, the owner of property at **1277 FORSYTHE AVENUE (43201)**, is requesting a Council Variance to permit three first-floor commercial spaces to be converted into three dwelling units, and will conform an existing two-unit dwelling, thereby allowing a total of eleven dwelling units (five on the first floor and six on the second floor) in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, does not permit ground floor residential use, and only permits dwelling units above specified commercial uses, while the applicant proposes to convert three first-floor commercial tenant spaces into three dwelling units, and to conform an existing two-unit dwelling, thereby allowing a total of eleven dwelling units (five on the first floor and six on the second floor); and

**WHEREAS**, the University Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval because the majority of the properties within the C-4 District in this area are used for residential purposes, and since the request will not change the zoning designation, commercial development is not prohibited. The request will not add incompatible uses to the 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 owner of the property located at **1277 FORSYTHE AVENUE (43201)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Section 3356.03, C-4 Permitted Uses, of the Columbus City Codes, is hereby granted for the property located at **1277 FORSYTHE AVENUE (43201)**, insofar as said sections prohibit ground floor residential use; said property being more particularly described as follows:

**1277 FORSYTHE AVENUE (43201)**, being 0.15± acres located at the northwest corner of Forsythe and East Fifth Avenues, and being more particularly described as follows:

Being part of Lot Number 312 and 313 Dennison Place Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the southeast corner of said Lot No. 313; thence north along the east side of said Lot Nos. 313 and 312 and the west line of Forsythe Ave. 101.95 feet to a point in the southeast corner of a strip of ground 8 feet conveyed by Lydia C. Brown and Frank A. Brown to Maria K. Able by deed dated August 7, 1900 and recorded in Deed Book 328, Page 402 in the office of the Recorder of Franklin County, Ohio; thence west on a line parallel with Fifth Avenue 62 feet to a point in the east line of a certain tract conveyed by Josephine Firestone to Mack Y. Maxwell by deed dated May 31, 1896 of record in Deed Book No. 284, Page 34 in the office of the Recorder of Franklin County, Ohio; thence south along the east line of the said Maxwell tract and parallel with Forsythe Ave. 101.95 feet to a point in the south line of Lot No. 313 being the southeast corner of said Maxwell tract; thence east 62 feet along the south line of said Lot No. 313 to the place of beginning together with the easement of the said grantor in and to the said 8 feet strip conveyed to the said Maria K. Able that no building or structure other than a fence 5 feet high or less should be erected on said 8 feet strip subject to the restrictions contained in the deed from Anne E. Dennison to Lydia C. Brown (D.B. 241 page 206) except as modified by the release in Miscellaneous Records 2, page 53.

Parcel No. 010-036168

Addressed as 1277 Units A, B and C Forsythe Avenue, 1281-1283 Forsythe Avenue, and 246 ½ -250 ½ West Fifth Avenue

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of eleven apartment units, or those uses permitted in the C-4, Commercial District.

**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.