



Legislation Text

File #: 1934-2016, **Version:** 1

Council Variance Application: CV16-040

APPLICANT: Rickard Alan Sicker, P.E.; 4254 Tuller Road; Dublin, OH 43017.

PROPOSED USE: Mixed commercial and residential development.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three separate parcels zoned in the R-2F, Residential District, and developed with three nonconforming commercial buildings and a two-unit dwelling. The applicant proposes new restaurant, retail, office, and commercial fitness uses in the commercial buildings while maintaining the existing two-unit dwelling. The requested Council variance proposes a maximum of 6,454 square feet of restaurant space on Parcel A, a maximum of 1,047 square feet of restaurant space and 798 square feet of retail space on Parcel B, and a maximum of 586 square feet of retail space on Parcel C with the existing two-unit dwelling. These maximums are utilized for determining parking requirements, and the uses that are permitted in this ordinance that have the same or lesser parking requirement than the stated maximums may also occupy the buildings. A reduction of 101 required parking spaces and variances for existing conditions for lot coverage, setbacks, and yard standards are included in the request. Expanding the site's mixed commercial uses is consistent with the development pattern of the area. The main impact of this proposal concerns parking. But because many patrons will walk or bike to the site, some on-site parking will be provided, and on-street parking is available, the requested parking reduction is supported.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.49 (C), Minimum numbers of parking spaces required; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.25(B), Maximum side yards required; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **210 THURMAN AVENUE (43206)**, to permit mixed commercial and residential uses with reduced development standards in the R-2F, Residential District (Council Variance # CV16-040).

WHEREAS, by application No. CV16-040, the owner of the property at **210 THURMAN AVENUE (43206)**, is requesting a Variance to permit mixed commercial and residential uses with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits commercial uses and only permits one single or one two-unit dwelling, while the applicant proposes restaurant, retail, office, and commercial fitness uses on Parcels A and B, and retail, office, and commercial fitness uses along with a two-unit dwelling on Parcel C; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over property lines on Parcels B and C; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet for a restaurant, 1 parking space per 250 square feet of retail space, and 2 parking spaces per dwelling unit, for a total

requirement of 87 parking spaces for a maximum of 6,454 square feet of restaurant space on Parcel A, 18 parking spaces for a maximum of 1,047 square feet of restaurant space and 798 square feet of retail space on Parcel B, and 7 parking spaces for a maximum of 586 square feet of retail space and a two-unit dwelling on Parcel C, while the applicant proposes 0 parking spaces on Parcel A, 4 parking spaces on Parcel B, and 10 parking spaces on Parcel C; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain a building lot coverage of approximately 96.4 percent on Parcel A; and

WHEREAS, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain building lines of 0 feet along Thurman Avenue and Jaeger Street for Parcel A, and 0 feet along Thurman Avenue for Parcels B and C; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, while the applicant proposes to maintain a reduced maximum side yard from 9.7 feet to 5 feet for Parcel A, from 7.3 feet to 1.5 feet for Parcel B, and from 8.5 feet to 1.5 feet for Parcel C; and

WHEREAS, Section 3332.26(C), Minimum side yard permitted, requires side yards to be no less than 3 feet on Parcel B, and no less than 5 feet on Parcel C, while the applicant proposes to maintain side yards of 1.5 feet along the west property line and 0 feet along the east property line of Parcels B and C; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a rear yard of approximately 6.7 percent on Parcel A; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance to allow additional uses in existing commercial buildings is consistent with the development pattern of the area. The main impact of this proposal concerns parking. But because many patrons will walk or bike to the site, some on-site parking will be provided, and on-street parking is available, the requested parking reduction is supported; 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 **210 THURMAN AVENUE (43206)**, in using said property as desired; and

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; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3332.18(D), Basis of computing area; 3332.21(D), Building lines; 3332.25(B), Maximum side yards required; 3332.26(C), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **210 THURMAN AVENUE (43206)**, insofar as said sections prohibit restaurant, retail, office, and commercial fitness uses with a maximum of 6,454 square feet of

restaurant space on Parcel A, a maximum of 1,047 square feet of restaurant space and 798 square feet of retail space on Parcel B, and retail, office, and commercial fitness uses with a maximum of 586 square feet of retail space and the existing two-unit dwelling on Parcel C in the R-2F, Residential District, with maneuvering over parcel lines; a parking space reduction from 87 required spaces to 0 spaces on Parcel A and from 18 required spaces to 4 spaces on Parcel B; increased maximum lot coverage from 50 to 96.4 percent on Parcel A; reduced building lines from 10 feet to 0 feet along Thurman Avenue and Jaegar Street; reduced maximum side yards from 9.7 feet to 5 feet for Parcel A, from 7.3 feet to 1.5 feet for Parcel B, and from 8.5 feet to 1.5 feet for Parcel C; reduced minimum side yards from 3 feet to 1.5 feet along the west property line and 0 feet along the east property line of Parcel B, and from 5 feet to 1.5 feet along the west property line and 0 feet along the east property line of Parcel C; and a reduced rear yard from 25 to 6.7 percent; said property being more particularly described as follows:

210 THURMAN AVENUE (43206), being 0.39± acres located on the northeast corner of Thurman Avenue and Jaeger Street, and being more particularly described as follows:

Parcel A: 210 Thurman Avenue, #010-050602:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:
Being Lot Number Twenty-Five (25) and Six (6) feet off of the west side of Lot Number Twenty-Six (26), excepting sixty-five (65) feet off the north ends thereof, in Deshlers, Thurman, and Bennett's Subdivision, as the same are shown of record in Plat Book 3, page 158, Recorder's Office, Franklin County, Ohio.

Parcel B: 214-216 Thurman Avenue, #010-065185:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and bounded and described as follows:
Being Lot 36½ feet off of the east side of Lot Number Twenty-Six (26) in **Deshlers, Thurman, and Bennett's Subdivision** of Lot Numbers Forty-seven (47) to Eighty-three (83), inclusive of **Deshlers' and Thurman Addition** to the said City of Columbus, Ohio as the said Lot No. 26 is numbered and delineated upon the recorded plat in Plat Book 3, Page 158, Recorder's Office, Franklin County, Ohio EXCEPTING 65 feet off of the north end thereof.

Parcel C: 220-222 Thurman Avenue, #010-029003:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:
Being Lot Number Twenty-seven (27) in **Deshlers, Thurman, and Bennett's Subdivision** of Lots Numbers Forty-seven (47) to Eighty-three (83), inclusive, of Deshlers and Thurman's Addition to the City of Columbus, Ohio, as said lot is numbered and delineated upon the recorded plat of said Subdivision, of record in Plat Book 3, page 158, Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for restaurant, retail, office, and commercial fitness uses on Parcels A and B, and retail, office, and health and exercise uses along with a two-unit dwelling on Parcel C, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**COUNCIL VARIANCE SITE PLAN**," dated June 28, 2016, and signed by Rickard Alan Sicker, P.E. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance is further conditioned upon the following: The maximum square footage of uses listind

in Section 1. above were utilized for determining the minimum numbers of parking spaces required. The uses that are permitted as stipulated in Section 1. that have the same or lesser parking requirement than the stated maximums may also occupy the buildings.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.