



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 1886-2016, **Version:** 1

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### **Council Variance Application: CV16-017**

**APPLICANT:** Parsons Parc II LLC; c/o David Hodge, Atty; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Four ground-floor residential units.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 1885-2016; Z16-017) to the CPD, Commercial Planned Development District, which will permit the construction of a mixed-use building. The request will permit a maximum of four handicapped-accessible ground-floor residential units. While commercial districts permit apartment units above ground-floor commercial uses, a Council variance is necessary to permit apartment units on the first floor. The proposed use is consistent with the land use recommendations of the *Near East Area Plan* (2005) and the *Olde Towne Quarter Economic Development Strategy* (2010), both of which recommend mixed commercial and residential uses for this location.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses and 3361.02, Permitted uses; for the property located at **136 PARSONS AVENUE (43215)**, to permit four ground-floor residential units in the CPD, Commercial Planned Development District (Council Variance # CV16-017). **(REPEALED BY ORD. 1486-2017; PASSED 6/19/2017)**

**WHEREAS**, by application No. CV16-017, the owner of property **136 PARSONS AVENUE (43215)**, is requesting a Council variance to permit four ground-floor residential units in the CPD, Commercial Planned Development District; and

**WHEREAS**, by Ordinance 1885-2016 (Rezoning Application Z16-017), Section 3356.03, Permitted uses, is utilized to identify the specific uses permitted in the proposed CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3356.03, Permitted uses, does not permit ground-floor residential uses, while the applicant proposes to permit four (4) handicapped-accessible residential units on the first floor; and

**WHEREAS**, Section 3361.02, Permitted uses, specifies C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes four (4) handicapped-accessible residential units on the first floor; and

**WHEREAS**, City Departments recommend approval because the request is consistent with the land use recommendations of the *Near East Area Plan* (2005) and the *Olde Towne Quarter Economic Development Strategy* (2010); and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **136 PARSONS AVENUE (43215)**, 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 Sections 3356.03, Permitted uses and 3361.02, Permitted uses; is hereby granted for the property located at **136 PARSONS AVENUE (43215)**, insofar as said sections prohibit four ground-floor residential units in the proposed CPD district; said property being more particularly described as follows:

**136 PARSONS AVENUE (43215)**, being 1.08± acres located at the southeast corner of Parsons Avenue and Gustavus Lane, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and City of Columbus and bounded and described as follows:

Being Lots Numbers Forty-Nine (49), Fifty (50), Fifty-One (51), Fifty-Two (52), Fifty-Three (53), and Fifty-Four (54) in Benjamin Monett's Bryden Road Subdivision of part of Lot No. Two (2) of James Bruden and et al Subdivision of part of Half Section Twenty Four (24), Township 5, Range 22, Refugee Lands, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Pages 92 and 93, Recorder's Office, Franklin County, Ohio, and being all of Grantor's right, title and interest in and to that certain alley lying East of the East lines of the said Lots Numbers 51, 52, 53, and 54, and West of the west line of said Lot No. 50, and extending from the South line of Gustavus Lane in a Southerly direction to the North line of the first alley South of the Gustavus Lane. The alley described herein and conveyed hereby was vacated by Ordinance No. 776-50 of the City of Columbus, Ohio passed September 5, 1950.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for four ground-floor residential units in a mixed-use building, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property (Ordinance #1885-2016/Rezoning Application Z16-017).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates 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.