



# City of Columbus

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

## Legislation Text

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**File #:** 2584-2017, **Version:** 2

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### **Council Variance Application: CV17-035**

**APPLICANT:** Dan Gore; Pizzuti Companies; c/o Michael T. Shannon and Eric Zartman, Attys.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of three parcels zoned in the AR-O, Apartment Office, and C-4, Commercial districts. The requested Council variance proposes a six-story, approximately 100-unit apartment building with garage parking in the AR-O district, and a six-story mixed-commercial building with 46,780± square feet of general office space and 11,062± square feet of retail space in the C-4 district. Parking for the commercial building will be provided within the garage of the apartment building. The request includes additional variances to increase building heights and lot coverage, and to reduce parking and building setback lines, parking space size, and vision clearance. The site is located in the vicinity of several sites that received Council variances to allow similar multi-story mixed use projects along the High Street corridor. There is no Council adopted plan for this area, but the proposal will permit a multi-story mixed-use development that is consistent with the development pattern and historic character of the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3309.14, Height district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(A)(1)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3356.11, Building lines, of the Columbus City Codes; for the property located at **873 NORTH HIGH STREET (43201)**, to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office District, and C-4, Commercial District (CV17-035) **and to declare an emergency.**

**WHEREAS**, by application # CV17-035, the owner of property at **873 NORTH HIGH STREET (43201)**, is requesting a Variance to permit a mixed-use development with reduced development standards in the AR-O, Apartment Office, and C-4, Commercial districts; and

**WHEREAS**, Sections 3333.04, Permitted uses in AR-O apartment office district, does not permit commercial parking on the site, while the applicant proposes parking in the apartment building garage that will serve the uses in the commercial building; and

**WHEREAS**, Sections 3309.14, Height district, requires a maximum building height of 35 feet at the setback for these properties, while the applicant proposes multi-story buildings with heights not to exceed 67 feet for the apartment building and 60 feet for the commercial building; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a minimum parking setback line of 10 feet along West First Avenue, while the applicant proposes to reduce the parking setback line to zero feet for surface parking at the rear of the commercial building as shown on the site plan; and

**WHEREAS**, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than 9 feet wide by 18 feet deep, while the applicant proposes 15% of parking spaces for the apartment building to be of reduced-size (8 feet wide by 16 feet deep) and all spaces for the commercial building to be of reduced-size (8.5 feet wide by 18 feet deep); and

**WHEREAS**, Section 3321.05(A)(1)(2), Vision clearance, requires clear vision triangles of 10 feet at the intersection of an alley or driveway and the street right-of-way, while the applicant proposes to reduce the clear vision triangles for three intersections for the apartment building as shown on the site plan; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 87 percent for the apartment building; and

**WHEREAS**, Section 3333.18, Building lines, requires buildings to have a setback of 10 feet from the street right-of-way, while the applicant proposes a zero foot building setback line along both Price Avenue and West First Avenue for the apartment building; and

**WHEREAS**, Section 3356.11, Building lines, requires buildings to have a setback of 10 feet from the street right-of-way, while the applicant proposes a zero foot building setback line along both North High Street and West First Avenue for the commercial building; and

**WHEREAS**, The Victorian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the site is located in the vicinity of several sites that received Council variances to allow similar multi-story mixed use projects along the High Street corridor. There is no Council adopted plan for this area but the proposal will permit a multi-story mixed-use development that 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 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 roads, 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 **873 NORTH HIGH STREET (43201)**, in using said property as desired and;

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3333.04, Permitted uses in AR-O apartment office district; 3309.14, Height district; 3312.27, Parking setback line; 3312.29, Parking space; 3321.05(A)(1)(2), Vision clearance; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3356.11, Building lines, of the Columbus City Codes, is hereby granted for the property located at **873 NORTH HIGH STREET (43201)**, insofar as said sections prohibit commercial parking within the AR-O district; with increased building heights of 67 feet for the apartment building and 60

feet for the commercial building; a reduced parking setback from 10 feet to 0 feet along West First Avenue for the commercial building; 15% of parking spaces for the apartment building to be 8 feet wide by 16 feet deep and all spaces for the commercial building to be 8.5' feet wide by 18 feet where 9 feet by 18 feet is required; a reduced clear vision triangle from 10 feet to a minimum 6-foot by 6-foot clear vision triangle on the West First Street access to Wall Street, a minimum 8-foot by 8-foot clear vision triangle on the Price Avenue access from Wall Street, and a minimum 8-foot and 6-inch by 8-foot and 6-inch clear vision triangle on the driveway access to Price Avenue; an increased maximum lot coverage from 50% to 87% of the lot area for the apartment building; reduced building lines from 10 feet to zero along both Price Avenue and West First Avenue for the apartment building; and reduced building lines from 10 feet to zero along North High Street for the commercial building, said property being more particularly described as follows:

**873 NORTH HIGH STREET (43201)**, being 1.25± acres located at the southwest corner of North High Street and West First Avenue, and being more particularly described as follows:

#### PARCEL I

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

Being Lots Numbers One (1), Two (2) and Three (3) of RICHARD DAVIS' SUBDIVISION of Lots Numbers One (1), Two (2) and Three (3) of JOSEPH T. STARR'S SUBDIVISION, by his administrator, of part of Section 5, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 140 and page 314, Recorder's Office, Franklin County, Ohio.

#### LESS AND EXCEPTING THE FOLLOWING:

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

Being a strip of land eighty-eight (88) feet fronting on North High Street by ten (10) feet in depth along West First Avenue, and being a strip ten (10) feet wide taken off the West end of Lots Nos. One and Two (1 and 2) of R. and H. Davis' Subdivision of Lot No. 1 of Joseph R. Starr's Subdivision by his Administrator of a part of Section No. 5, in Township No. 5, of Range 22, Refugee Lands, as an Addition to the City of Columbus, Ohio, and as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being a strip ten (10) feet wide taken off the east end of the south half of Lot No. three (3) of Joseph R. Starr's Subdivision by his administrator of a part of Section No. five (5) in Township No. five (5) of Range No. twenty-two (22) Refugee Lands as an addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being a strip of land fronting twenty-three and one-half (23 1/2) feet on North High Street by ten (10) feet in depth, and being a strip ten (10) feet wide taken off the East end of the North half of Lot No. Three (3) of R. and H. Davis' subdivision of Lot No. One (1) of Joseph R. Starr's Subdivision by his administrator of a part of Section No. Five (5) in Township No. Five (5), of Range Twenty-Two (22) Refugee Lands as an addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded amended plat thereof, of record in plat book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being Nine (9) feet off the south side of Lot No. One (1) of Richard Davis' Subdivision of Lot Number One (1) of JOSEPH T. STARR'S SUBDIVISION, of a part of Section No. 5, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 314, Recorder's Office, Franklin County, Ohio, as shown in Complete Record 7, Page 263.

#### PARCEL II

Situated in the State of Ohio, County of Franklin City of Columbus, being all of Lots 2, 3 and 5 and part of Lots 1, 4, and 6 of "JENKINS & LLOYDS SUBDIVISION", as the plat of same is of record in Plat Book 2, page 313, all references being to record in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin at the intersection of the southerly right-of-way line of Price Avenue (50 feet in width) with the westerly right-of-way line of Wall Street (20 feet in width), said iron pin also being the northeasterly corner of Lot 2;

thence south, along said right-of-way line of Wall Street, a distance of 178.00 feet to an iron pin at the intersection of said right-of-way line with the northerly right-of-way line of First Avenue;

thence North 89°53' 13" West, along said right-of-way line of First Avenue, a distance of 111.00 feet to a point;

thence North, a distance of 177.59 feet to a point in the southerly right-of-way line of Price Avenue;

thence North 89° 54' 00" East, along said right-of-way line of Price Avenue, a distance of 111.00 feet to the point of beginning, containing 0.453 acre, more or less.

Subject, however, to all legal right-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on assumed meridian with the westerly right-of-way line of Wall Street being South.

### PARCEL III

Situated in the State of Ohio, County of Franklin City of Columbus, being part of Lots 7 and 8 of "RICHARD DAVIS SUBDIVISION", as the plat of same is of record in Plat Book 2, page 140, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a point in the northerly right-of-way line of First Avenue (70 feet in width) that is located North 89° 53' 13" West, 111.00 feet from an iron pin at the intersection of said right-of-way line with the westerly right-of-way line of Wall Street (20 feet in width);

thence North 89° 53' 13" West, along said right-of-way line of First Avenue, a distance of 80.00 feet to an iron pin;

thence North, a distance of 177.59 feet to a point in the southerly right-of-way line of Price Avenue;

thence North 89° 54' 00" East, along said right-of-way line of Price Avenue, a distance of 80.00 feet to a point;

thence South, a distance of 177.59 feet to the point of beginning, containing 0.326 acre, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on an assumed meridian, with the westerly line of the above described tract being North.

Parcels: 010-033280, 010-010465, and 010-009102

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development consisting of approximately 100 apartment units in the AR-O, Apartment Office District, and 46,780± square feet of general office space and 11,062± square feet of commercial space in the C-4, Commercial District as shown on the attached site plans, or those uses permitted in the underlying zoning districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plans titled, "**SITE PLAN (1-3)**," all dated September 18, 2017, and signed by Eric Zartman, Attorney for the Applicant. The plans 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 of 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 on all individual tenant retail spaces in the commercial building being limited to a maximum of 2,500 square feet in area. Any increase in retail space size or any other use that requires additional parking is subject to the Short North Special Parking Area pay in lieu process.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 6.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**