



## Legislation Text

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**File #:** 3178-2017, **Version:** 1

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### **Council Variance Application: CV17-062**

**APPLICANT:** Lykens Companies; c/o Dave Perry, Agent, David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Ground-floor residential unit.

**ITALIAN VILLAGE 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 # 3177-2017; Z17-036) to the CPD, Commercial Planned Development District, which will permit the construction of a mixed-use building. The request will permit one ground-floor residential unit. 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 request is consistent with the with the land use recommendations of the *Italian Village East Redevelopment Plan* (2000), which recommends commercial uses for this location but supports residential uses within this mixed-use corridor.

To grant a Variance from the provisions of Sections 3356.03, Permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **875 NORTH FOURTH STREET (43201)**, to permit one ground floor residential unit in the CPD, Commercial Planned Development District (Council Variance # CV17-062). **(REPEALED BY ORD. 3239-2021; PASSED 12/13/2021)**

**WHEREAS**, by application # CV17-062, the owner of property **875 NORTH FOURTH STREET (43201)**, is requesting a Council variance to permit one ground-floor residential units in the CPD, Commercial Planned Development District; and

**WHEREAS**, by Ordinance 3177-2017 (Rezoning Application Z17-036), 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 one residential unit 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 one residential unit on the first floor; and

**WHEREAS**, the Italian Village Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested variance to permit a ground-floor residential unit is consistent with the established zoning and development pattern of this mixed-use corridor; 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 **875 NORTH FOURTH STREET (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 Sections 3356.03, Permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **875 NORTH FOURTH STREET (43201)**, insofar as said sections prohibit a ground-floor residential unit in the proposed CPD district; said property being more particularly described as follows:

**875 NORTH FOURTH STREET (43201)**, being 0.35± acres located at the northwest corner of North Fourth Street and East First Avenue, and being more particularly described as follows:

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

Being part of Lots Numbers Nineteen and Twenty (19 and 20) in E. Sorin's Subdivision of Lost 51 and 52 of William Phelan's Mount Pleasant Addition, in Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 286, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-033474 and 010-001721

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for one ground-floor residential unit in a mixed-use building in Subarea 1, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property (Ordinance #3177-2017; Z17-036).

**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.