



Legislation Text

File #: 0793-2018, **Version:** 1

Council Variance Application: CV17-056

APPLICANT: Mark Ours; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215

PROPOSED USE: Limited commercial uses.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with an auto repair shop zoned in the R-2F, Residential District. The requested Council variance will permit up to 1,900 square feet of commercial use for an eating and drinking establishment, office, or retail uses, with 550 square feet of outdoor dining space. A Council variance is necessary because the R-2F, Residential District prohibits commercial uses. A reduction of 30 required parking spaces and variances for reduced required yards and dumpster placement have been included in this request. The site is within the boundaries of the *South Side Plan* (2014), which recommends "medium-high density residential" land uses at this location. The requested limited commercial uses at this site, while contrary to the Plan's recommendation, are consistent with the redevelopment of existing commercial buildings in the neighborhood, and the site plan included with the project introduces a significant amount of new landscaping and greenery to the site. The parking reduction is also supportable due to the pedestrian-friendly character of the area and the availability of on-street parking.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3321.01(A), Dumpster area; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1179 JAEGER STREET (43206)**, to permit up to 1,900 square feet of limited commercial uses and 550 square feet of outdoor dining space with reduced development standards in the R-2F, Residential District (Council Variance # CV17-056).

WHEREAS, by application No. CV17-056, the owner of property at **1179 JAEGER STREET (43206)**, is requesting a Council Variance to permit up to 1,900 square feet of limited commercial uses and 550 square feet of outdoor dining space with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F residential district, prohibits commercial office, retail or eating and drinking establishments, while the applicant proposes up to 1,900 square feet of limited eating and drinking establishment, office, and retail uses, and 550 square feet of outdoor dining space; and

WHEREAS, Section 3312.49(C), Minimum number of parking spaces required, requires a total of 30 parking spaces assuming the most intense permitted use, an eating and drinking establishment (1 space per 75 square feet), occupies the entire building, including the outdoor dining space (1 space per 150 square feet), while the applicant proposes zero parking spaces; and

WHEREAS, Section 3321.01(A), Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster in the required side yard as shown on the site plan; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 16 feet, while the applicant proposes a reduced maximum side yard of 15 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes a side yard of 2 feet along the north property line; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes a rear yard of 0 percent; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested Council variance because the request is consistent with redevelopment of existing commercial buildings in the neighborhood and introduces a significant amount of landscaped area to the site, while the pedestrian friendly character and availability of on-street parking support the parking reduction; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance 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 **1179 JAEGER STREET (43206)**, 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 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3321.01(A), Dumpster area; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of Columbus City Codes, are hereby granted for the property located at **1179 JAEGER STREET (43206)**, insofar as said sections prohibit eating and drinking establishments, office, retail uses, and outdoor dining space in the R-2F, Residential District; a required parking space reduction from 30 to 0 spaces; a dumpster located in the required side yard as shown on the site plan; reduced maximum side yard from 16 to 15 feet; reduced minimum side yard from 5 to 2 feet along the northern property line; and a reduced rear yard from 25 to 0 percent; said property being more particularly described as follows:

1179 JAEGER STREET (43206), being 0.13± acres located at the northwest corner of Jaeger Street and Mithoff Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lots 66 and 67 of E. T. Mithoff's Addition as is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 371, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a found drill hole at the southeast corner of said lot 67, also being the intersection of the west line of Jaeger Street, 50' feet wide, and the north line of East Mithoff Street, 55 feet wide;

Thence, along the north line of East Mithoff Street and the south lines of Lots 67 and 66, **WEST**, 68.00 feet to a found iron pin at the southwest corner of said Lot 66 and the southeast corner of Lot 65 of said subdivision;

Thence, along part of the west line of said Lot 66 and part of the east line of said Lot 65 parallel with the west line of Jaeger Street, North 00 degrees 14 minutes East, 80.00 feet to a found iron pin;

Thence, across said Lots 66 and 67, parallel with the north line of East Mithoff Street, **EAST**, 68.00 feet to a found P.K. nail in the east line of said Lot 67 and in the west line of Jaeger Street;

Thence, along part of the east line of said Lot 67 and the west line of Jaeger Street, South 00 degrees 14 minutes **WEST**, 80.00 feet to the Point of Beginning, **CONTAINING 0.125 ACRES**, subject however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

Parcel ID: 010-02486

Property known as: 1179 Jaeger Street, Columbus, OH 43206

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for up to 1,900 square feet of eating and drinking establishment, office, or retail uses, with up to 550 square feet of outdoor dining space, 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 CV17-056,”** drawn by RAS Civil Engineering, LLC, dated 4/3/2018, and signed by Mark Ours, Architect for the Applicant. 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 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 the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.