



## Legislation Text

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**File #:** 1451-2018, **Version:** 2

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### **Council Variance Application: CV18-008**

**APPLICANT:** Kelley Companies; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

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

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two separate parcels. The larger parcel is developed with a building containing a two-story single-unit dwelling and commercial space in the C-4, Commercial District within the North High Street Urban Commercial Overlay (UCO). The smaller parcel is developed with a parking lot. The applicant proposes to convert the commercial portion of the building into 1,200± square feet of retail space and a 2,800± square foot eating and drinking establishment with a 650 square foot patio while maintaining the existing single-unit dwelling. The parking lot parcel will be combined with the larger parcel and will serve those uses. A Council variance is necessary because the C-4 district does not allow ground-floor residential uses. The request incorporates variances for existing conditions including parking lot landscaping and parking and building setbacks. Additionally, a reduction from 36 required to 16 provided parking spaces is included in the request. The site is within the boundaries of the *Clintonville Neighborhood Plan* (2009), which recommends “mixed-use” land uses at this location. The proposed redevelopment is consistent with the Plan’s land use recommendation and is compatible with the established development pattern along the North High Street corridor. Furthermore, the addition of the patio, which brings activity closer to the public sidewalk, is more consistent with the Urban Commercial Overlay standards.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(A)(B)(D), Landscaping and screening; 3312.27(4), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3372.604 (A), Setback requirements, of the Columbus City Codes; for the property located at **3479 NORTH HIGH STREET (43214)**, to permit mixed-use development, with reduced development standards in the C-4, Commercial District (Council Variance # CV18-008) **and to declare an emergency.**

**WHEREAS**, by application #CV18-008, the owner of the property at **3479 NORTH HIGH STREET (43214)**, is requesting a Variance to permit a building containing a single-unit dwelling, a 1,200± square foot retail space, and a 2,800± square foot eating and drinking establishment with a 650 square foot patio, with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, prohibits ground floor residential uses, while the applicant proposes to maintain the existing single-unit dwelling in addition to a 1,200± square foot retail space and a 2,800± square foot eating and drinking establishment with a 650 square foot patio; and

**WHEREAS**, Section 3312.21(A)(B)(D), Landscaping and screening, requires two shade trees for the existing parking lot containing 16 spaces, and headlight screening within a four foot wide landscaped area along any portion of a parking lot abutting public streets, while the applicant proposes to maintain existing conditions by providing no shade trees or landscaped area along West Kenworth Road, but shall provide headlight screening fence as shown on the site plan; and

**WHEREAS**, Section 3312.27(4), Parking setback line, requires a ten foot setback from the street right-of-way line without respect to the building lines, while the applicant proposes to maintain a zero foot parking setback from West Kenworth Road; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 36 parking spaces for the proposed development using the Urban Commercial Overlay reduction, while the applicant proposes 16 parking spaces, for a total reduction of 20 parking spaces; and

**WHEREAS**, Section 3372.604(A), Setback requirements, sets a maximum building setback of 15 feet for up to 50% of the building frontage where a public-private setback zone is provided, while the applicant proposes to extend the public-private setback zone to 19 feet for the proposed patio; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed development is consistent with the *Clintonville Neighborhood Plan*'s mixed-use land use recommendation, and is compatible with the established development pattern along the North High Street corridor. Furthermore, the addition of the patio, which brings activity closer to the public sidewalk, is more consistent with the Urban Commercial Overlay standards; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate 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 **3479 NORTH HIGH STREET (43214)**, in using said property as desired;

**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 is hereby granted from the provisions of Sections 3356.03, C-4 permitted uses; 3312.21(A) (B)(D), Landscaping and screening; 3312.27(4), Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3372.604(A), Setback requirements, of the Columbus City Codes; for the property located at **3479 NORTH HIGH STREET (43214)**, insofar as said sections prohibit ground floor residential use in the C-4, Commercial District; while maintaining a parking lot that includes no shade trees and no landscaped area along West Kenworth Road; a reduced parking setback from 10 feet to zero feet along West Kenworth Road; a parking space reduction from 36 required spaces to 16 provided spaces; and an increased public-private setback zone from 15 feet to 19 feet along North High Street for a patio; said property being more particularly described as follows:

**3479 NORTH HIGH STREET (43214)**, being 0.33± acres located on the west side of North High Street, 79 feet north of West Kenworth Road, 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 Lot Number Four (4) and the north half of Lot Number Five (5) of Kenworth Place, being a subdivision of part of Quarter Township 2, Township 1, Range 18, United States Military lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 9, Page 6, Recorder's office, Franklin County, Ohio.

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

Being 50 feet off the west end of Lot Number Six (6) and 25 feet off of the south side of Lot Number Five (5) of Kenworth Place, being a subdivision of part of Quarter Township 2, Township 1, Range 18, United States Military Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 9, Page 6, Recorder's office, Franklin County, Ohio, more particularly described as follows:

Beginning at a point in the south line of Lot Number 6, 90 feet west of the southeast corner thereof; thence northerly parallel with the west lines of Lots Number 5 and 6, a distance of 75 feet; thence westerly parallel to the south line of Lot Number 5, 50 feet to a point; thence southerly along the west lines of Lots Number 5 and 6, a distance of 75 feet to the southwest corner of Lot Number 6, thence easterly along the south line of Lot Number 6 to the place of beginning. Excepting six inches off the entire north side of the premises described herein.

Known as Address: 3479 North High Street  
Parcel Numbers: 010-055167 & 010-039871

**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 as reflected on the attached site plan, or those uses permitted in the C-4, Commercial District. The square footages of uses depicted on the site plan may be modified or replaced with other commercial uses so long as a minimum of 44% of the required parking is provided on site.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**3479 NORTH HIGH STREET ZONING VARIANCE PLAN**," dated May 11, 2018 and signed by Dave Perry, Agent for the Applicant and Donald Plank, Attorney 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 plans 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 a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the following: Directional signage shall be provided in the parking lot, as requested by the Department of Public Service, Division of Traffic Management, as depicted on the Site Plan, to direct exiting traffic to exit northbound on the abutting alley to the west.

~~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.**