



## Legislation Text

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**File #:** 2041-2018, **Version:** 2

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### **Council Variance Application CV18-043**

**APPLICANT:** 170 Marconi, LLC; c/o James Rost, Agent; 375 North Front Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** A non-accessory surface parking lot.

**DOWNTOWN COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will permit a non-accessory surface parking lot on property that was formerly developed with a parking garage structure. A Council variance is necessary because the site is located in Parking Zone A within the Downtown District, which prohibits surface parking lots unless they are accessory to specific principal buildings. The former garage provided necessary non-accessory parking to the surrounding area, and the proposed surface lot will fill a parking void that was caused by the removal of the garage until the owner finalizes long-term development plans for this site. To ensure that the site will be redeveloped, the applicant will return to the Downtown Commission within a five year period with a status update on the disposition of the property. No recommendation is being made on the Hardship aspect of this application. A Certificate of Appropriateness from the Downtown Commission will be required for the parking lot design prior to the issuance of site compliance and building permit approvals.

To grant a Variance from the provisions of Section 3359.27, Parking overlay, of the Columbus City Codes; for the property located at **170 MARCONI BOULEVARD (43215)**, to permit a non-accessory surface parking lot in Parking Zone A within the Downtown District (Council Variance # CV18-043) **and to declare an emergency.**

**WHEREAS**, by application # CV18-043, the owner of property at **170 MARCONI BOULEVARD (43215)**, is requesting a Council variance to permit a non-accessory surface parking lot in Parking Zone A within the Downtown District; and

**WHEREAS**, Section 3359.27, Parking overlay, does not permit surface parking lots as principal uses in Parking Zone A of the Downtown District, while the applicant proposes to construct a non-accessory surface parking lot within Parking Zone A that will be utilized for a five year maximum time period on a site that was previously developed with a parking garage; and

**WHEREAS**, the Downtown Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request will not add an incompatible use to the area. The requested variance will permit a non-accessory surface parking lot that will be utilized by businesses in the area while filling a void that was caused by the removal of the previous parking garage. The parking lot will be limited to a five year period, during which time the owner will determine their long-term development plans for this site; 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 the adjacent property,

unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **170 MARCONI BOULEVARD (43215)**, 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 from the provisions of Section 3359.27, Parking overlay, of the Columbus City Codes, is hereby granted for the property located at **170 MARCONI BOULEVARD (43215)**, insofar as said section prohibits a non-accessory surface parking lot in Parking Zone A within the Downtown District, said property being more particularly described as follows:

**170 MARCONI BOULEVARD (43215)**, being 1.35± acres located at the northeast corner of Marconi Boulevard and West Long Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 9, Township 5, Range 22, Refugee Lands and being all of Lots 45, 46, 47, 48 and part of Lot 49 of the "Plat of The Town of Columbus" of record in Deed Book F, Page 332, destroyed by fire and re-recorded in Plat Book 3, Page 247 and Plat Book 14, Page 27, and part of Lafayette Street as shown on said plat and vacated by City of Columbus Ordinance Number 578-60, being all of that tract conveyed to Marconi Company by deed of record in Deed Book 2863, Page 540, nka Marconi Garage LLC by deed of record in Instrument Number 199806120145962, and described as follows:

Beginning at a mag nail set marking the northeast corner of said Lot 45, being the intersection of the south right-of-way line of Spring Street (82.5 feet wide) with the west right-of-way line of Ludlow Street (33 feet wide);

thence South 08° 07' 31" East, along said west right-of-way line, the east lines of said Lots 45, 46, 47, 48 and 49, a distance of 314.25 feet to a mag nail found at the southeast corner of said Marconi Company tract, being the northeast corner of that tract conveyed to the City of Columbus by deed of record in Deed Book 3621, Page 742;

thence South 81° 51' 17" West, across said Lot 49 and along the south line of said Marconi Company tract, the north line of said City of Columbus tract, a distance of 187.55 feet to a mag nail found at the southwest corner of said Marconi Company tract, being the northwest corner of said City of Columbus tract, in the west line of said Lot 49, the east right-of-way line of Marconi Boulevard (82.5 feet wide);

thence North 08° 07' 31" West, along said east right-of-way line, the west lines of said Lots 45, 46, 47, 48 and 49, a distance of 314.25 feet to the northwest corner of said Lot 45, being the intersection of the south right-of-way line of said Spring Street with the east right-of-way line of said Marconi Boulevard (reference is hereby made to the northwest corner of the existing parking garage on the site, being north 0.3 feet and west 0.2 feet);

thence North 81° 51' 17" East, along said south right-of-way line, being the north line of said Lot 45, a distance of 187.55 feet to the Point of Beginning.

Containing 1.353 acres, more or less, all of which is located within Parcel Number 010-037879.

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

All references are to the records of the Recorder's Office, Franklin County, Ohio, unless noted otherwise.

The bearings herein are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1986 Adjustment). A bearing of North 81° 51' 17" East was held for the centerline of Spring Street between Marconi Boulevard and Ludlow Street.

This description is based on documents of record, prior plats of survey and observed evidence located by an actual field survey. A survey for 1.353 acres by Landmark Survey Group, Incorporated, dated 11/16/2007.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a non-accessory surface parking lot, or those uses permitted in the DD, Downtown District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy (if needed) for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the following: The owner will return to the Downtown Commission no later than June 26, 2023 with a status update on the disposition of the propoerty.

**SECTION 5.** ~~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**