



Legislation Text

File #: 0038-2019, **Version:** 1

Council Variance Application: CV18-025

APPLICANT: Jeanne Cabral; 2939 Bexley Park Road; Columbus, OH 43209.

PROPOSED USE: Mixed-use building.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel developed with a mixed-use building zoned in the R-3, Residential District, which was rendered nonconforming by a city-sponsored down-zoning of the Near East Area in 1974 (Z73-197). The applicant proposes to repurpose the building for an eating and drinking establishment or retail uses on the first floor while maintaining two second-story apartment units. Variances to reduce required parking (from 31 spaces to zero), vision clearance, lot width, area district requirements, lot coverage, building lines, and yard standards are included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location, but contains a series of criteria to determine if proposed commercial uses are supportable within residential areas. These criteria included consideration of preservation of existing contributing buildings and whether there is an existing non-conforming commercial use, both of which are applicable in this case. Additionally, staff supports the request for reduced parking as the Plan recognizes that parking needs should be balanced with preserving the character of the neighborhood and creating a pedestrian-friendly environment. The site is in a dense neighborhood accessible by foot, bicycle, and bus, has on street parking, and currently has no on-site parking.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 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 **1685 OAK STREET (43205)**, to permit a mixed-use development with reduced development standards in the R-3, Residential District (Council Variance # CV18-025).

WHEREAS, by application # CV18-025, the owner of the property at **1685 OAK STREET (43205)**, is requesting a Variance to permit a mixed-use building with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes to convert the existing building into a two-story mixed-use building with an eating and drinking establishment and/or retail uses on the first floor while maintaining two second-story apartment units; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit and 1 parking space per 75 square feet of eating and drinking establishment space, for a total of 31 required parking spaces, while the applicant proposes to maintain zero parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a thirty-foot vision clearance triangle at the intersection of Oak Street and Morrison Avenue, while the applicant proposes to maintain encroachment into the vision clearance

triangle with the existing building as shown on the site plan; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 34.94± foot wide lot; and

WHEREAS, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes to maintain a mixed-use building on a lot that is 3,040± square feet; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain a lot coverage of 80± percent; and

WHEREAS, Section 3332.21, Building lines, requires a minimum building setback line of 25 feet from Oak Street, and ten feet from Morrison Avenue, while the applicant proposes to maintain building setback lines of approximately zero feet along the frontages for the existing building; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 6.99 feet, while the applicant proposes to maintain a maximum side yard of zero feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three feet, while the applicant proposes to maintain a minimum side yard of zero feet; 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 to maintain 10± percent rear yard; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance to allow a mixed-use development meets the criteria contained within the *Near East Area Plan* for establishing commercial uses in residential areas, and will not add an incompatible use at this location; 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 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 **1685 OAK STREET (43205)**, in using said property as desired; 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 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 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 **1685 OAK STREET (43205)**, insofar as said sections prohibit a mixed-use building including eating and drinking establishment or retail uses on the first floor with two second-story apartment units in the R-3, Residential District, with a parking space reduction from 31 required parking spaces to zero provided spaces; an existing building that encroaches into the required vision clearance triangle at Oak Street and Morrison Avenue; a reduced lot width from 50 feet to 34.94± feet; a reduced lot area from 5,000 square feet to 3,040± square feet; an increased maximum lot coverage from 50 percent to 80± percent; a reduced building line from 25 feet along Oak Street and 10 feet from Morrison Avenue to zero feet; a reduction in the maximum side yard from 6.99 feet to zero feet; a reduction in the minimum side yard from 3 feet to zero feet; and a reduction in rear yard from 25 percent to 10± percent; said property being more particularly described as follows:

1685 OAK STREET (43205), being 0.07± acres located at the southwest corner of Oak Street and Morrison Avenue, and being more particularly described as follows:

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

Being all of Lot Number Two Hundred Three (203) Morrison Park Addition, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 200, Recorder's Office, Franklin County, Ohio, except 61.67 feet off the south and thereof. The premises herein described having a frontage of 34.94 feet and being 87 feet in depth.

The foregoing conveyance is made subject to easements, conditions, restrictions of record, if any, taxes and assessments not yet due and payable, legal roadways and highways, and zoning ordinances, if applicable.

Prior Instrument Reference: Instrument Number 200507260148440 and re-recorded in Instrument Number 200508030155486 of the Franklin County, Ohio, Recorder's Office.

Parcel Number: 010-040972

Commonly known as: 1685 Oak Street Columbus, Ohio 43205

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 an eating and drinking establishment, office, and/or retail uses, and two dwelling units, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plans titled "**SITE PLAN**," and "**FRONT ELEVATION**," both drawn and signed by Jeanne Cabral, Architect, and dated April 18, 2018. 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 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: Painting of the brick building surface shall be limited to a mural along the east side of the building as reflected on the attached building elevations.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.