



City of Columbus

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90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 2765-2019, **Version:** 1

Council Variance Application: CV19-031

APPLICANT: William A. Silva; 1697 Franklin Park South; Columbus, OH 43205.

PROPOSED USE: Eating and drinking establishment, general office, and farmers market.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel containing a commercial structure and greenspace zoned ARLD, Apartment Residential District. The requested Council variance will permit the entire building to be used as an eating and drinking establishment and/or office while still allowing for the potential future use to return to residential. A portion of the parcel will be converted to an outside patio, and the remaining greenspace may be utilized for a pop-up farmers market. Standard variances have also been incorporated to reduce vision clearance, building lines, side and rear yard requirements, and the number of required parking spaces from 17 to 0. The site is located within the planning area of the *Near East Plan* (2005), which provides criteria that can be used to determine if proposed commercial uses should be supported within residential areas. Key factors include whether the structure has a history of commercial activity and parking considerations. This request can be supported because the proposal includes a renovated commercial building, brings a desirable business to the area, and is located in a dense, pedestrian-oriented neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49 Minimum numbers of parking spaces required; 3321.05, Vision clearance; 3333.18, Building lines; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1236 OAK ST. (43205)**, to permit eating and drinking establishment, general office, and farmers market uses with reduced development standards in the ARLD, Apartment Residential District (Council Variance #CV19-031).

WHEREAS, by application #CV19-031, the owner of the property at **1236 OAK ST. (43205)**, is requesting a Variance to permit eating and drinking establishment, general office, and farmers market uses with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits commercial uses in the ARLD, Apartment Residential District, while the applicant proposes eating and drinking establishment, general office, and farmers market uses; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet for an eating and drinking establishment; 1 parking space per 150 square feet of outdoor dining space; 1 parking space per 450 square feet of general office space; and 1 parking space per 250 square feet of farmers market space; for a minimum total requirement of 17 parking spaces if the entire building is used as an eating and drinking establishment with a 450 square foot patio, while the applicant proposes zero parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a vision clearance triangle of 30 feet at the intersection of Oak Street and Sherman Avenue, while the applicant proposes temporary farmers market stands which could encroach

into the clear vision triangle; and

WHEREAS, Section 3333.18, Building lines, requires buildings to have a minimum setback of 10 feet, while the applicant proposes to maintain a setback of 0 feet along Oak Street; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain the 0 foot side yard along the east property line for the existing building; and

WHEREAS, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a rear yard of 4 percent for the existing building; and

WHEREAS, this variance will permit an eating and drinking establishment, general office, and/or farmers market with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance to allow eating and drinking establishment, general office, and farmers market uses in an existing commercial building substantially meets evaluation criteria contained in the *Near East Plan* for consideration of new non-residential uses in residential areas; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **1236 OAK ST. (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 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3333.18, Building lines; 3333.23, Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1236 OAK ST. (43205)**, insofar as said sections prohibit eating and drinking establishment, general office, and farmers market uses in the ARLD, Apartment Residential District, with a parking space reduction from 17 required parking spaces to 0 spaces; encroachment of temporary farmers market vendors into the clear vision triangle at the intersection of Oak Street and Sherman Avenue; a building line reduction from 10 to 0 feet along Oak Street; a minimum side yard reduction from 5 to 0 feet along the east property line; and a reduced rear yard from 25% of the lot to 4%; said property being more particularly described as follows:

1236 OAK ST. (43205), being 0.25± acres located at the northeast corner of Oak Street and Sherman Avenue, and being more particularly described as follows:

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

Being 67.5 feet of the West end of Lot Number 1 in J. FULLERTON ADDITION in the City of Columbus, known as 152 Sherman Avenue, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book 3546,

Page 153, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010016687
1236 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 an eating and drinking establishment, general office, farmers market, or those uses permitted in the ARLD, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING SITE PLAN**," dated October 17, 2019, and signed by William A. Silva, 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 conditioned on the coordination of exterior color schemes with the adjacent building to the east.

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