



Legislation Text

File #: 0537-2020, **Version:** 1

Council Variance Application CV19-134

APPLICANT: Northstar Realty; c/o Jackson B. Reynolds, III, Attorney; Smith & Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Single-unit dwelling.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with a multi-tenant commercial building zoned in the C-4, Commercial District and R-2F, Residential District. The requested Council variance will allow a portion of the building zoned in the C-4, Commercial District to be converted to a single-unit dwelling. The structure was originally constructed as a single-unit dwelling and was converted to an office use when it was connected to the adjacent structure to the east by a building addition. The variance is necessary because single-unit dwellings are not permitted in the C-4, Commercial District. Staff supports the proposal given the mixed-use nature of this historic neighborhood and because the structure will be restored to its original residential purpose. The request will not add an incompatible use to the neighborhood.

To grant a Variance from the provisions of Section 3356.03, C-4 Commercial District, for the property located at **393 E. LIVINGSTON AVE. (43215)**, to permit a single unit dwelling in the C-4, Commercial District (Council Variance #CV19-134).

WHEREAS, by application #CV19-134, the owner of property at **393 E. LIVINGSTON AVE. (43215)**, is requesting a Council variance to permit the conversion of an office to a single-unit dwelling in the C-4, Commercial District; and

WHEREAS, Section 3356.05, C-4, Commercial District, does not permit a single-unit dwelling and allows residential uses only when above certain commercial uses, while the applicant proposes to convert an office that was originally constructed as a dwelling back to a single-unit dwelling; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the proposal to convert an office to a single-unit dwelling given the mixed-use nature of this historic neighborhood, and because the structure will be restored to its original residential purpose. The request will not add incompatible uses to the neighborhood.

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 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 **393 E. LIVINGSTON AVE. (43215)**, 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 Section 3356.05, C-4 Commercial District, of the Columbus City Codes, is hereby granted for the property located at **393 E. LIVINGSTON AVE. (43215)**, insofar as said section prohibits a single-unit dwelling in the C-4 Commercial District, said property being more particularly described as follows:

393 E. LIVINGSTON AVE. (43215), being 1.02± acres located on the south side of East Livingston Avenue, ±80 feet west of Lathrop Street, and being more particularly described as follows:

Parcel Three:

All of Lot No. 1 and three (3) feet off the entire west side of Lot No. 2 of Krauss' Subdivision of part of Half Section No. 27, etc., as represented by the plat of lots recorded in Deed Book 28, Page 272, in the Recorder's Office, Franklin County, Ohio.

Excepting therefrom the following 1,119 square feet:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of 0.183 acre tract as conveyed to Columbus (Ohio) Teachers Federal Credit Union of record in Official Record Volume 13304, Page A 11, Records Office Franklin County, Ohio, and being more particularly described as follows:

Commencing at PK nail set in an existing cross cut found in the northeast corner of said 0.183 acre tract, also being in the south line of East Livingston Avenue (60 feet wide);

Thence, along part of the north line of said 0.183 acre tract, along the south line of said East Livingston Avenue, West 24.00 feet to a PK nail set and being the TRUE POINT OF BEGINNING for the following described tract of land:

Thence, across said 0.183 acre tract the following described three (3) courses:

1. South 0 degrees 28 minutes West, 30.18 feet to an iron pipe set;
2. North 89 degrees 12 minutes 13 seconds West, 37.38 feet to an iron pipe set;
3. North 0 degrees 21 minutes East, 29.66 feet to a PK nail set in the south line of said East Livingston Avenue;

Thence, along part of the north line of said 0.183 acre tract, the south line of said East Livingston Avenue, East 37.44 feet to the place of beginning CONTAINING 1,119 SQUARE FEET subject, however, to all legal highways, easements, leases and restrictions of records and of records in the respective utility offices. Iron pipes set are 30" x 1" (O.D.) with an orange plastic cap inscribed P.S. 6579. Basis of bearing is the south line of East Livingston Avenue assumed EAST.

Parcel Number: 010-001489

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling, or those uses permitted in the C-4, Commercial District. Buildings addressed 387-391 and 395-399 East Livingston Avenue are not included within this request.

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

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.