



## Legislation Text

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**File #:** 1648-2020, **Version:** 1

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### **Council Variance Application: CV20-047**

**APPLICANT:** Juliet Bullock, Architect; 1182 Wyandotte Road; Columbus, OH 43212.

**PROPOSED USE:** Commercial uses, apartments, and a single-unit dwelling on one lot.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The property is zoned R-2F, Residential District, and is subject to Ordinance #1603-2012 (CV12-029) which permitted an accessory eating and drinking establishment in conjunction with a retail wine shop, and conformed a laundromat, three second-story apartments, and a separate single-unit dwelling on the rear of the property. The requested Council variance will allow the conversion of laundromat space into additional retail space for the wine shop (approximately 1,360 square feet). Variances for all other existing uses, vision clearance, setbacks, yard standards, and a parking space reduction from 20 to zero spaces are carried over in this request. Maintaining the site's mixed commercial and residential uses is consistent with the development pattern of the area. Because the laundromat and retail uses are assessed the same parking requirement, there is no additional parking required for this conversion, and the owner of the property also owns an eighteen-space parking lot on the adjacent parcel to the north for use by commercial patrons, which further reduces the parking impacts. Conditions on hours of operation that were included in Ordinance #1603-2012 are carried over into this request. Staff notes that hours of operation restrictions cannot be effectively enforced and recommends that they be part of a Good Neighbor Agreement instead.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F 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 **767 S. 3<sup>RD</sup> ST. (43206)**, to permit mixed commercial and residential uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #1603-2012, passed June 24, 2013 (Council Variance #CV20-047).

**WHEREAS**, by application #CV20-047, the owner of the property at **767 S. 3<sup>RD</sup> ST. (43206)**, is requesting a Variance to permit conversion of approximately 1,360 square feet of laundromat space to retail wine shop space, while maintaining an existing retail wine shop with accessory eating and drinking establishment space, and three second-story residential units in one building, along with a single-unit dwelling, all on one lot, with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, residential district, prohibits commercial uses and only permits one single-unit dwelling or one two-unit dwelling, while the applicant proposes to convert approximately 1,360 square feet of laundromat space to retail wine shop space, while maintaining an existing retail wine shop with accessory eating and drinking establishment space, and three second-story residential units in one building, along with a single-unit dwelling, all on one lot; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 1 parking space per 150 square feet for an accessory eating and drinking establishment, 1 parking space per 250 square feet of retail space, and 1.5

parking spaces per dwelling unit, for a total requirement of 20 parking spaces, while the applicant proposes to maintain zero parking spaces, and has an eighteen-space parking lot on the parcel to the north for use by the commercial patrons; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain encroachment into the clear vision triangle at the intersection of South 3<sup>rd</sup> Street and East Columbus Street by the existing building; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires a lot of no less than 3,000 square feet per dwelling, while the applicant proposes to maintain three second-story apartments and one single-unit dwelling on a 6,615.4± square foot lot (1 dwelling per 1,654± square feet); and

**WHEREAS**, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes to maintain a building lot coverage of approximately 71.4% (4,726.3 square feet); and

**WHEREAS**, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than 10 feet, while the applicant proposes to maintain zero foot building lines along South 3<sup>rd</sup> Street and East Columbus Street; 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, a maximum requirement of 16 feet for an approximate 94-foot wide lot, while the applicant proposes to maintain a maximum side yard of 0 feet for the existing mixed-use building; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires side yards to be no less than 5 feet, while the applicant proposes to maintain side yards of zero feet along the north and south property line for the existing mixed-use building, and of 3.5 feet along the west property line for the single-unit dwelling; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25% of the total lot area, while the applicant proposes to maintain a rear yard of approximately 24% (1,605 square feet) for both buildings; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance to allow the conversion the laundromat into additional retail space for the wine shop in an existing mixed-use building. There is no additional parking required for this conversion, and the applicant owns an eighteen-space parking lot on the adjacent parcel to the north for use by commercial patrons, which further reduces the parking impacts; and

**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 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 **767 S. 3<sup>RD</sup> ST. (43206)**, in using said property as desired; and

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.037, R-2F, residential district; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.21(D), 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 **767 S. 3<sup>RD</sup> ST. (43206)**, insofar as said sections prohibit a mixed-use building containing a retail wine shop with an accessory eating and drinking establishment and three second-story residential units, and a single-unit dwelling, all on one lot, in the R-2F Residential District, with a parking space reduction from 20 required spaces to 0 spaces; encroachment of the building into the clear vision triangle at the intersection of South 3<sup>rd</sup> Street and East Columbus Street; 1 dwelling per 1,654 square feet where 3,000 square feet is required; increased lot coverage from 50% to 71.4±%; reduced building lines from 10 feet to zero feet along South 3<sup>rd</sup> Street and East Columbus Street; reduced minimum side yards from 5 feet to zero feet along the north and south property lines for the mixed-use building, and to 3.5 feet along the west property line for the single-unit dwelling; and a reduced rear yard from 25% to 24±% shared by both buildings; said property being more particularly described as follows:

**767 S. 3<sup>RD</sup> ST. (43206)**, being 0.15± acres located at the northwest corner of South Third Street and East Columbus Street, and being more particularly described as follows:

Parcel Number: 010-043585

Includes Property Addresses 763-771 South Third Street & 80 East Columbus Street, Columbus Ohio 43206

Situated in the State of Ohio, in the County of Franklin and in the City of Columbus, and bounded and described as follows:

Being a part of Lot Number Twenty-four (24) in C.F. Jaeger's Second Addition to Columbus, Ohio as said lot in numbered and delineated upon the recorded plat thereof, of record in Plat Book 38, page 403, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the Northeast corner of said Lot Twenty-four (24), thence in a Westerly direction along the North line of said Lot, 100 feet to a point; thence in a Southerly direction on a line parallel with the East line of said Lot, 26 feet to a point; thence in a Westerly direction and parallel with the North line of said Lot, 9.2 feet to an iron pin; thence in a Southerly direction and parallel with the East line of said Lot, 36.5 feet to an iron pin in the South line of said Lot; thence in an Easterly direction along the South line of said Lot, 109.2 feet to a point in the East line of said Lot; thence in a Northerly direction along the East line of said Lot, 62.5 feet to the place of beginning.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for mixed-use building containing a retail wine shop with up to 569 square feet of accessory eating and drinking establishment space, and up to four residential units (either contained within the mixed-use building or within the separate dwelling), all on one lot, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**," dated June 24, 2020, and signed by Juliet Bullock, 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 plan 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 upon the following:

1. The eating and drinking establishment shall only be open on Thursdays, Fridays, and Saturdays.
2. The entire wine shop business including retail and eating and drinking components shall close by 10:00 PM.

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

**SECTION 7.** That Ordinance #1603-2012, passed June 24, 2013, be and is hereby repealed.