



## Legislation Text

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**File #:** 2441-2020, **Version:** 1

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### **Council Variance Application: CV20-083**

**APPLICANT:** Woodhouse Vegan Cafe; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** A 300 square foot accessory dining patio.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a mixed-use building containing a 1,050 square feet eating and drinking establishment with two second-story dwelling units in the R-4, Residential District as permitted by Ordinance #1946-2017 (CV17-016). The requested Council variance will permit a 300 square foot accessory patio expansion, and includes a variance to reduce the aisle width for a proposed parking space, as shown on the submitted site plan. The site is located within the planning area of the *Italian Village East Redevelopment Plan* (2000), which recommends residential land uses at this location, but also supports the development of a commercial corridor along North Fourth Street that serves Italian Village. The request remains consistent with that recommendation and can be supported because the proposed patio will serve an existing commercial use. The site is also located within the Short North Special Parking Area (SNSPA), and the 15-space parking variance permitted in CV17-016, along with reduced driveway width, lot and area width, and setback variances, remain intact because that application was filed prior to the SNSPA code change becoming effective. The proposed patio expansion represents an increase in one required parking space which is being provided.

To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; and 3312.09, Aisle, of the Columbus City codes; for the property located at **851 N. 4TH ST. (43215)**, to permit a 300 square foot accessory dining patio and reduced aisle width in the R-4, Residential District (Council Variance #CV20-083).

**WHEREAS**, by application #CV20-083, the owner of property at **851 N. 4TH ST. (43215)**, is requesting a Council variance to permit a 300 square foot accessory dining patio and reduced aisle width in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, residential district, prohibits commercial uses in the R-4, Residential District, while the applicant proposes a 300 square foot accessory dining patio; and

**WHEREAS**, Section 3312.09, Aisle, requires aisle width and maneuvering to be 20 feet for 90 degree parking spaces, while the applicant proposes a reduced aisle width of 18.25 feet; and

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

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal remains consistent with the *Italian Village East Redevelopment Plan*'s recommendation for a commercial corridor along North Fourth Street; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed patio; 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 **851 N. 4TH ST. (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 Sections 3332.039, R-4, residential district; and 3312.09, Aisle, of the Columbus City codes, is hereby granted for the property located at **851 N. 4TH ST. (43215)**, insofar as said sections prohibit accessory dining patios in the R-4, Residential District; with a reduced aisle width and maneuvering area from 20 feet to 18.25 feet; said property being more particularly described as follows:

**851 N. 4TH ST. (43215)**, being 0.06± acres located at the southwest corner of North Fourth Street and East First Avenue, and being more particularly described as follows:

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

Being thirty-three (33) Feet off of the north end of Lot Numbers Six and Seven (6 & 7) of Charles W. Rice's Subdivision of Lot Numbers Fifty-three and Fifty-four (53 & 54) of Williams Phelan's Mount Pleasant Addition to the said city, as the same are numbered and delineated upon the recorded thereof, of record in Plat Book 1, Page 393 Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the northwest corner of Lot Number Six (6) of Charles W. Rice's Subdivision of Lots Numbers 53 and 54 of William Phelan's Mount Pleasant Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 393, Recorder's Office, Franklin County, Ohio; thence eastwardly along the south line, of First Avenue, 84.42 feet to North Fourth Street (formerly known as North Fifth Street); thence southerly along the west line of Fourth Street (formerly Fifth Street) 33 feet to a point; thence westerly parallel with First Avenue; 84.42 feet to the west line of Lot Number 6; thence northerly along the west line of Lot Number 6, 33 feet to the point of beginning, and being a part of Lot Numbers 6 and 7 of the above subdivision.

Parcel Number: 010-052161-00

Property Address: 851 N. Fourth St., Columbus, OH 43215

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 300 square foot accessory dining patio, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan and elevation drawings titled, "**ZONING VARIANCE PLAN**," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated October 13, 2020. 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 adjustment to the plan shall be reviewed and may be approved by the Director of the Department of 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 on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed patio.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.