



Legislation Text

File #: 2558-2020, **Version:** 1

Council Variance Application: CV20-004

APPLICANT: Milow Holdings LLC, c/o James Flynn; Agent; 64 Miami Avenue; Columbus, Ohio 43203.

PROPOSED USE: Eating and drinking establishment.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a commercial building previously occupied with a food carryout business permitted by Council variance #CV92-004 approved on April 27, 1992 (Ordinance #763-92). The requested Council variance will permit an eating and drinking establishment with a new patio addition. The R-2F, Residential District was established as part of the 1974 Model Cities down-zoning of the neighborhood which rendered many commercial and mixed-use properties non-conforming. A variance is necessary because the R-2F District prohibits commercial uses. The request also includes variances to landscaping and screening, setback requirements, a parking space reduction from 22 spaces to 3 spaces, and to conform existing site and building conditions. The site is located within the planning area of the *Near East Area Plan* (2005), which recommends higher-density residential and mixed-use development for this location, and is within the Urban Commercial Overlay. Staff supports the commercial uses noting that the commercial building predates the existing residential zoning district, and that the building is located on an established urban commercial corridor. The parking reduction request is supportable because of the walkable nature of the neighborhood, abundant on-street parking, and proximity to public transit on East Long Street.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.21 (D)(1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.26, Minimum side yard permitted; 3372.604(B), Setback requirements; and 3372.605(B)(D), Building design standards, of the Columbus City Codes; for the property located at **1223 E. LONG ST. (43203)**, to permit an eating and drinking establishment with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #763-92, passed April 27, 1992 (Council Variance #CV20-004).

WHEREAS, by application #CV20-004, the owner of property **1223 E. LONG ST. (43203)**, is requesting a Council Variance to permit an eating and drinking establishment with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037 R-2F, residential district, prohibits commercial uses in the R-2F, Residential District, while the applicant proposes an eating and drinking establishment; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be 4 feet in width and 5 feet in height, while the applicant proposes to reduce the screening along the west property line to 1 foot in width and 2 feet in height, and along the east property line to zero feet, with screening 3 feet in height and 2 feet in width provided in the right-of-way of Governor Place, as shown on the submitted site plan; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment space, and 1 parking space per 150 square feet of accessory patio space, for a total of 22 spaces reduced as permitted by Section 3372.609(B) for an eating and drinking establishment within an Urban Commercial Overlay while the applicant proposes to provide a total of 3 spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires clear vision triangles of 30 feet on residential lots adjacent to street intersections; while the applicant proposes to maintain the reduced clear vision triangle at the intersection East Long Street and Governor Place, as shown on the submitted site plan; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet; while applicant proposes to conform the existing side yard of zero (0) feet on the east side of the existing building; and

WHEREAS, Section 3372.604(B), Setback requirements, requires a parking setback of no less than five feet in the Urban Commercial Overlay, while the applicant proposes a setback of approximately 1 foot along Governor Place; and

WHEREAS, Section 3372.605(B)(D), Building design standards, requires the width of a principal building along a primary building frontage to be a minimum of sixty percent (60%) of the lot width, and requires the primary building frontage to have certain window glass percentages, while the applicant proposes to maintain the existing noncompliant building which does not comply with these standards; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed commercial uses within the existing commercial building are consistent with the *Near East Area Plan* land use recommendations and with the established development pattern along East Long Street; 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 **1223 E. LONG ST. (43203)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance be granted from the provisions of Sections 3332.037, R-2F residential district; 3312.21 (D) (1), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.26, Minimum side yard permitted; 3372.604(B), Setback requirements; and 3372.605(B)(D), Building design standards, of the Columbus City Codes; for the property located at **1223 E. LONG ST. (43203)**, insofar as said sections prohibit an eating and drinking establishment in the R-2F, Residential District; with reduced parking lot screening area from 4 feet in width and 5 feet in height to 1 foot in width and 2 feet in height along the west property line, and to zero feet along the east property line; a parking space reduction from 22 required spaces, reduced as permitted by Section 3372.609, to 3 provided spaces; encroachment of the existing building into the clear vision triangle at the intersection of East Long Street and Governor Place; a reduced minimum side yard from 5 feet to 0 feet; a reduced parking setback from 5 feet to 0 feet along Governor Place; a building in the Urban Commercial Overlay that does not provide required building width of at least sixty percent (60%) of the lot width, and reduced window glass along the

primary frontage of the building, said property being more particularly described as follows:

1223 E. LONG ST. (43203), being 0.15± acres located on the southwest corner of East Long Street and Governor Place, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Half Section 14, Township 5, Range 22, Refugee Lands, and being all of Lot 20 of P.V.N. Myer's Eastwood Addition, P.B. 3, pg. 54 and part of Lot 7 of Gates and Ann O'Harra's Subdivision, P.B. 1, pg. 207, Franklin County Recorders Office;

All records referred to are those of record in the Franklin County Recorder's Office;

BEGINNING for reference at the intersection of the centerline of East Long St. (70' wide) and Governors Place (50' wide, Ridge St., Champion Ave.), as shown on the said P.V.N. Myer's Eastwood Addition;

THENCE Due South 40.59 feet, along the centerline of the said Governors Pl., to a point;

THENCE Due West 25.00 feet, to a point, being the intersection of the west right of way line of the said Governors Pl. and the south right of way line of the said E. Long St., being the northeast corner of the 218 sq. ft. tract as described in a deed to Milow Holdings LLC, Instrument No. 201606270081595, and being the True Point of Beginning;

THENCE Due South 133.06 feet, along the east line of the said 218 sq. ft. tract and the east line of the said Lot 20, and the west right of way line of the said, to a point, being the southeast corner of the said Lot 20, and the intersection of the west right of way line of the said Governors Pl. and the north right of way line of a 12' wide alley;

THENCE South 78 degrees 52 minutes 25 seconds West 36.36 feet, along the south line of the said Lot 20 and the north right of way line of the said alley, to a point, being the southwest corner of the said Lot 20 and the southeast corner of Lot 19 of the said P.V.N. Myer's Eastwood Addition;

THENCE North 11 degrees 31 minutes 41 seconds West 130.56 feet, along the west line of the said Lot 20 and the east line of the said Lot 19, to a point, being the northwest corner of the said Lot 20, the northeast corner of the said Lot 19, and a point in the south right of way line of the said E. Long St.;

THENCE North 78 degrees 52 minutes 25 seconds East 62.95 feet, along the north line of the said Lot 20 and of the said 218 sq. ft. tract, and along the south right of way line of the said E. Long St., to the True Point of Beginning, having an area of 6,483 square feet or 0.149 acres, of which the area in the said Lot 7 is 0.004 acres and the area of Lot 20 is 0.145 acres;

The parcel described herein is all of Parcel No. 010-021943;

The Basis of bearing is the west right of way line of Governors Pl. as being Due South, assumed, and is used to denote angles only

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an eating and drinking establishment in accordance with the submitted site plan, or those uses permitted 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, "**SITE PLAN**," signed by James Flynn, Applicant, and dated October 20, 2020. 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 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 Occupancy for the proposed use.

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

SECTION 6. That Ordinance #763-92, passed April 27, 1992, be and is hereby repealed.