



## Legislation Text

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**File #:** 1932-2021, **Version:** 2

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### **Council Variance Application: CV21-023**

**APPLICANT:** South End Hotel, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Michael Kelley, Atty.; 175 South Third Street, Suite 1020 Columbus, OH 43215.

**PROPOSED USE:** Mixed-use building.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a non-conforming mixed-use building in the M, Manufacturing District. The building has 25 dwelling units and a mix of commercial uses, and was originally used as a hotel. The applicant requests a Council variance to remodel the building with 24 dwelling units and 2,340 square feet of eating and drinking establishment space. Variances to permit reduced aisle width and to reduce the minimum number of parking spaces required from 59 to 8 are included in this request. The site is within the boundaries of the *South Side Plan* (2014), which recommends "Neighborhood Mixed Use" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018), which state that requests for parking reductions can be considered based on the surrounding mixed-use development pattern, the presence of on-street parking, access to public transit, and pedestrian accessibility. The site is an existing building in a walkable, mixed-use area, with on-street parking and access to public transit along Parsons Avenue. As such, Staff supports the proposed use and parking reduction as the proposal preserves an existing contributing building and is consistent with the Plan guidelines.

To grant a Variance from the provisions of Sections 3363.01, Manufacturing districts; 3312.09, Aisle; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1949-1951 PARSONS AVE. (43207)**, to permit a mixed-use building with reduced development standards in the M, Manufacturing District (Council Variance #CV21-023) **and to declare an emergency.**

**WHEREAS**, by application #CV21-023, the owner of property at **1949-1951 PARSONS AVE. (43207)**, is requesting a Council variance to permit a mixed-use building containing 24 apartment units and 2,340 square feet of eating and drinking establishment space with reduced development standards in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, Manufacturing districts, only permits a residence for on-site security persons or transient-type housing such as halfway houses, residential treatment centers, or temporary shelters, while the applicant proposes to conform residential use and permit 24 apartment units; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit and 1 parking space per 75 square feet of eating and drinking establishment, a total requirement of 59 parking spaces, while the applicant proposes a total of 8 spaces; and

**WHEREAS**, Section 3312.09, Aisle, requires a one-way aisle that is 13 feet in width for parking spaces at a 45 degree angle, while the applicant proposes to allow such an aisle for two-way travel for 4 existing 45 degree parking spaces; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed mixed-use development reuses a contributing structure and is otherwise consistent with the *South Side Plan's* land use recommendation and *Columbus Citywide Planning Policies* (C2P2) Design Guidelines; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1949-1951 PARSONS AVE. (43207)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance for issuance of building permit and construction loan closing; for the renovation of the building and for the immediate preservation of the public peace, property, health and safety; now therefore"**

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

**SECTION 1.** That a variance from the provisions of Sections 3363.01, Manufacturing districts; 3312.09, Aisle; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **1949-1951 PARSONS AVE. (43207)**, insofar as said sections prohibit apartment units as part of a mixed-use development in the M, Manufacturing District, with a 13 foot wide aisle used for two-way travel for 4 existing 45 degree parking spaces; and a parking space reduction from 59 required spaces to 8 provided spaces; said property being more particularly described as follows:

**1949-1951 PARSONS AVE. (43207)**, being 0.31± acres located on the west side of Parsons Avenue, 150± feet north of Hinkle Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being lots numbered One Hundred Fourteen (114), One Hundred Fifteen (115) and One Hundred Sixteen (116) of the Twentieth Century Addition to the City of Columbus, as the same are numbered, delineated upon the recorded plat thereof, of record in Plat Book 5, page 496, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for is used for a mixed-use development containing up to 24 apartment units and approximately 2,340 square feet of commercial space, or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SOUTH END HOTEL, LLC**," signed by David B. Perry, Agent for the Applicant, and Michael Kelley, Attorney for the Applicant, and dated June 24, 2021. 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 upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same**