



Legislation Text

File #: 0990-2022, **Version:** 1

Council Variance Application: CV21-050

APPLICANT: Kiernan Smith; 668 Wilson Avenue; Columbus, OH 43205.

PROPOSED USE: Convert a detached residential garage into a commercial hair salon.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will permit the existing detached garage to be converted into a 440 square foot hair salon. A Council variance is required because commercial uses are not permitted in the R-3 district. Included in the request is a variance to reduce the required number of parking spaces from four spaces to two spaces. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommendation for this location, but does provide guidance for non-residential uses within residential areas. Being that Oak Street is a mixed use corridor, and that the proposed use is of negligible intensity, provides a community service, is located to the rear of the site, and is confined to the existing footprint of the detached garage, staff recommends approval.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3312.49(C), minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1816 OAK ST. (43205)**, to permit a hair salon with reduced parking in the R-3, Residential District (Council Variance #CV21-050).

WHEREAS, by application #CV21-050, the owner of the property at **1816 OAK ST. (43205)**, is requesting a Variance to permit a hair salon with reduced parking in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, does not permit commercial uses, while the applicant proposes to convert a 440 square foot detached residential garage into a hair salon; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling-unit and one parking space per 250 square feet of hair salon, a total of four spaces for the existing dwelling unit and proposed hair salon, while the applicant proposes two total parking spaces; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because Oak Street is a mixed use corridor, and that the proposed use will not be evident as the principal use is a single-unit dwelling. The proposed use also provides a community service, is located to the rear of the site, and is confined to the existing footprint of the detached garage; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed hair salon; 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 **1816 OAK ST. (43205)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3332.035, R-3 residential district; and 3312.49(C), minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **1816 OAK ST. (43205)**, insofar as said sections prohibit a 440 square foot hair salon in the R-3, Residential District, with a parking reduction from four required spaces to two spaces; said property being more particularly described as follows:

1816 OAK ST. (43205), being 0.14± acres located on the north side of Oak Street, 245± feet east of Fairwood Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being 31 feet off the east side of Lot Number Forty-Eight (48) and 9 feet off the west side of Lot Number Forty-Seven (47) in the THEODORE RHOADES FRANKLIN PARK PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 290, Recorder's Office Franklin County, Ohio.

Parcel ID: 010-010785-00

Property address: 1816 Oak Street, Columbus, Ohio 43205.

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 and a 440 square foot hair salon, or those uses permitted in the R-3, 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**," dated March 18, 2022, drawn and signed by Kiernan Smith, 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 plans 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed hair salon.

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