



## Legislation Text

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**File #:** 0915-2024, **Version:** 1

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### **Council Variance Application: CV23-152**

**APPLICANT:** 325 Livingston, LLC; c/o Jackson B. Reynolds III, Atty.; 37 West Broad Street; Columbus, OH 43215.

**PROPOSED USE:** Single-unit dwellings.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with two single-unit dwellings which have been historically used as offices in the C-4, Commercial District. The requested variance will allow the dwelling use to be restored, and is necessary because residential uses are only allowed above specified commercial uses in the C-4, Commercial District. The request also includes variances for driveway, landscaping and screening, and building setback lines. The site is located within the boundaries of the German Village Historic District, which does not contain a Council adopted land use plan. Staff supports the proposed variances as the dwellings are consistent with the residential uses in the surrounding neighborhood and the request will not add a new or incompatible use to the area. Staff notes that a Certificate of Appropriateness for any exterior building modifications is required from the German Village Commission.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses; 3356.05(C), C-4 district development limitations; 3312.13, Driveway; 3312.21(D)(1), Landscaping and screening; and 3356.11(A)(3), C-4 district setback lines, of the Columbus City Codes; for the property located at **325 E. LIVINGSTON AVE. (43215)**, to allow single-unit dwellings with reduced development standards in the C-4, Commercial District (Council Variance #CV23-152).

**WHEREAS**, by application #CV23-152, the owner of property at **325 E. LIVINGSTON AVE. (43215)**, is requesting a Council variance to allow two single-unit dwellings with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, allows dwelling units only above certain commercial uses, while the applicant proposes to restore two original single-unit dwellings; and

**WHEREAS**, Section 3356.05, C-4 District Development Limitations, permits dwelling units located above uses contained in the C-1, C-2, C-3, Commercial Districts and those uses specified in the C-4, Commercial District, while the applicant proposes to restore two original single-unit dwellings; and

**WHEREAS**, Section 3312.13(B), Driveway, requires a driveway width of 20 feet, while the applicant proposes a reduced driveway width of 17 feet; and

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires parking lot headlight screening within an area with minimum width of four feet, while the applicant proposes no parking lot screening; and

**WHEREAS**, Section 3356.11(A)(3), C-4 district setback lines, requires a minimum building setback of 25 feet, while the applicant proposes to maintain a building setback line of zero feet; and

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

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will allow restoration of the original single-unit dwellings in the C-4, Commercial District; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed dwellings; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **325 E. LIVINGSTON AVE. (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 3356.03, C-4 permitted uses; 3356.05(C), C-4 district development limitations; 3312.13, Driveway; 3312.21(D)(1), Landscaping and screening; and 3356.11(A)(3), C-4 district setback lines, of the Columbus City Codes, is hereby granted for the property located at **325 E. LIVINGSTON AVE. (43215)**, insofar as said sections prohibit two single-unit dwellings in the C-4, Commercial District; first floor residential uses; reduced driveway width from 20 feet to 17 feet; reduced parking lot landscaping area from four to zero feet; and a reduction in the building setback line from 25 feet to zero feet; said property being more particularly described as follows:

**325 E. LIVINGSTON AVE. (43215)**, being 0.17± acres located on the south side of East Livingston Avenue, 150± feet west of South Grant Avenue, and being more particularly described as follows:

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

Being 49.75 feet from on South side of Livingston Avenue by 145 feet deep off of the West side of part of one half Section 27, Township 5, Range 22, Refugee Lands, being ¾ of an acre and part of a 3 acre lot to which reference is made by deed dated November 24, 1847 in Deed Book 36, page 56, Recorder's Office, Franklin County, Ohio.

Parcel: 010-033318

Addresses: 325 East Livingston Avenue, 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 two single-unit dwellings, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed dwellings.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.