

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: CV24-083
Location: 1336-1338 E. FULTON ST. (43205), being 0.09± acres located on the north side of East Fulton Street, 109± feet east of Kimball Place (010-045443; Near East Area Commission).
Existing Zoning: R-3, Residential District.
Proposed Use: Three-unit dwelling.
Applicant(s): Pink Development and Construction LLC; P.O. Box 12128; Miami, FL 33101.
Property Owner(s): Dustin Ray Saalman & Jared Kovach-Saalman c/o Lacey Wheeler; 1342 East Fulton Street; Columbus, OH 43205.
Planner: Eastman Johnson; 614-645-7979; roejohnson@columbus.gov

BACKGROUND:

- The site consists of an undeveloped parcel in the R-3, Residential District. The requested Council variance will allow a three-unit dwelling with a reduction in lot area, lot width, minimum side yards, and required parking in the R-3, Residential District.
- A Council variance is required because the R-3 district does not allow a three-unit dwelling.
- To the north and west of the site are single-unit dwellings in the R-3, Residential District. To the south and east are single-unit dwellings and vacant lots in the R-3, Residential District.
- The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not have a specific land use recommendation for this location.
- The site is located within the boundaries of the Near East Area Commission, whose recommendation is for approval.
- Staff recognizes that there are practical difficulties with the standard variances included in the request.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested Council variance will allow a three-unit dwelling with a reduction in lot area, lot width, minimum side yards, and required parking in the R-3, Residential District. Staff supports the requested use and variances as they are consistent with the Plan's recommendations for new housing construction to be consistent with surrounding densities and building types in the neighborhood.

PROJECT INFORMATION

SITE ADDRESS:

1336 1338 E FULTON ST, COLUMBUS, OH 43223, USA
 PARCEL NUMBER: 010-045443

PROJECT DESCRIPTION:

3 STORY STACKED RESIDENTIAL TRIPLEX

OCCUPANCY CLASSIFICATION:

RESIDENTIAL GROUP R2F

AREA CALCULATIONS:

TOTAL LOT AREA: 3,910 SQ. FT. (0.09 ACRES)
 BUILDING FOOTPRINT: 860.00 SQ. FT.
 BLDG. LOT COVERAGE: 21.99%
 PARKING AREA: 1,550 SQ. FT.
 SIDE YARD AREA: 340 SQ. FT.

3 PARKING SPACES: 9' X 18' EACH
 HEATED SQ. FT.G.: 630 SQ. FT. EACH
 TOTAL HEATED SQ. FT.G.: 2004SQ. FT.

SETBACKS (VARIANCE REQUESTED):

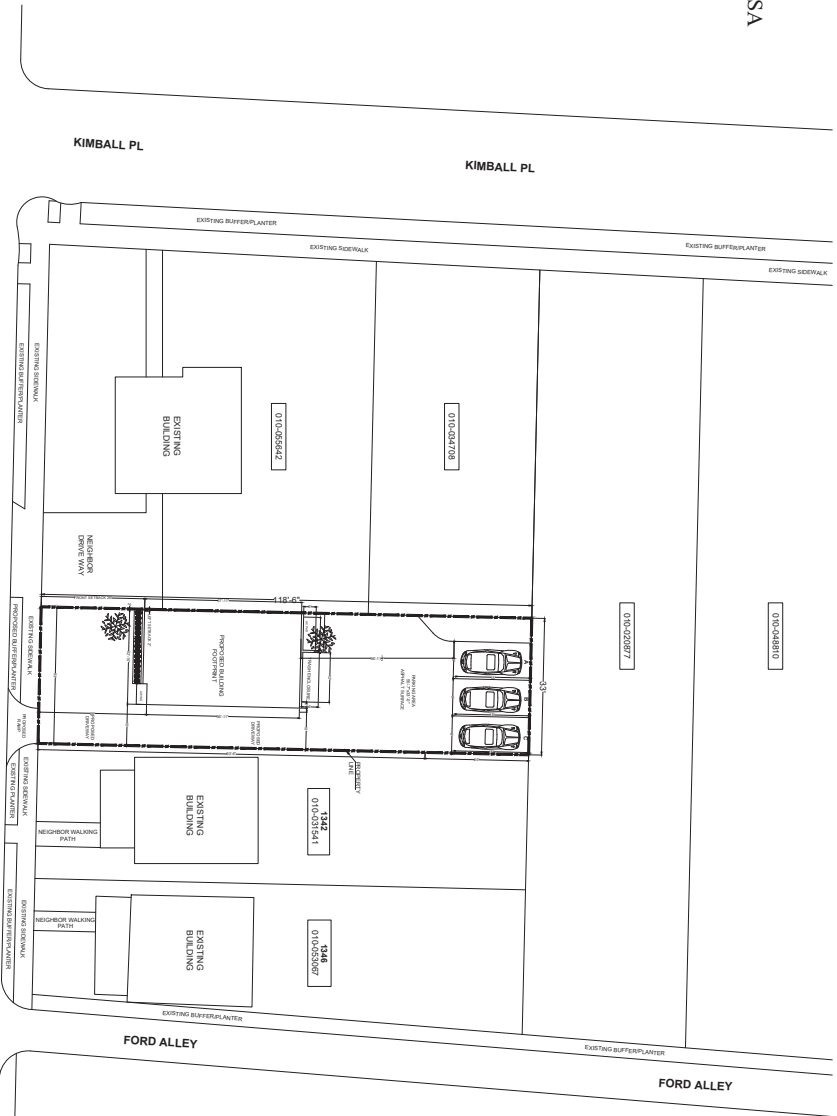
PROPOSED
 FRONT: 22.83'
 EAST SIDE: 10.00'
 WEST SIDE: 0.16'

PARKING (VARIANCE REQUESTED):

SPOTS REQUIRED: 6
 SPOTS PROPOSED: 3

BUILDING HEIGHT:

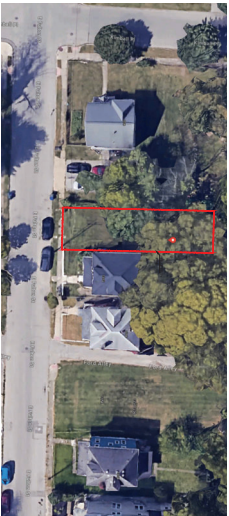
REQUIRED: 35.00'
 PROPOSED: 30.75'



1 SITE PLAN
 SCALE : 1" = 15'-0"



VICINITY MAP

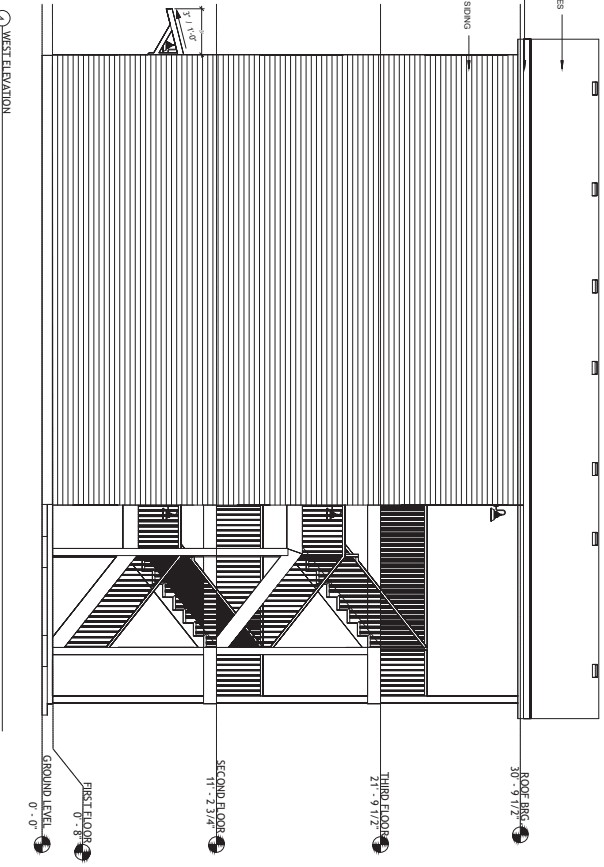
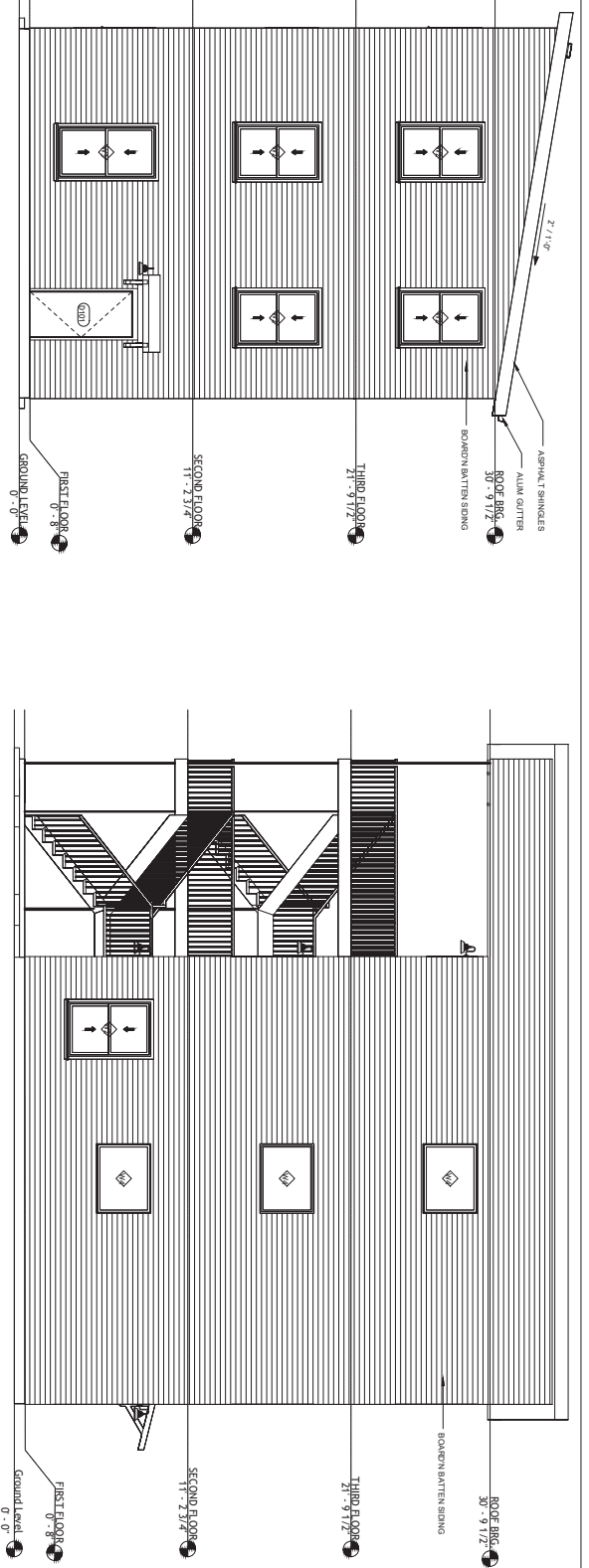


No.	Description	Date

Consultant Address Address Address Phone	Consultant Address Address Address Phone
Consultant Address Address Address Phone	Consultant Address Address Address Phone
Project Number: 00065	Date: 2/20/2024
Drawn By: Author	Checked By: Checker

3 STORY STACKED RESIDENTIAL TRIPLEX
SITE PLAN
 Scale: 1" = 15'-0"

A-1.0



No.	Description	Date

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**3 STORY
STACKED
TRIPLEX
ELEVATIONS**

Project Number: 00065
Date: 2/20/2024
Drawn By: Author
Checked By: Checker

A-004

Scale: 1" = 15'-0"

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A.** Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B.** Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such 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.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

Signature of Applicant

Robert Ellis as manager

dotloop verified
06/25/24 2:03 PM
EDT
Q5J4-F6LJ-X36T-YKJD

Date 06/25/2024

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Statement of hardship:

Site location: 1336-1338 E FULTON ST COLUMBUS OH 43205 (010-045443-00)

From the Near East Area Plan, “the highest percentage of land in every part of the Near East Side is residential. Two family and multifamily residential uses are mixed in with the single family residential areas...”

The Subject property is contained within district 4 of the Near East Boundary Map. 20% of the existing land use in this district is 3+ multifamily or 1 in 5 properties. The proposed project does not result in the demolition of an architecturally significant building and is proposed to fill a vacant lot.

The proposed structure is architecturally compatible with single family and multifamily new construction homes in the area as well as the multifamily structures on the same street.

Based on the lot size and shape, a smaller footprint of only 668 square feet heated space per unit stacked maximizes parking on site to provide minimum impact on parking and traffic.

It's a policy that the revitalization and redevelopment of the residential areas ... especially vacant land within the neighborhood should be redeveloped into housing.

The subject property is currently zoned Z73-197, Residential, R3, 4/11/1974, H-35 and sits in the Near East Area Commission.

The subject property is situated amongst multifamily properties on the same street and surrounding areas and the applicant's three story triplex requests following variances are necessary to construct this 3 family dwelling:

3332.035 R3 district to vary the use standards to permit a three family dwelling on the parcel.

3332.13, R-3 area district requirements. To reduce the required lot area for the east lot from 5,000 square feet to 3894 square feet.

Lot width 3332.05: The applicant requests that a variance be granted to allow for reduced development standards regarding the lot width requirements. The current development standards are 50' and the existing lot is 33' but was a previously built on lot. (existing)

3312.49: Parking the footprint of the proposed structure allows for 3 parking spaces based on the width of the lot located behind the house. Code requires 2 parking spaces per dwelling unit. Applicant requests a variance from 6 parking spaces to 3. One per unit which will be striped and labeled and assigned.

3332.26(F), Minimum Required Side Yard.. A 3-story dwelling requires a side yard that is 1/6 the height of the dwelling The dwelling is 34' 11" with required 5.82' side yards or 11.62' combined .The variance is to request a reduction of the West Side Yard to 0 '2" to allow for a drive lane and the eastern side yard is 10'.

Provided for additional information:

The parking area will be made up of asphalt or concrete with concrete walkways from the building.

The requested triplex is identical to previously submitted and approved CV applications that have been passed in the NEAC.

Several council variances have been approved in Districts 1 and 2 nearby for similar variances establishing precedent. 70 N 21st which has a duplex and carriage house in the rear in 2020 that allowed for a use variance for three dwelling units with almost double the number of variance requests.

A second recent council variance was granted at 163 N 22nd St for two dwelling units (a principal and a detached carriage house) with much higher building coverage than the subject property and double the amount of variance requests. This was also build on an infill lot similar to the subject property.

The applicant believes that the addition of a 3 family dwelling will be additive to the neighborhood and that the requested variances are reasonable and in line with the area and will not have a negative impact on the neighborhood.

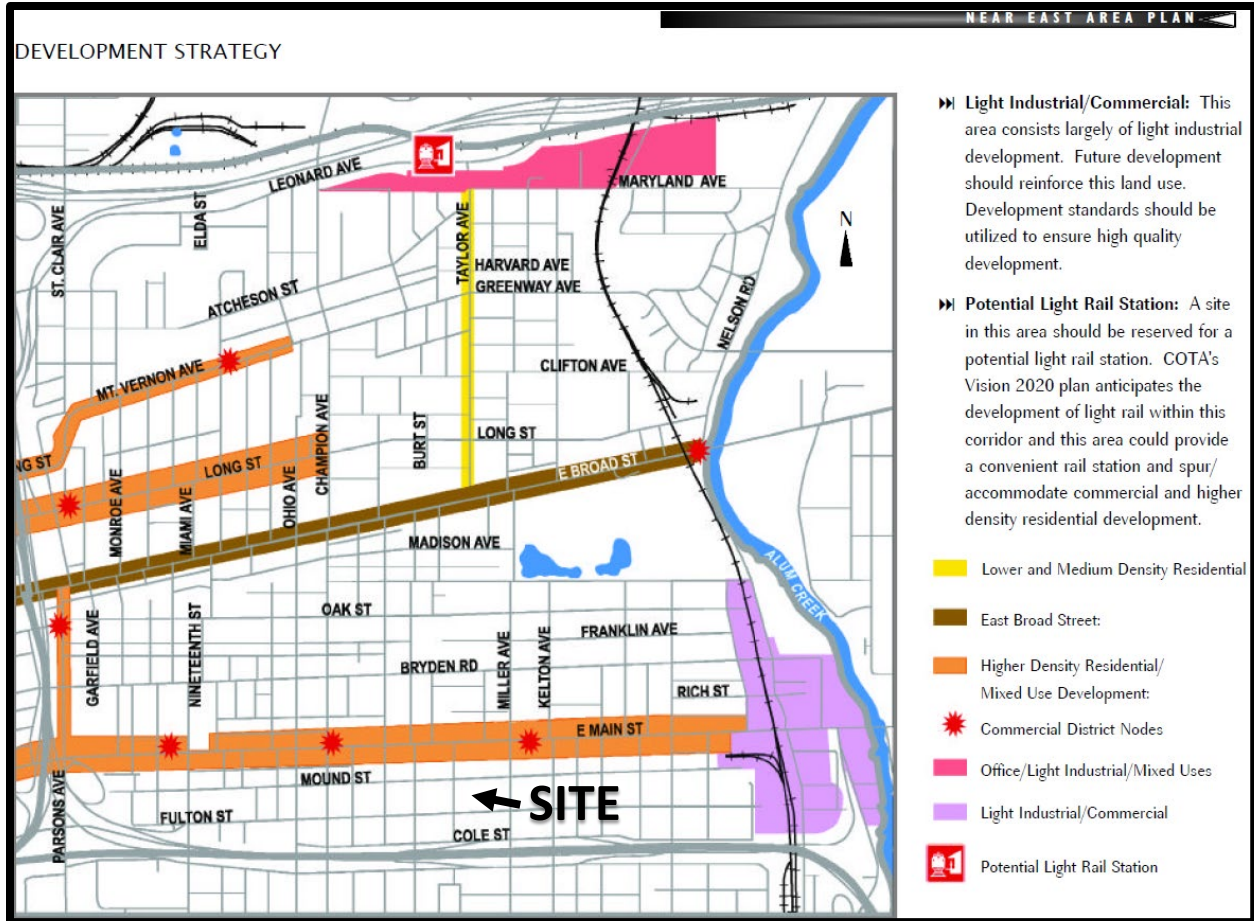
Use of the council variance process is very common in the adjoining areas and neighborhoods for multifamily. Additional Closeby variances approved recently include the variance in an R3 district to allow for a duplex to be built at 240-251 Taylor avenue (approved), the variance of 325 Taylor Ave for the construction of an 8 unit on an R3 zoned parcel (approved), 1404 Granville St use variance from a church to a duplex in an R3 zoned residential district, 1550 Clifton Avenue for the use of a two family dwelling in an R3 district, and finally 514 Taylor Ave rezoning of an R-3 7 parcel assemblage to AR2 for the construction of 48 studio apartments.

The variances are being request to allow for the construction of housing that is compact floorplans targeting affordability. The subject site is not a historic site and is not located within a commercial overlay.

Robert Ellis
September 7, 2024



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Approximately 0.09 acres



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Standardized Recommendation Form

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number CV24-083

Address 1336 - 1338 E. FULTON STREET

Group Name NEAR EAST AREA COMMISSIOIN

Meeting Date 9/12/2024

- Specify Case Type
- BZA Variance / Special Permit
 - Council Variance
 - Rezoning
 - Graphics Variance / Plan / Special Permit

- Recommendation (Check only one)
- Approval
 - Disapproval

LIST BASIS FOR RECOMMENDATION:

Adapted to feedback in City Council and at site meeting, lot size and building size, decrease footprint to fit smaller lots, decrease width, increase depth, 10' driveway, can still take advantage of easement offered by neighbor, walking to back from front is safety issue, will use mirror to provide visibility at corner, greenspace moved to side opposite driveway to align parking with drive, reroute neighbors downspouts, west side is 2" off property line, approximately 22' wide building now, was 24 x 31, now 22 x 34, 1' side yard on driveway side, R3 district, R3 area, lot width, parking 3 vs 6, min side yard 2", was 7 variances, now 5 variances, M to approve, Hunt, Harris, 8, 0, 1 Fransisco temporarily absent

Vote 8-0-1

Signature of Authorized Representative [Signature]

Recommending Group Title Chair

Daytime Phone Number 614 403 2225

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215 Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-083

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Robert Ellis of Pink Development and Construction LLC of (COMPLETE ADDRESS) PO Box 12128 Miami FL 33101

deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual Contact name and number Business or individual's address; City, State, Zip Code Number of Columbus-based employees

Table with 2 columns and 2 rows for listing parties with interest in the project.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Robert Ellis

Sworn to before me and signed in my presence this 25 day of June, in the year 2024

SIGNATURE of Notary Public (Bruce Toledo)

9-26 My Commission Expires Notary Seal Here

Notary Seal: Bruce Toledo, Commission # HH 284846, Notary Public - State of Florida, My Commission Expires Sep 09, 2026

This Project Disclosure Statement expires six (6) months after date of notarization.

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