



Legislation Text

File #: 0224-2016, **Version:** 1

Council Variance Application: CV15-057

APPLICANT: Kim Mikanik, R.E.D. Consulting; 33 North Grant Street, Suite 150; Columbus, OH 43215.

PROPOSED USE: Warehouse, retail, and office uses.

COLUMBUS SOUTHSIDE AREA COMMISSION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. A vacant nonconforming commercial building which is located on a parcel zoned R-3, Residential District. The requested Council variance will allow the eastern tenant space of the building to be converted to a mixed-use business with 3,809 square feet of warehouse, retail and general office area. Only part of the building is proposed for conversion at this time. The owner may need additional variances to renovate the western tenant space of the building after development plans are finalized. A variance is necessary because warehouse and commercial uses are prohibited in the R-3, Residential District. Variances for a reduction to zero (0) required parking spaces, and reduced vision clearance, building lines, side yards, and rear yard development standards are also included in the request to address existing conditions. The site is located within the planning area of the *Southside Plan* (2014), which recommends neighborhood mixed-use at this location. Staff supports this request noting that the proposed warehouse and retail uses are small in scale and compliment the recommended neighborhood mixed-use and existing structure at this location.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.18 (D), Basis of computing area; 3332.21(D), Building lines; 3331.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **341 EAST BARTHMAN AVENUE (43207)**, to permit a mixed-use business consisting of warehousing, retail, and general office uses with reduced development standards in the R-3, Residential District (Council Variance # CV15-057).

WHEREAS, by application No. CV15-057, the owner of property at **341 EAST BARTHMAN AVENUE (43207)**, is requesting a Variance to permit a mixed-commercial development with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035 residential district, prohibits commercial and industrial uses, while the applicant proposes warehouse, retail and general office uses as part of a mixed-use development totaling 3,809 square feet; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires one (1) parking space per 1,000 square feet of warehouse use; one (1) parking space per 250 square feet of retail space; and one (1) parking space per 450 square feet of office space for a total requirement of eight (8) parking spaces per square footage of each use committed to in the site plan, while the applicant proposes to maintain zero (0) parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a thirty (30) foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain no clear vision triangle at the intersection of East Barthman and South Washington Avenues; and

WHEREAS, Section 3332.18(D), Basis of computing area, limits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes to maintain an increased lot coverage of ninety (90) percent; and

WHEREAS, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain a zero (0) foot building line along East Barthman and South Washington Avenues as shown on the site plan; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of not less than five (5) feet, while the applicant proposes to maintain the existing minimum side yard of approximately zero (0) feet along the west property line; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than twenty-five (25) percent of the total lot area, while the applicant proposes to maintain a rear yard of approximately zero (0) percent for the existing building; and

WHEREAS, The Columbus Southside Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request is consistent with the land use recommendations of the *Southside Plan* (2014), which proposes neighborhood mixed-use at this location, and may include commercial uses. The development utilizes an existing vacant commercial building; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **341 EAST BARTHMAN (43207)**, 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 Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.18 (D), Basis of computing area; 3332.21(D), Building lines; 3331.26, Minimum side yard permitted; and 3332.27, Rear yard, is hereby granted for the property located at **341 EAST BARTHMAN AVENUE (43207)**, in that said sections prohibit warehouse, retail, and office uses in the R-3, Residential District; with zero (0) parking spaces where eight (8) are required; no clear vision triangle at the intersection of South Washington and East Barthman Avenues; an increased lot coverage from fifty (50) percent to ninety (90) percent; a reduced building line from ten (10) feet to zero (0) feet along East Barthman and South Washington Avenues; a reduced minimum side yard of approximately zero (0) feet along the west property line; and a reduced rear yard from twenty-five (25) percent to approximately zero (0) percent; said property being more particularly described as follows:

341 EAST BARTHMAN AVENUE (43207), being 0.27± acres located at the southwest corner of East Barthman and South Washington Avenues, and being more particularly described as follows:

Being Lots Number One Hundred Three (103), One Hundred Four (104), One Hundred Five (105) and One Hundred

Thirty-Eight (138) of 20TH CENTURY ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 496, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-053994

Known as 341 East Barthman 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 mixed-use business with 3,809 square feet of warehouse, retail and general office uses as reflected on the attached site plan, or those uses in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**OFFICE & WAREHOUSE TENANT BUILD-OUT AND BUILDING RENOVATION,**" drawn and signed by Kim Mikanik, Applicant, and dated October 23, 2015. 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 adjustment to the plan shall be reviewed and may be approved 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.