



## Legislation Details (With Text)

**File #:** 0209-2017      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/24/2017      **In control:** Zoning Committee

**On agenda:** 2/13/2017      **Final action:** 2/15/2017

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.21(B)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.21(E), Building lines; 3332.25; Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1185 GUSTAVUS LANE (43205), to permit six apartment units within an existing building with reduced development standards in the R-3, Residential District (Council Variance # CV16-062).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0209-2017 Attachments, 2. ORD0209-2017 Labels

Date	Ver.	Action By	Action	Result
2/15/2017	1	CITY CLERK	Attest	
2/15/2017	1	MAYOR	Signed	
2/13/2017	1	COUNCIL PRESIDENT	Signed	
2/13/2017	1	Zoning Committee	Approved	Pass
2/6/2017	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV16-062**

**APPLICANT:** Hero Homes Solutions, LLC, & Hammer Out Homes Inc.; 2800 W. State Road 84, Suite 118; Fort Lauderdale, FL 33312.

**PROPOSED USE:** Six-unit apartment building.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single parcel developed with an industrial/warehouse structure zoned in the R-3, Residential District. The existing zoning is the result of a city-initiated downzoning of the neighborhood in 1993 (Z93-023A). A Council variance is necessary because the existing zoning district only permits single-unit dwellings, while the applicant proposes to convert the building into six apartment units. Variances for reduced number of required parking spaces, parking lot screening, reduced building and parking setbacks, area district requirements, fronting, reduced side yards, and reduced rear yard are included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location. The Plan does include recommendations on housing types, density, and screening, which in general, should be consistent with the housing types and densities found in the surrounding area. The Plan also encourages higher density residential development within commercial corridors. While the proposed project will result in higher density for the surrounding area and the existing placement is not within a commercial corridor, the intrusion of a new commercial use is discouraged in this area. Planning Division staff supports the preservation and re-use of this industrial building for 6-

apartment units. The proposal will not add incompatible or intrusive uses into the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.21(B)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.21(E), Building lines; 3332.25; Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1185 GUSTAVUS LANE (43205)**, to permit six apartment units within an existing building with reduced development standards in the R-3, Residential District (Council Variance # CV16-062).

**WHEREAS**, by application #CV16-062, the owner of the property at **1185 GUSTAVUS LANE (43205)**, is requesting a Variance to permit six apartment units within an existing building with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes to convert an existing industrial building into six apartment units; and

**WHEREAS**, Section 3312.21(B)(1), Landscaping and screening, requires landscaping between the parking setback line and street right-of-way with plant material, while the applicant proposes to maintain no landscaping along Gustavus Lane; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires the parking setback line to be ten feet, while the applicant proposes to maintain a parking setback line of zero feet along Gustavus Lane; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per apartment unit for a total of nine parking spaces, while the applicant proposes a total of eight parking spaces; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes six units on a lot that contains 7,300± square feet (approximately 1,217 square feet per unit); and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes to maintain a building that fronts on an alley; and

**WHEREAS**, Section 3332.21(E), 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 feet, while the applicant proposes to maintain a building line of zero feet along Gustavus Lane; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be a maximum of sixteen feet, while the applicant proposes to maintain a maximum side yard of zero feet for the existing building and parking lot; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes to maintain the existing minimum side yards of zero feet along the east and west property lines; 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 25 percent of the total lot area, while the applicant proposes to maintain a rear yard of zero percent; and

**WHEREAS**, this variance will permit a six apartment units within an existing building with reduced development standards in the R-3, Residential District; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow six apartment units in an existing building will not add incompatible or intrusive uses into the area, and will allow the preservation and re-use of an existing building; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **1185 GUSTAVUS LANE (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; 3312.21(B)(1), Landscaping and screening; 3312.27(3), Parking setback line; 3312.49 Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.19, Fronting; 3332.21(E), Building lines; 3332.25; Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1185 GUSTAVUS LANE (43205)**, insofar as said sections prohibit six apartment units within one building in the R-3, Residential District, with no landscaping or screening between the parking setback line and the right-of-way line; a parking setback reduction from ten feet to zero feet; a parking space reduction from nine required parking spaces to eight required spaces; a reduced lot area of approximately 1,217 square feet per dwelling unit; no frontage on a public street; a reduction in building lines from ten feet to zero feet along Gustavus Lane; a reduction in maximum side yard from sixteen feet to zero feet; a reduction in the minimum side yard required from three feet to zero feet along both the east and west property lines; and a reduction in rear yard from twenty-five to zero percent; said property being more particularly described as follows:

**1185 GUSTAVUS LANE (43205)**, being 0.17± acres located on the south side of Gustavus Lane, 140± feet east of South Champion Avenue, and being more particularly described as follows:

Parcel Number: 010-053416  
1185 Gustavus Lane, Columbus Ohio 43205

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

Being One Hundred (100) feet off the rear ends of Lot One Hundred Thirty-Three (133) and One-Hundred Thirty-Four (134) in Hoffman's & McGrew's Second Amended, as the same numbered and delineated upon the recorded plat thereof, of record in Plan Book 2 page 200, Recorder's Office, Franklin County, OH.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a six-unit apartment building in accordance with the submitted site plan, 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, "**1185 GUSTAVUS COLUMBUS OHIO**," dated December 23, 2016, and drawn and signed by Juliet Bullock, Architect. 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 upon 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.