Legislation Details (With Text)

File #:	3297-2018 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	11/19/2018	**In control:**	Zoning Committee
On agenda:	12/10/2018	**Final action:**	12/13/2018
Title:	To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; and 3332.26, Minimum side yard permitted, of the Columbus City codes; for the property located at 326 ST. CLAIR AVENUE (43203), to permit a six-unit apartment building with reduced development standards in the R-2F, Residential District (Council Variance #CV18-057).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD3297-2018_Attachments, 2. ORD3297-2018_Labels		

Date	Ver.	Action By	Action	Result
12/13/2018	1	ACTING CITY CLERK	Attest	
12/12/2018	1	MAYOR	Signed	
12/10/2018	1	COUNCIL PRESIDENT	Signed	
12/10/2018	1	Zoning Committee	Approved	Pass
12/3/2018	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV18-057

APPLICANT: 328 St. Clair LLC; c/o Dave Perry, David Perry Company, Inc., 411 E. Town Street, FL 1, Columbus, OH 43215 and Donald Plank, Plank Law Firm, 411 E. Town Street, FL 2, Columbus, OH 43215.

PROPOSED USE: Six-unit apartment building.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned R-2F, Residential District, and is developed with an existing two-unit dwelling. The applicant proposes complete renovation and re-use of the vacant structure as six-unit apartment building. With the renovation, housing will be provided consistent with prevailing mix of unit types and densities in the area and in close proximity to transit. A variance is necessary because the R-2F District permits a maximum of two dwelling units in one building. Variances to reduce the required number of parking spaces, the width of parking spaces, the location of a dumpster and to conform existing building conditions are included in the request. The site is located within the planning area of the *Near East Area Plan* (2005), which recommends existing housing stock be preserved and renovated, and supports additional units in close proximity to transit consistent with the prevailing mix of unit types and densities nearby. The R-2F zoning (Z73-197) is from the 1974 Model Cities down-zoning of the neighborhood, and as a result, there are many non-conforming uses in the R-2F area, including multi-unit residential and commercial uses.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; and 3332.26, Minimum side yard permitted, of the Columbus City codes; for the property located at **326 ST. CLAIR AVENUE (43203),** to permit a six-unit apartment building with reduced development standards in the R-2F, Residential District (Council Variance #CV18-057).

WHEREAS, by application #CV18-057, the owner of the property at **326 ST. CLAIR AVENUE (43203),** is requesting a Council variance to permit a six-unit apartment building with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, limits the maximum number of dwelling units to two, while the applicant proposes to convert an existing two-unit dwelling into a six-unit apartment building; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a minimum of nine feet wide, while the applicant proposes to provide five on-site parking spaces, including an ADA space, with the width of the four non-ADA spaces reduced from nine feet to eight feet; and

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

WHEREAS, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster in the required rear yard as shown on the site plan; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes to reduce the minimum side yard from five feet to zero feet for the southeast corner of the building and the north corner of the dumpster, and to 1.5 feet for the existing south open porch; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed use will provide new housing within an existing vacant structure, is consistent with the *Near East Area Plan* land use recommendations for providing additional housing, and is compatible with the established development pattern in the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **326 ST. CLAIR AVENUE (43203),** in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3321.01, Dumpster area; and 3332.26, Minimum side

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yard permitted, of the Columbus City codes, is hereby granted for the property located at **326 ST. CLAIR AVENUE (43203),** insofar as said sections prohibit a six-unit apartment building in the R-2F, Residential District; with four parking spaces reduced in width from nine feet to eight feet; a reduction in the required number of parking spaces from nine to five; a dumpster in the required rear yard; and reduced minimum side yards from five to zero feet for the southeast corner of the building and the north corner of the dumpster, and to 1.5 feet for the existing south open porch; said property being more particularly described as follows:

326 ST. CLAIR AVENUE (43203), being 0.15± acres located at the northeast corner of St. Clair Avenue and Edward Street (20’), and being more particularly described as follows:

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

Being Lot Number Sixty-seven (67) of RICHARD JONES ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 14, Recorder’s Office, Franklin County, Ohio.

Property Address: 328 St. Clair Avenue, Columbus, OH 43203
Parcel Number: 010-029882-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a six-unit apartment building, or those uses permitted in the R-2F, 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 326 ST. CLAIR AVENUE,**" dated November 15, 2018, and signed by David B. Perry, Agent for Applicant and Property Owner, and Donald Plank, Attorney for Applicant and Property Owner, The plans 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 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 upon the applicant obtaining all applicable permits Certificates of Occupancy for the proposed uses.

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