



Legislation Text

File #: 0612-2018, **Version:** 2

Council Variance Application: CV17-059

APPLICANT: Creative Collaborative; c/o Kim Mikanik; 1116 West Second Avenue; Columbus, OH 43212.

PROPOSED USE: Six-unit apartment building.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-2F, Residential District, and is developed with a multi-unit building that originally contained four dwelling units. The requested variance will legitimize the existing building which was converted into six apartment units without proper permits by a previous owner. A Council variance is necessary because the R-2F, Residential District limits the number of dwellings in one building to one or two. The site is located within the planning area of the *South Side Plan* (2014), which recommends "Medium-High Density" land uses for this location. Staff supports the requested variances because the six-unit apartment building has existed on this lot for many years and is consistent with the residential uses that are prevalent in the surrounding neighborhood. Approval of this request will not add a new or incompatible use to the area.

Emergency Justification: To expedite the construction start date to deter further deterioration of existing building.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05, Vision clearance; 3332.14, R-2F area district requirements; and 3332.25, Maximum side yards required; for the property located at **370 FOREST STREET (43206)**, to permit a six-unit apartment building in the R-2F, Residential District (Council Variance # CV17-059) **and to declare an emergency.**

WHEREAS, by application # CV17-059, the owner of property at **370 FOREST STREET (43206)** is requesting a Council variance to permit a six-unit apartment building in the R-2F, Residential District; and

WHEREAS, Section 3332.037 R-2F, Permitted Uses, permits one- and two-unit dwellings, while the applicant proposes to legitimize an existing six-unit apartment building; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 9 spaces total for 6 units, while the applicant proposes to maintain 0 parking spaces; and

WHEREAS, Section 3321.05, Vision clearance, requires a ten-foot vision clearance triangle at the corner of Forest Street and the abutting alley, while the applicant proposes to maintain encroachment into the vision clearance triangle with the existing building as shown on the site plan; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires 3,000 square feet per dwelling unit, while the applicant proposes to maintain an existing six-unit apartment building on a lot that is approximately 5,071± square feet which equals 950 ± square feet per dwelling unit; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20

percent of the lot width, or 11 feet, while the applicant proposes to maintain a maximum side yard of 8.5± feet; and

WHEREAS, the Columbus South Side Area 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 legitimize a six-unit apartment building that has existed many years, and this use is consistent with the surrounding residential 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 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 **370 FOREST STREET (43206)**, in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to expedite the construction start date to deter further deterioration of existing building; 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; 3312.49, Minimum numbers of parking spaces required; 3321.05, Vision clearance; 3332.14, R-2F area district requirements; and 3332.25, Maximum side yards required, of the Columbus City Codes, is hereby granted for the property located at **370 FOREST STREET (43206)**, insofar as said sections prohibit a six-unit apartment building in the R-2F, Residential District; with a parking space reduction from 9 required spaces to 0 spaces; an existing building that encroaches into the required vision clearance triangle; a reduced lot size from 3,000 square feet per dwelling unit to 950± square feet per dwelling unit; and a reduced maximum side yard from 11 feet to 8.5± feet; said property being more particularly described as follows:

370 FOREST STREET (43206), being 0.24± acres located on the north side of Forest Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.242 acres of land, more or less, said 0.242 acres being all of lot 5 and lot 6 and parts of lot 7 and lot 8 as said lots are numbered and delineated upon the recorded plat of Henry and Elizabeth Barths addition on subdivision, of record in plat book 1, page 377, Records Office, Franklin County, Ohio, and 0.242 acres being more particularly described as follows:

Beginning at an iron pin in the northerly right-of-way line of forest street sixty feet in width, at the southeasterly corner of said lot 5;

Thence west, with the northerly right-of-way line of forest street and with the southerly lines of said lot 5 and said lot 6, a distance of 55.64 feet to an iron pin at the southwesterly corner of said lot 6, the same being the southeasterly corner of said lot 7;

Thence N 72 24 W. With the westerly line of said lot 6 and with the easterly line of said lot 7, a distance of 91.94 feet to an iron pin located 50.00 feet southerly from, as measured at right angles, the northerly line of said lot 6;

Thence west, parallel with and 50.00 feet southerly from, as measured at right angles, the northerly lines of said lot 6, lot 7 and lot 8, a distance of 55.64 feet to an iron pin in the easterly line of said lot 8, the same being in the easterly right of

way line of- an alley, ten feet in width;

Thence N 12 24 W. With the westerly line of said lot 8 and with the easterly right-of-way line of said 10 feet wide alley, a distance of 51.19 feet to a spike at the northwesterly corner of said lot 8, the same being at the point of intersection of the easterly right-of-way line of said 10 feet wide alley with the southerly line of an alley, twenty feet in width;

Thence east, with the northerly lines of said lot 8, lot 7, lot 6 and lot 5 and with the southerly right-of-way line of said 20-foot wide alley, a distance of 111.28 to an iron pin at the northeasterly corner of said lot 5;

Thence S 12 24 E, with the easterly line of said lot 5, a distance of 143.13 feet to the point of beginning and containing 0.242 acres of land, more or less.

Parcel number 010-042553-00 allr property address 370-372 Forest Street, Columbus, Ohio 43206.

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, 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, "**APARTMENT BUILDING REMODEL, 370 FOREST AVE.,**" signed by Kim Mikanik, Architect, and dated October 13, 2017. 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 plan 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 shall take effect and be in force from and after the earliest period allowed by law.~~
That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.