



## Legislation Text

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**File #:** 0258-2019, **Version:** 1

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### **Council Variance Application: CV18-091**

**APPLICANT:** Krais, LLC, c/o David Hodge and Eric Zartman, Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Office development.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a portion of a parcel developed with a vacant commercial building that is zoned in the R-4, Residential District. The applicant requests a Council variance to allow general office uses. The lot will be split to allow the office to be located on its own parcel, and the remainder of the lot will be combined with an adjacent parcel to reestablish that lot back to the original plat for residential development. Additional variances to reduce the required number of parking spaces, vision clearance, lot width, lot area, building lines, maximum and minimum side yards, and rear yard, and to increase the lot coverage are included in this request. The site is within the boundaries of the *Near Southside Area Plan* (2011), which recommends "medium density mixed residential" uses at this location, and further recommends development that would have minimal negative impact on the surrounding residential areas. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (2018) Design Guidelines. The Planning Division supports rehabilitation of the existing building and concludes that the development will be consistent with the commercial design guidelines in *Columbus Citywide Planning Policies*.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.15 R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at **752 FOREST STREET (43206)**, to permit an office with reduced development standards in the R-4, Residential District (Council Variance #CV18-091).

**WHEREAS**, by application #CV18-091, the owner of property at **752 FOREST STREET (43206)**, is requesting a Council variance to permit an office with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential district, prohibits commercial uses, while the applicant proposes to convert the existing building into a 1,637 square foot general office; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 4 parking spaces for 1,637 square feet of general office space, while applicant proposes to maintain zero spaces; and

**WHEREAS**, Section 3321.05(B)(1), Vision clearance, requires a clear vision triangle of 10 feet at the intersection of Forest Street and May Alley, while the applicant proposes to maintain an existing building that encroaches into this triangle; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the

R-4, Residential District, while the applicant proposes to maintain a lot width of 40 feet; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires a lot of 5,000 square feet for a principal building, while the applicant proposes a lot that is approximately 1,840 square feet for an existing commercial building; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes a lot coverage of 94 percent on the newly created parcel; and

**WHEREAS**, Section 3332.21, Building lines, requires a minimum building setback line of ten feet, while the applicant proposes to maintain the existing building setback line of zero feet, as shown on the site plan; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 8 feet, while the applicant proposes to maintain a maximum side yard of 0 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three feet on a lot width of 40 feet or less, while the applicant proposes to maintain side yards of zero feet; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each principal building, while the applicant proposes to provide no rear yard; and

**WHEREAS**, the Columbus Southside Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal is compatible with the *Near Southside Area Plan*'s land use recommendations, and is consistent with the design guidelines in the *Columbus Citywide Planning Policies*; 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 **752 FOREST STREET (43206)**, 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 3332.039, R-4 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(1), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.15 R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the City of Columbus codes, is hereby granted for the property located at **752 FOREST STREET (43206)**, insofar as said sections prohibit a 1,637 square foot office in the R-4, Residential District, with a parking space reduction from 4 required to 0 provided spaces; with encroachment of the existing building into the clear vision triangle at the intersection of Forest Street and May Alley; a reduced lot width from 50 feet to 40 feet; a reduced lot size from 5,000 square feet to 1,840 square feet; an increased lot coverage from 50 to 94 percent; a reduced building line from 10 feet to the existing 0 feet; a reduced maximum side yard from 8 feet to 0 feet; reduced minimum side yards from 3 feet to 0 feet; and no rear yard;

said property being more particularly described as follows:

**752 FOREST STREET (43206)**, being 0.09± acres located at the northwest corner of Forest Street and May Alley, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus: Being 40 feet off of East end of Lot No. Thirty (30) of T.H. Butler's Amended Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book Number 4, Page 242, Recorder's Office, Franklin County, Ohio.

More commonly known as: 752 Forest Street, Columbus, OH 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 general office, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibits titled, "**SITE & UTILITY PLAN FOR 752 FOREST ST., SHEETS 1-2,**" signed by Eric Zartman, Attorney for the Applicant, and dated January 7, 2019. 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 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.