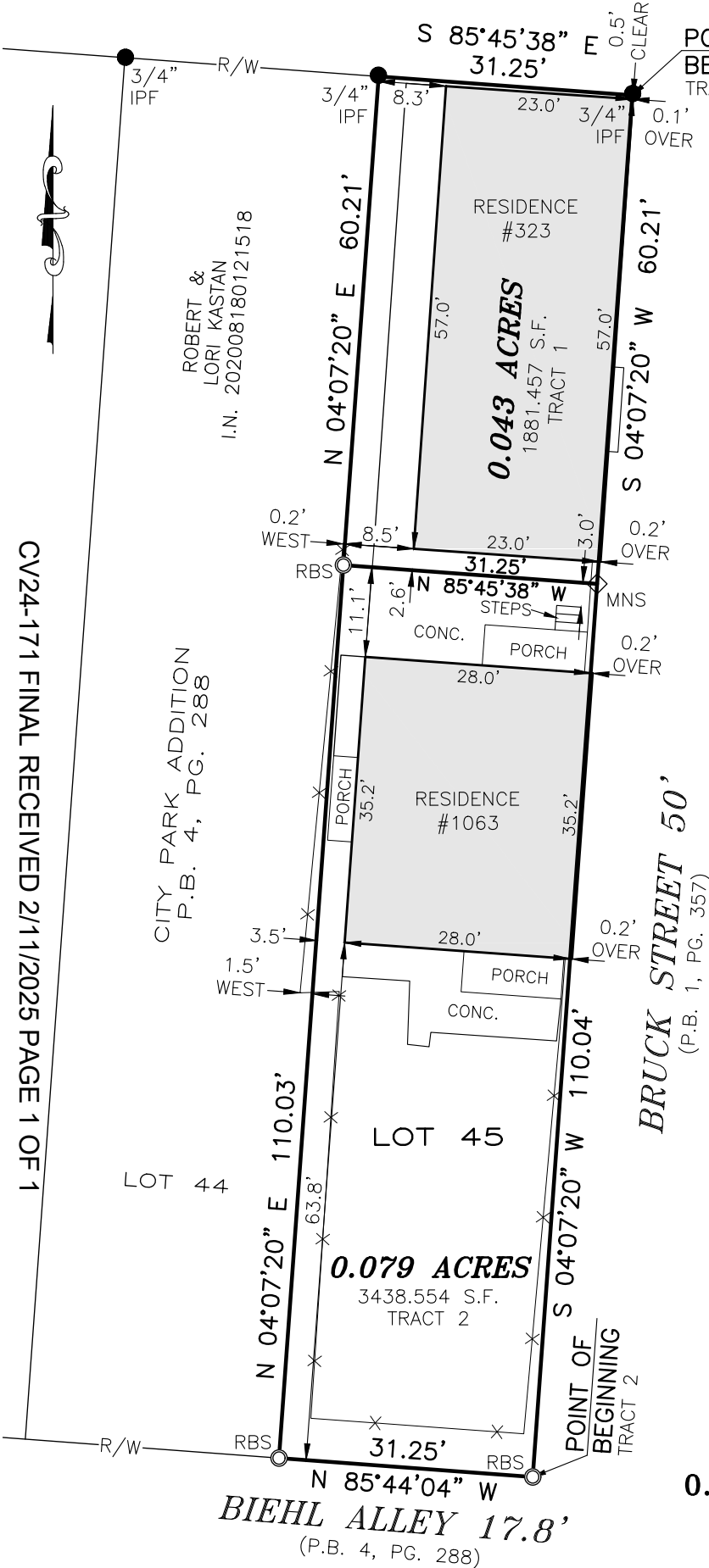


EAST STEWART AVENUE 60'
(F.K.A. EAST GERMANIA STREET, P.B. 1, PG. 357)



BASIS OF BEARINGS:
THE BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (CORS). SAID BEARINGS ORIGINATED FROM A FIELD TRAVERSE WHICH WAS REFERENCED TO SAID COORDINATE SYSTEM BY GPS OBSERVATIONS AND OBSERVATIONS OF SELECTED STATIONS IN THE OHIO DEPARTMENT OF TRANSPORTATION REAL-TIME-NETWORK. THE PORTION OF THE WESTERLY LINE OF BRUCK STREET, HAVING A BEARING OF SOUTH 04°07'20" WEST AND MONUMENTED AS SHOWN HEREON, IS DESIGNATED THE "BASIS OF BEARING" FOR THIS PLAT.

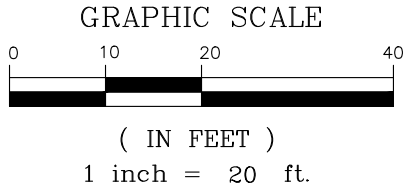
FLOOD NOTE:
THE SUBJECT PROPERTY LIES IN ZONE X (AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN), AS DETERMINED BY GRAPHIC INTERPOLATION FROM THE FLOOD INSURANCE RATE MAP NUMBER 39049C0328K, WITH AN EFFECTIVE DATE OF 6/17/2008, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ENCROACHMENT NOTE:
RESIDENCE #323 AND #1063 ENCROACH INTO TO RIGHT-OF-WAY OF BRUCK STREET, AS SHOWN HEREON.

NOTE:
THIS SURVEY DOES NOT REPRESENT ANY EASEMENTS THAT MAY AFFECT THIS TRACT AND DOES NOT REPRESENT ANY UNDERGROUND UTILITIES THAT MAY AFFECT THIS TRACT. ALL REBAR SET ARE 5/8" DIA. 30" LONG, W/ RED PLASTIC CAP STAMPED "LANDMARK SURVEY"

DEED REFERENCE:
DAILY STEWART LLC
I.N. 202307130069501
P.I.D. 010-208793

LEGEND	
●	IPF IRON PIN FOUND
○	RBF REBAR FOUND
⊙	RBS REBAR SET
◇	MNS MAG NAIL SET
—x—	EXISTING FENCE LINE



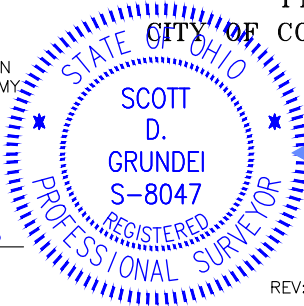
**SURVEY OF
0.043 ACRES & 0.079 ACRES**

LYING IN
LOT 45
CITY PARK ADDITION
PLAT BOOK 4, PAGE 288
HALF SECTION 29, TOWNSHIP 5, RANGE 22
REFUGEE LANDS
PLAT BOOK 4, PAGE 288
CITY OF COLUMBUS, COUNTY OF FRANKLIN
STATE OF OHIO

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ON THE GROUND SURVEY IN NOVEMBER OF 2024 MADE UNDER MY SUPERVISION AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES AS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

SCOTT D. GRUNDEIR, P.S.
REGISTERED SURVEYOR NO. 8047

DATE 2/11/25



LANDMARK SURVEY GROUP
690 LAKEVIEW PLAZA BLVD. SUITE A
WORTHINGTON OH. 43085
PHONE: (614) 485-9000
WWW.LANDMARKSURVEY.COM

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: CV24-171
Location: 323 STEWART AVE. (43206), being 0.12± acres at the south-west corner of Stewart Avenue and Bruck Street (010-208793; Columbus South Side Area Commission).
Existing Zoning: R-2F, Residential District.
Proposed Use: Residential development.
Applicant(s): Daley Stewart LLC; c/o Mark Atkins, SM; and Michael R. Neiman, Atty.; 580 South High Street, Suite 120; Columbus, OH 43215.
Property Owner(s): Daley Stewart LLC; c/o Mark Atkins, SM; 765 Parsons Avenue; Columbus, OH 43206.
Planner: Joe Rose; 614-645-3526; jmrose@columbus.gov

BACKGROUND:

- The site consists of one parcel developed with a three-unit dwelling and a two-unit dwelling in the R-2F, Residential District. The requested Council variance will conform the existing development pending a lot split, allowing for each dwelling to be located on its own lot with reduced development standards.
- A Council variance is required because the R-2F, Residential District does not allow three-unit dwellings. Variances to reduce vision clearance, lot width, lot area, building setbacks, side yards, rear yard, and required parking are included in this request.
- To the north is a religious facility in the R-2F, Residential District. To the south are two-unit dwellings in the R-2F, Residential District. To the east and west are single-unit dwellings in the R-2F, Residential District.
- The site is located within the planning boundaries of the *South Side Plan* (2014), which recommends “Medium-High Density Residential” land uses at this location, and includes early adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).
- The site is located within the boundaries of the Columbus South Side Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving the proposed lot split with regards to the reduced development standards which mainly conform existing site conditions.

CITY DEPARTMENTS’ RECOMMENDATION: Approval.

The requested Council variance will conform the existing three- and two-unit dwellings at this location. Staff supports the requested variances as they will conform both existing dwellings. The proposed use is consistent with the land use recommendation of the *South Side Plan* and the residential character of the neighborhood, and does not introduce and incompatible use to the area.



Council Variance Application

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such 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.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
- ☒ Yes ☐ No

Property in question is a corner parcel with two buildings located on the lot. There is still use without the requested variance, but the beneficial use is greater with the variance.

2. Whether the variance is substantial.
- ☐ Yes ☒ No

Variance does not change nature of the use of the property. Variance request is for a lot-split.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- ☐ Yes ☒ No

No change to character of neighborhood.



Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
☐ Yes ☒ No

Variance would have no effect on delivery of governmental service.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.
☒ Yes ☐ No

Property owner was aware of parcel zoning when property owner purchased the lot.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
☐ Yes ☒ No

Property owner wishes to split the lots to allow buildings and property to be owned separately.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
☒ Yes ☐ No

Spirit and intent behind zoning requirement would be observed, substantial justice would occur by granting the variance.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

Statement of Hardship attached to this application, which identifies all variances required for this Property.

Signature of Applicant Jan Driel agent Date 12/11

STATEMENT OF HARDSHIP
323 Stewart Avenue, Columbus, Ohio 43215

1. Tract 2 (1063 Bruck Street, Columbus, Ohio 43215)

- a. **3332.05 – Area District Lot Width Requirements:** The applicant requests that a variance be granted to allow for reduced development standards regarding the lot width requirements. The lot width requirement for Tract 2 under the Code is 50 feet. The lot width of Tract 2 following the lot split is 31.25'. The width is not changing with the lot split. Only the length is changing. The respective lengths are 60.21' for Tract 1 and 110.04' for Tract 2. The applicant cannot meet the required 50 feet lot width for Tract 2 as the total lot width of the current lot to be split is only 31.25 feet. This requested variance will not have a negative impact on the property or surrounding area as the building on Tract 2 will continue to operate in the same manner as it has done previously.
- b. **3332.14 – R-2F Area District Requirements:** The applicant requests that a variance be granted to allow for reduced development standards regarding the required area district requirements. Under the Code, Tract 2 is required to have no less than 6,000 square feet of area. The proposed lot split will result in Tract 2 having an area of 2,929.68 square feet (per 3332.18(C) a depth of only three times the width may apply). The applicant cannot meet the requirement of 6,000 square feet for this lot split as that would require taking additional land away from Tract 1, which is also below the minimum requirements in regard to area district requirements. This requested variance will not have a negative impact on the property or surrounding area as the building on Tract 2 will continue to operate in the same manner as it has done previously.
- c. **3332.18(D) – Basis of Computing Area:** The applicant has determined that a variance under Section 3332.18(D) is required as the dwelling occupies approximately 70.03% of the lot area for Tract 2, which is above the allowable threshold of 50%.
- d. **3332.26(F) – Minimum Side Yard Permitted:** The applicant requests that a variance be granted to allow for reduced development standards regarding the requirement that the two- and one-half story building have a minimum side yard no less than 5 feet of the height of the building. The building on Tract 2 is an existing structure that is two-and-one half stories, requiring a minimum side yard of 5.00 feet. The Applicant contends a variance requests a variance the east and west side yards from 5 feet to 0 feet. These are both existing buildings and this requested variance will not have a negative impact on the property or surrounding area as the building on Tract 2 will continue to operate in the same manner as it has done previously.
- e. **3312.49 – Parking:** The applicant requests that a variance be granted to allow for reduced development standards regarding the amount of required vehicle parking.

The code requires that Tract 2, as a 2-unit, provide 2 parking spaces for vehicles per unit and one bicycle rack.

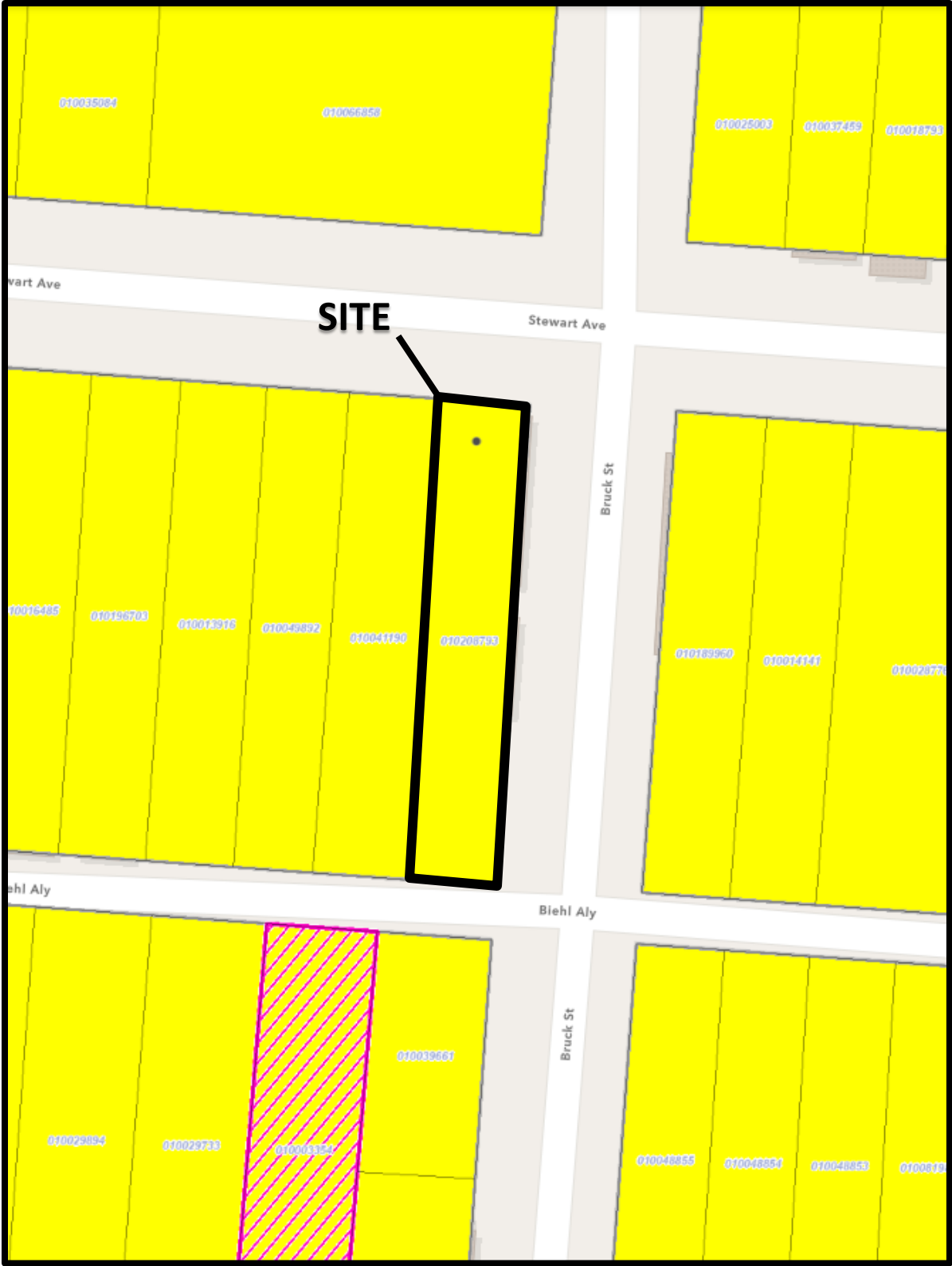
- i. **Vehicle:** Currently, there are 0 parking spaces in the rear of Tract 2 with no bicycle parking. The applicant is unable to add additional parking as there is no room for additional parking spots located on the Tract 2. The building's use is not being expanded, so it will continue to operate in the same manner in which it is currently operating in the event the variance is granted. As such, this requested variance will not have a negative impact on the property or surrounding area as the building will continue to operate in the same manner as it has done previously.
- f. **3332.25 – Max Side Yards:** The applicant requests that a variance be granted to allow for reduced development standards in regard to the max side yards from 6.25 feet to 0 feet.
- g. **3332.21 – Building Lines:** The applicant requests a variance be granted to allow for reduced development standards regarding building lines from the north and east right away lines, to vary from 10 feet to 0 feet for Tract 2.

2. Tract 1 (323 Stewart Avenue, Columbus, Ohio 43215)

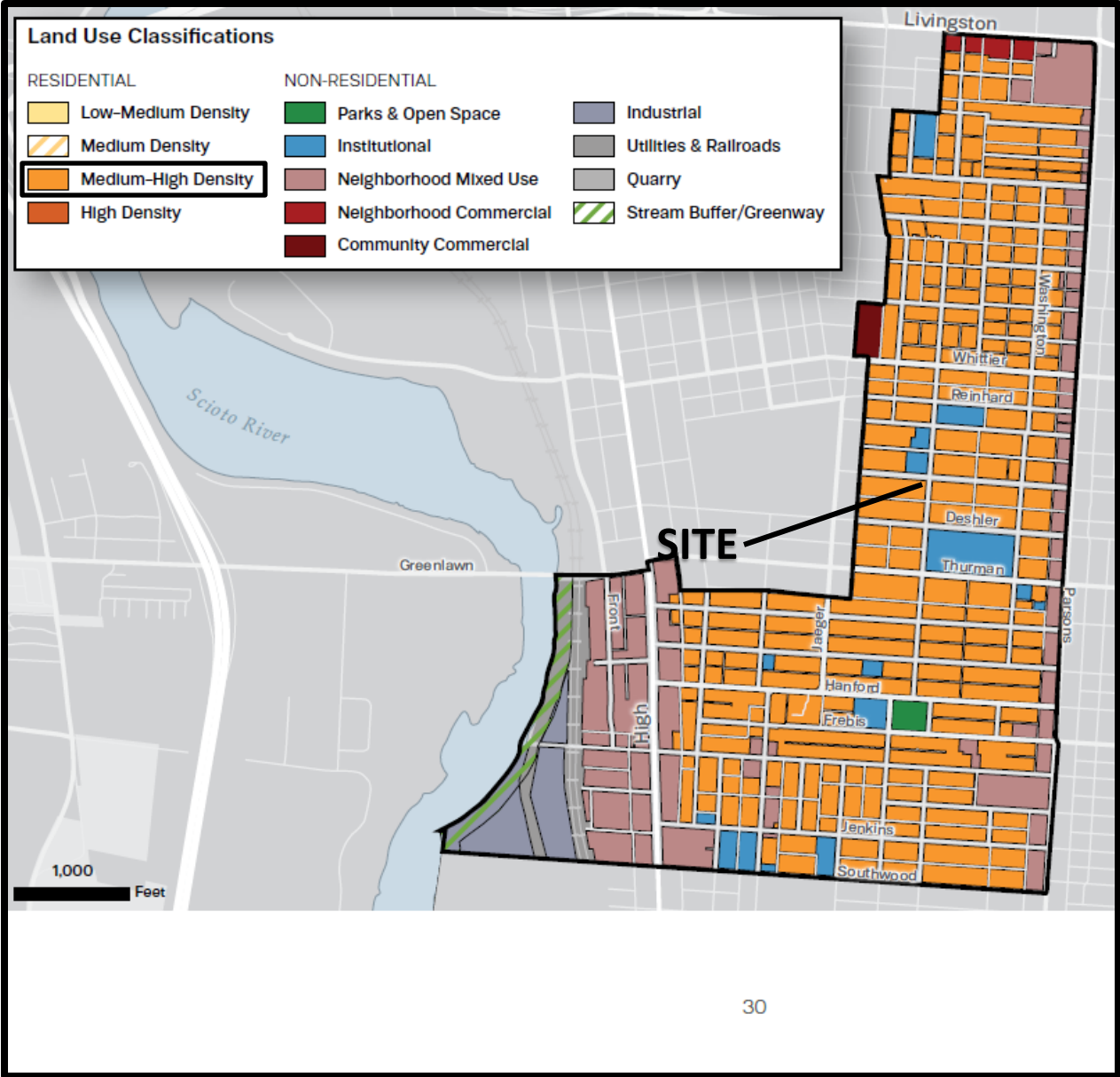
- a. **3332.037 - R-2F Residential District:** The applicant requests that a use variance be granted to confirm the existing 3-unit within an R2F residential district. The 3-unit is an existing structure that requires this variance to conform to the zoning code. No material changes are being made to the 3-unit, and this request is being made in connection with a lot split. This requested variance will not have a negative impact on the property or surrounding area as the 3-unit will continue to operate in the same manner as it has done previously.
- b. **3332.05 – Area District Lot Width Requirements:** The applicant requests that a variance be granted to allow for reduced development standards regarding the lot width requirements. The lot width requirement for Tract 1 under the Code is 50 feet. The lot width of Tract 1 following the lot split is 31.25'. The width is not changing with the lot split. Only the length is changing. The respective lengths are 60.21' for Tract 1 and 110.04' for Tract 2. The applicant cannot meet the required 50 feet lot width for Tract 1 as the total lot width of the current lot to be split is only 31.25 feet. This requested variance will not have a negative impact on the property or surrounding area as the building will continue to operate in the same manner as it has done previously.
- c. **3332.14 – R-2F Area District Requirements:** The applicant requests that a variance be granted to allow for reduced development standards regarding the required area district requirements. Under the Code, Tract 1 is required to have no less than 6,000 square feet of area. The proposed lot split will result in Tract 1 having an area of 1,881.56 square feet. The applicant cannot meet the requirement of 6,000 square feet for this lot split as that would require taking additional land

away from Tract 1, which is also below the minimum requirements in regard to area district requirements. This requested variance will not have a negative impact on the property or surrounding area as the duplex will continue to operate in the same manner as it has done previously.

- d. **3332.26(C) – Minimum Side Yard Permitted:** The applicant requests that a variance be granted to allow for reduced development standards regarding the requirement that the side yard be no less than 5 feet. The applicant requests a variance to allow for a side yard of 0 feet to the East. The building is an existing structure with current side yard's that cannot be moved. The applicant requests this variance because the building on Tract 1 cannot be moved to meet this requirement. This is an existing building and this requested variance will not have a negative impact on the property or surrounding area as the building will continue to operate in the same manner as it has done previously.
- e. **3312.49 – Parking:** The applicant requests that a variance be granted to allow for reduced development standards regarding the amount of required vehicle parking, from 6 required parking spaces to 0 parking spaces. The code requires that Tract 1, as an 3-unit, provide 2 parking spaces for vehicles per unit.
 - i. **Vehicle:** Currently, there are 0 parking spaces in the rear of Tract 1. The applicant is unable to add additional parking as there is no room for additional parking spots located on the Tract 1. The duplex's use is not being expanded, so it will continue to operate in the same manner in which it is currently operating in the event the variance is granted. As such, this requested variance will not have a negative impact on the property or surrounding area as the duplex will continue to operate in the same manner as it has done previously.
- f. **3332.21 – Building Lines:** The applicant requests a variance be granted to allow for reduced development standards regarding building lines from the north and east right away lines, to vary from 10 feet to 0 feet for Tract 1.
- g. **3332.27 – Rear Yard:** The area to the south of the building located on Parcel 1 shall be designated as the rear yard.
- h. **3321.05(B)(2) Vision Triangle.** The applicant seeks a variance from the clear vision triangle at the northeast corner of Tract 1.



CV24-171
323 Stewart Ave.
Approximately 0.12 acres



CV24-171
323 Stewart Ave.
Approximately 0.12 acres



CV24-171
323 Stewart Ave.
Approximately 0.12 acres

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number	<u>CV24-171</u>
Address	<u>323 S. STEWART AVE</u>
Group Name	<u>SOUTH SIDE AREA COMMISSION</u>
Meeting Date	<u>February 25, 2025</u>
Specify Case Type	<input type="checkbox"/> BZA Variance / Special Permit <input checked="" type="checkbox"/> Council Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Disapproval

LIST BASIS FOR RECOMMENDATION:

Area commissioners found the lot split reasonable and the list of variances are required to facilitate the split.

Vote	<u>8-1-0</u>
Signature of Authorized Representative	<u>Kathryn F. Green</u> <small>Digitally signed by Kathryn F. Green Date: 2025.02.25 20:15:52 -05'00'</small>
Recommending Group Title	<u>Zoning Chair</u>
Daytime Phone Number	<u>614-565-1476</u>

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-171

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Mark Atkins
of (COMPLETE ADDRESS) 765 Parsons Ave, Columbus, OH 43206
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. Daley Stewart LLC Mark Atkins, 614-454-3579 765 Parsons Ave Columbus, OH 43206 1 Columbus Based Employee	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Mark Atkins

Sworn to before me and signed in my presence this 11th day of December, in the year 2024

Michael R. Neiman
SIGNATURE OF NOTARY PUBLIC

N/A
My Commission Expires

Notary Seal Here

MICHAEL R. NEIMAN
NOTARY PUBLIC, STATE OF OHIO
My Commission Does Not Expire
Section 147.03 O.R.C.

This Project Disclosure Statement expires six (6) months after date of notarization.