

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

**APPLICATION:** CV24-087  
**Location:** 1041 SUMMIT ST. (43201), being 0.19± acres located at the northwest corner of Summit Street and East 3rd Avenue (010-008895 & 010-015760; Italian Village Commission).  
**Existing Zoning:** R-4, Residential District.  
**Proposed Use:** Food and beverage retail.  
**Applicant(s):** Adnad Asif; c/o Douglas Graff, Atty.; 604 Rich Street; Columbus, OH 43215  
**Property Owner(s):** 1041 Summit LLC; 604 Rich Street; Columbus, OH 43215  
**Planner:** Joe Rose; 614-645-3526; [jmrose@columbus.gov](mailto:jmrose@columbus.gov)

**BACKGROUND:**

- The site consists of two parcels developed with a commercial building and a parking lot in the R-4, Residential District. The requested Council variance will allow a food and beverage retail establishment at this location. The site is located within the Short North Special Parking Area.
- A Council variance is required because the R-4, Residential District does not allow commercial uses.
- To the north and west are single-unit dwellings in the R-4, Residential District. To the south is a multi-unit residential development in the R-4, Residential District. To the east is a multi-unit residential development and single-unit dwellings in the R-4, Residential District.
- The site is not located within the boundaries of a Council adopted land use plan, but final design is subject to a Certificate of Appropriateness from the Italian Village Commission.
- The site is located within the boundaries of the Italian Village Commission, whose recommendation for the requested Council variance is for approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval

The requested Council variance will allow a food and beverage retail establishment at this location. Staff is supportive and notes that the proposal will utilize the existing commercial building at this location, and will 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.

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

**PLEASE 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):**

The subject property contains an existing commercial structure that cannot be occupied under the current R-4 zoning. The proposed council variance will alleviate the restrictions of 3332.039 and allow for a "food and beverage store" occupancy as permitted by 3355.03.

The property in question cannot yield a reasonable return and there cannot be any beneficial use of the property without a variance to 3332.039 due to the limitations of the R4 zoning classification.

The proposed variance is substantial because this will allow for economic development of an existing vacant commercial structure and support the densification and walkability of an existing urban neighborhood.

The proposed variance will not adversely affect the delivery of governmental services.

Signature of Applicant  Date 07/09/24

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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

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2. Whether the variance is substantial.

Yes    No

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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

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

Yes    No

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5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Yes    No

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6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Yes    No

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7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes    No

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**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):**

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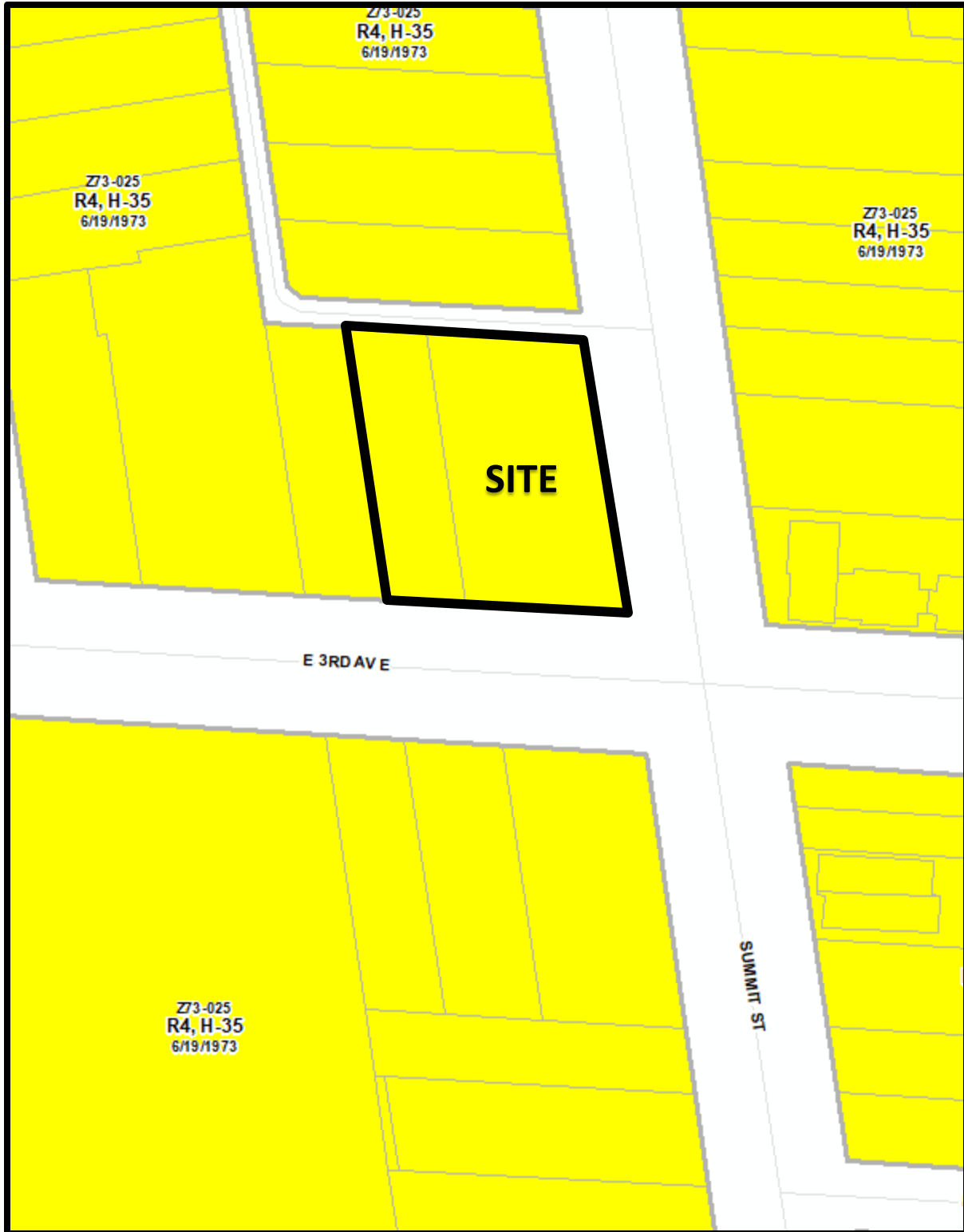
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Signature of Applicant \_\_\_\_\_



Date \_\_\_\_\_



CV24-087  
1041 Summit St.  
Approximately 0.19 acres



CV24-087  
1041 Summit St.  
Approximately 0.19 acres

**Certificate of Appropriateness**  
ITALIAN VILLAGE COMMISSION

*This Certificate of Appropriateness is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 111 N. Front Street) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 1041 Summit St.

**APPLICANT'S NAME:** Matt Today (Applicant)/ Adnan Asif (Owner)

**APPLICATION NO.:** COA2400154

**MEETING OR STAFF APPROVED DATE:** 10/08/2024      **EXPIRATION:** 10/08/2025

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3319 and the architectural guidelines:

- Approved: Commission**  **or Staff**  Exterior alterations per APPROVED SPECIFICATIONS  
 **Recommendation for Approval:** Requested re-zoning/special permit/variance per APPROVED SPECIFICATIONS

**APPROVED SPECIFICATIONS:**

Recommend application COA2400154, 1041 Summit St., as submitted by the applicant with the following conditions as noted:

Variance Recommendation

- 3332.039 – to allow for C-3 commercial use “Food and Beverage Store” per 3355.03.
- **NOTE:** Applicant to submit an application for the final landscaping, lighting and site compliance plan to be reviewed at a future hearing.

MOTION: Sudy/Michl-Smith (4-0-0) RECOMMENDED.

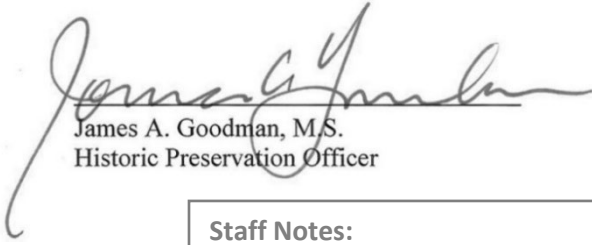
Commissioner Comments:

- Commissioners stated the reduction of curb cut has been a big improvement to the site plan and should be included in the future landscaping/site compliance plan.
- They asked applicant to look into the turning radius calculations for the entry way from Summit St. for the delivery trucks, as well as for the exiting onto Third St.
- Commissioners recommended reducing the amount of hardscaping South of the property and add more greenspace to make it more pedestrian friendly near the proposed South entrance.
- Commissioners recommended removing the existing chain link and install new appropriate wood fencing to match the existing portion of wood fencing along the West property line when submitting final landscaping plan.
- Commissioners still have concern with the driving aisle on the East, in front of property since there could be an issue with parking there in the aisle.
- Commissioner Michl-Smith asked applicant if they have future plans to paint the existing concrete block for the dumpster enclosure.
- Commissioners stated that they are comfortable with recommending the variance recommendation but when the applicant returns for their landscaping and site plan application, there may need to be further discussion on the logistics of operation for the site especially the front driving lane.

**Drawings Required**

This Certificate of Appropriateness is only valid for work performed in accordance with the motion so passed and approved by the

Commission, and shall accompany plans submitted for zoning clearance and/or building permits.



James A. Goodman, M.S.  
Historic Preservation Officer

*mg*

Staff Notes:





# Council Variance Application

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## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-087

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) Douglas E. Graff  
of (COMPLETE ADDRESS) 604 East Rich Street, Columbus Oh 43215

deposes and states that (he/she) is 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:

Name of Business or individual (including contact name and number)  
Business or individual's address; City, State, Zip Code  
Number of Columbus-based employees  
(Limited to 3 lines per box)

1. 1041 Summit LLC (614-299-4110) Sole Member Onyx Mgt Holding Co, LLC Richard Graff, Member of Onyx 1066 N High Street Columbus Oh 43201	2. 1041 Summit LLC Sole Member Onyx Mgt Holding Co, LLC Douglas Graff, Member of Onyx 1066 N High Street Columbus Oh 43201
3. 1041 Summit LLC Sole Member Onyx Mgt Holding Co, LLC Michael Stickney, Member of Onyx 1066 N High Street Columbus Oh 43201	4. 1041 Summit LLC Sole Member Onyx Mgt Holding Co, LLC Michael Linsker, Member of Onyx 1066 N High Street Columbus Oh 43201

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 10<sup>th</sup> day of July, in the year 2024

[Signature]  
SIGNATURE OF NOTARY PUBLIC

8/22/26  
My Commission Expires

Notary Seal Here



**KAREN S. GILBERT**  
Notary Public, State of Ohio  
My Commission Expires 08-22-26

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