



Legislation Text

File #: 0885-2006, Version: 1

Council Variance Application: CV05-066

APPLICANT: Evans Scholars Foundation; c/o Daniel J. Minor, and Jill S. Tangeman, Attys.; 52 East Gay Street, P.O. Box 1008; Columbus, Ohio 43216.

PROPOSED USE: Scholarship student housing (college fraternity/sorority).

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is zoned in the both the AR-4, Apartment Residential, and I, Institutional Districts, and is developed with a two-family dwelling and a church. The applicant requests a Council variance to allow redevelopment of the site with scholarship student housing for approximately 80 students. A Council variance is necessary because student housing is not permitted within the I, Institutional District. Variances for height, yard, and area standards in the I District, as well as variances to the University Planning Overlay requirements are also included in the request. Staff supports scholarship student housing at this location, but believes there is no justification for the numerous variances requested to the Planning Overlay. In addition, the University Area Review Board has concluded that the existing buildings on the subject site are contributing buildings. The Planning Overlay promotes the use of original contributing buildings in the University Impact District, not removal of them.

To grant a Variance from the provisions of Sections 3349.03, Permitted Uses, 3349.04 Height, area and yard regulations; 3372.521 (A), Supplemental parking requirements; 3372.561(B), Density; 3372.562 (A) and (C), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564, Parking; 3372.566, Building separation and size; 3372.567, Maximum floor area; 3372.568, Height; and 3372.585 (1) (b) and (c), Development and design guidelines, of the Columbus City codes for the properties located at **115 & 127 EAST SIXTEENTH AVENUE (43201)**, to permit scholarship student housing (college fraternity or sorority) with reduced development standards including variances to the University Planning Overlay in the I, Institutional, and AR-4, Apartment Residential Districts (Council Variance # CV05-066).

WHEREAS, by application No. CV05-066, the owner of properties at **115 & 127 EAST SIXTEENTH AVENUE (43201)**, is requesting a Council variance to permit scholarship student housing (college fraternity or sorority) with reduced development standards including variances to the University Planning Overlay in the I, Institutional, and AR-4, Apartment Residential Districts; and

WHEREAS, Section 3349.03, Permitted Uses, does not permit college fraternities or sororities, while the applicant proposes scholarship student housing for eighty (80) students; and

WHEREAS, Section 3349.04 (a), Height, area and yard regulations, requires that all structures shall not exceed thirty-five (35) feet in height, while the applicant proposes a height of forty-five (45) feet for the new building; and

WHEREAS, Section 3349.04 (b), Height, area and yard regulations, requires that a lot or parcel shall have an area of not less than one (1) acre, while the applicant proposes a new building on two parcels totaling 0.588 acres; and

WHEREAS, Section 3349.04 (c), Height, area and yard regulations, requires a minimum side yard of twenty feet (20) on each side of a building, a front setback of fifty (50) feet from the street right-of-way, and a rear yard area of fifty (50) feet, while the applicant proposes ten (10) foot side yards, a thirty-four (34) foot front setback, and a five (5) foot rear yard for the new building as shown on the proposed site plan; and

WHEREAS, Section 3372.521(A), Supplemental parking requirements, requires that no parking or maneuvering shall be permitted in any required side yard, while the applicant proposes to maintain a driveway in the west side yard for an existing shared easement with the adjacent property; and

WHEREAS, Section 3372.561(B), Density, requires that any new use of residence requiring a rooming house license shall house no more than one (1) occupant for each four hundred (400) square feet of lot area which calculates to approximately sixty-five (65) occupants, while the applicant proposes housing for eighty (80) occupants; and

WHEREAS, Section 3372.562 (A) and (C), Landscaped area and treatment, requires that at least five (5) percent of the lot area be planted and located behind the most rear portion of the residential building, and that each tree of ten (10) inch caliper or greater that is not located in the proposed building footprint or parking area shall be retained, while the applicant proposes a planting area of less than five (5) percent of the lot area located behind the new building as shown on the proposed site plan, and the ability to remove trees that are greater than ten (10) inch caliper if needed; and

WHEREAS, Section 3372.563, Maximum lot coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than thirty (30) percent of the lot area, while the applicant proposes thirty-seven (37) percent lot coverage; and

WHEREAS, Section 3372.564, Parking, requires that no more than thirty-five (35) percent of any lot area shall be devoted to the parking and maneuvering of vehicles, and that the required number of parking for the proposed development as calculated by the parking formula is ninety-nine (99) spaces, while the applicant proposes forty (40) percent of the lot area for parking lot coverage and twenty-eight (28) parking spaces; and

WHEREAS, Section 3372.566, Building separation and size, requires that no building shall exceed ten thousand two hundred (10,200) square feet of calculated floor area, while the applicant proposes 30,360 of calculated floor area for the new building; and

WHEREAS, Section 3372.567, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R) of not greater than 0.60, while the applicant proposes a floor area ratio of 1.2 for the new building; and

WHEREAS, Section 3372.568, Height, requires that the mean between the cornice/eave and the highest roof point of a building shall be no higher than thirty-five (35) feet from the finished grade line of the lot. Other than a chimney, no portion of a building shall be higher than forty (40) feet from the finished grade line of the lot, while the applicant proposes a total height of forty-five (45) feet for the new building; and

WHEREAS, Section 3372.585 (1) (b) and (c), Development and design guidelines, requires that the first floor above grade shall be no less than two and one-half (2 1/2) feet and no more than three and one-half (3 1/2) feet above the finished grade line, and that the pitch of the roof shall not be a gambrel, mansard, or variation thereof, while the applicant proposes a first floor above grade of eight (8) inches above the finished grade line and gambrel roofing for the new building; and

WHEREAS, The University Area Commission recommends approval; and

WHEREAS, City Departments recommend disapproval because, although scholarship student housing is supported at this location, Staff believes there is no justification for the numerous variances requested to the Planning Overlay that would be required for the proposed building. In addition, the University Area Review Board has concluded that the existing buildings on the subject site are contributing buildings, and the Planning Overlay promotes the use of original contributing buildings in the University Impact District; 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 properties located at **115 &**

127 EAST SIXTEENTH AVENUE (43201), in using said property as desired; now, therefore:

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

SECTION 1. That a variance is granted from the provisions of Sections 3349.03, Permitted Uses, 3349.04 Height, area and yard regulations; 3372.521(A), Supplemental parking requirements; 3372.561 (B), Density; 3372.562 (A) and (C), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564, Parking; 3372.566, Building separation and size; 3372.567, Maximum floor area; 3372.568, Height; and 3372.585 (1) (b) and (c), Development and design guidelines, of the Columbus City codes for the properties located at **115 & 127 EAST SIXTEENTH AVENUE (43201)**, in that said sections prohibit scholarship student housing in the I, Institutional District with a building height of forty-five (45) feet where thirty-five (35) feet is required, a 0.588 acre lot where one (1) acre is required, with side yards of ten (10) feet where twenty (20) feet are required, a building setback of thirty-four (34) feet from the street right-of-way where fifty (50) feet is required, a driveway in the west side yard, housing for eighty (80) occupants where sixty-five (65) occupants maximum would be permitted, a planting area of less than five (5) percent of the lot area located behind the new building, removal of trees that are greater than ten (10) inch caliper, a thirty-seven (37) percent lot coverage where thirty (30) percent maximum is permitted, a calculated floor area of 30,360 square feet for the new building where 10,200 square feet maximum is permitted, (40) percent of the lot area for parking lot coverage where thirty-five (35) percent is permitted, a parking space reduction from a calculated required ninety-nine (99) spaces to twenty-eight (28) spaces, a first floor above grade of eight (8) inches where between two and one-half (2 1/2) feet and three and one-half (3 1/2) feet is required, and gambrel roofing on the building; said property being more particularly described as follows:

115 & 127 EAST SIXTEENTH AVENUE (43201), being 0.59± acres located on the south side of East Sixteenth Avenue, 126± feet west of Indianola Avenue, and being more particularly described as follows:

**115-117 East Sixteenth Avenue
Tax Parcel No. 010-043173**

Being part of Lot No. 46 of Indianola Farm, as the same is delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 89, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin at the intersection of the south line of Sixteenth Avenue in said City, with the west line of a tract of 1.9839 acres of land heretofore deeded to the said Luellen D. Lampman by John R. Dunlap and wife by Deed of record in Deed Book 352, page 116, Recorder's Office, Franklin County, Ohio, thence southerly along the west line of said tract 149 feet to a point in said west line, thence easterly 55 feet to a point, thence northerly, parallel with the west line of said tract 147 feet to a point in the south line of said Sixteenth Avenue, thence westerly along said south line of Sixteenth Avenue 55 feet to the place of beginning, subject to the restrictions and conditions contained in Deed from Robert E. Neil to John R. Dunlap, Deed Book 246, page 599, also in Deed to George W. and Marietta B. Knight of record in Deed Book 503, page 350.

**127 East Sixteenth Avenue
Tax Parcel No. 010-067386**

Situated in the State of Ohio, County of Franklin, City of Columbus and in Section 3, Township 1, Range 18, United States Military Lands and being all of a 0.405 acre tract of land (by recent survey) conveyed to Robert N. Shamansky by deed of record in Instrument 200202010030724, all references being to Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a ½" Solid I.P. found at the northeast corner of said 0.405 acre tract, at the northwest corner of a tract of land conveyed to The Alpha Gamma Chapter House Company of the Kappa Alpha Theta Fraternity by deed of record in Deed Book 1061, Page 475 and in the curved south right of way line of Sixteenth Avenue (Sixty (60) feet in width);

thence S 13° 46' 18" E along the east line of said 0.405 acre tract, along the west line of said Alpha Gamma Chapter House Company tract and radial to the curved south right of way line of Sixteenth Avenue a distance of 146.15 feet to a ½" I.D. iron pipe found at the southeast corner of said 0.405 acre tract, at the southwest corner of said Alpha Gamma Chapter House Company tract, at the northwest corner of a tract of land conveyed to I.C. Inc. by deed of record in Deed Book 1059, Page 432 and at the northeast corner of a tract of land conveyed to H. Queck as Trustee of the Campus Partners Properties Trust by deed of record in Instrument 200106130133203;

thence S 81° 31' 47" W along the south line of said 0.405 acre tract, along the north line of said H. Queck tract and along a portion of

the north line of a tract of land conveyed to Sigma Kappa Chapter of Kappa Delta Sorority by deed of record in Deed Book 1894, Page 50 a distance of 141.93 feet to a $\frac{3}{4}$ " I.D. iron pipe found at the southwest corner of said 0.405 acre tract and at the southeast corner of a tract of land conveyed to Shamansky Real Estate Holdings, LLC by deed of record in Instrument 200202010030142;

thence N $1^{\circ} 28' 25''$ E along the west line of said 0.405 acre tract and along the east line of said Shamansky Real Estate Holdings, LLC tract a distance of 147.14 feet to a $\frac{3}{4}$ " I.D. iron pipe found at the northwest corner of said 0.405 acre tract and at the northeast corner of said Shamansky Real Estate Holdings, LLC tract;

thence easterly, along the curved north line of said 0.405 acre tract, along the curved southerly right of way line of Sixteenth Avenue and with a curve to the left, data of which is: radius = 594.30 feet, length = 103.15 feet and delta = $9^{\circ} 56' 40''$, a chord distance of 103.02 feet bearing N $81^{\circ} 12' 02''$ E to the true place of beginning; containing 0.405 acre of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Jay R. Miller, Ohio Surveyor No. 8061, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers and Surveyors, Columbus, Ohio, from an actual field survey perform under his supervision in May, 2005. Basis of bearings is an assumed meridian along the east line of said 0.405 acre tract, being S $13^{\circ} 46' 15''$ E.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for scholarship student housing (college fraternity or sorority), or those uses permitted in the I, Institutional and AR-4, Apartment Residential Districts.

SECTION 3. That this ordinance is further conditioned upon the combination of tax parcels 010-043173 and 010-067386 to form one (1) tax parcel prior to the issuance of Zoning Clearance.

SECTION 4. That this ordinance is further conditioned on substantial compliance with the registered site plan titled, "**EVANS SCHOLARS FOUNDATION ZONING PLAN**," drawn by Feinknopf Macioce Schappa Architects, Inc., dated May 2, 2006, and signed by Jill S. Tangeman, Attorney for the applicant. The Zoning Site 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 Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 5. That this ordinance is further conditioned on the applicant filing, within six months of the effective date of this ordinance, a rezoning application with Building Services Division to rezone the I, Institutional District to AR-4, Apartment Residential District.

SECTION 6. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.