



Legislation Text

File #: 1864-2021, **Version:** 1

Council Variance Application: CV21-011

APPLICANT: 2468 Summit Holdings, LLC; c/o Dave Perry, Agent; David Perry Company, Inc. 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: An eight-unit apartment building.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a two-story mixed-use building in the R-2F, Residential District. Council variance CV90-1048, passed November 5, 1990 (Ordinance #2686-90), permits the use of the building as six dwelling units and commercial uses. The applicant is seeking a Council variance to convert the commercial spaces to dwelling units, creating an eight-unit apartment building. Variances to parking and building setbacks, lot coverage, lot area, lot width, floor area ratio (FAR), landscaped area and treatment, side yards, hard surface for parking, and a parking space reduction from 12 spaces to 4 spaces are included in the request. The site is located within the boundaries of the University District Zoning Overlay and is within the planning area of the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses at this location. Although the proposed density exceeds the recommendations of the Plan, staff notes the proposal will maintain an existing contributing building which is consistent with the Plan's design guidelines.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3312.27(3), Parking setback line; 3312.43, Required surface for parking; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.05(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.21 (D), Building lines; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **2468-2470 SUMMIT ST. (43202)**, to permit an eight-unit apartment building with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #2686-90, passed November 5, 1990 (Council Variance #CV21-011).

WHEREAS, by application #CV21-011, the owner of the property at **2468-2470 SUMMIT ST. (43202)**, is requesting a Variance to permit an eight-unit apartment building with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F residential district, permits only single- or two-unit dwellings, while the applicant proposes to convert an existing mixed-use building to an eight-unit apartment building; and

WHEREAS, Section 3312.27(3), Parking setback line, requires the minimum parking setback line to be 10 feet, while the applicant proposes a parking setback line of zero feet along Tompkins Avenue; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes to maintain a gravel parking surface; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 12 parking spaces, while the applicant proposes a total of 4 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a right angle clear vision triangle of 30 feet by 30 feet shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes a clear vision triangle of 30 feet by 12 feet at intersection of Summit Street and East Tompkins Avenue; and

WHEREAS, Section 3325.801, Maximum Lot Coverage, requires that a building including any rear or side porch or roofed stairs shall cover no more than 25 percent of the lot area, while the applicant proposes to increase coverage to 57 percent of the lot area; and

WHEREAS, Section 3325.805, Maximum Floor Area Ratio (FAR), requires that the maximum total calculated floor area permitted on any lot shall be no greater than that determined by a 0.40 FAR, while the applicant proposes an increased FAR of 0.90; and

WHEREAS, Section 3325.809, Landscaped Area and Treatment, requires at least 10 percent of the lot area be planted and maintained with grass and/or other live vegetation and be located behind the most rear portion of the principle residential building, while the applicant proposes 2± percent landscaped area behind the existing building; and

WHEREAS, Section 3332.05(4), Area district lot width requirements, requires a minimum lot width of 50 feet, while the applicant proposes a lot width of 41 feet; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a minimum lot area of 6,000 square feet for a principal building, while the applicant proposes a lot area of 5,043 square feet pursuant to the lot area calculation in 3332.18(C); and

WHEREAS, Section 3332.21(D), Building lines, requires a 10 foot minimum building setback along East Tompkins Avenue, while the applicant proposes a 0.25± foot building line; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards shall equal or exceed 20 percent of the lot width, or 8.2 feet, while the applicant proposes the sum of the side yards will equal 0.5± feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain the existing side yards of 0.25± feet; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variances will maintain an existing contributing building consistent with the design guidelines of the *University District Plan*, and will not add an incompatible use to the neighborhood; 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 **2468-2470 SUMMIT ST. (43202)**, 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 hereby granted from the provisions of Sections 3332.037, R-2F residential district; 3312.27(3), Parking setback line; 3312.43, Required surface for parking; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.05(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.21(D), Building lines; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **2468-2470 SUMMIT ST. (43202)**, insofar as said sections prohibit an eight-unit apartment building in the R-2F, Residential district; with a reduced parking setback line from 10 feet to zero feet along East Tompkins Avenue; a gravel parking surface; a parking space reduction from 12 required spaces to 4 spaces; a reduced vision clearance triangle from 30 feet by 30 feet to 30 feet by 12 feet; an increased maximum lot coverage from 25 percent to 57 percent; an increased FAR from 0.40 to 0.90; a decreased landscaped area from 10 percent to 2± percent behind the building; a reduced lot width from 50 feet to 41 feet; a reduced lot area from 6,000 square feet for a principal building to 5,043 square feet; a reduced building line from 10 feet to 0.25± feet along East Tompkins Avenue; a reduced maximum side yard from 8.2 feet to 0.5± feet; and reduced minimum side yards from 5 feet to 0.25± feet on either side of the building; said property being more particularly described as follows:

2468-2470 SUMMIT ST. (43202), being 0.12 acres located at the southeast corner of Summit Street and East Tompkins Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, and bounded and described as follows: Being Lot No. One (1) and Five and Thirty Hundredths (5.30) feet of the north side of Lot Number Two (2) in John Walsh's Subdivision of Lots Numbered 122 to 127, inclusive, and 144 to 146, inclusive, of Samuel Doyle's Summit Street Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book Number 3, Page 3, Recorder's Office, Franklin County, Ohio.

Property Address: 2468-2470 Summit Street, Columbus, Ohio 43202

Tax Parcel No.: 010-026440-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an eight-unit apartment building as shown on the submitted site plan, 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 "**PROPOSED SITE PLAN**," dated June 15, 2021 and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 plans shall be subject to review and approval by the Director of the Department 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 upon 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.

SECTION 5. That Ordinance #2686-90, passed November 5, 1990, be and is hereby repealed.