



## Legislation Text

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**File #:** 0746-2012, **Version:** 2

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### **Council Variance Application: CV12-004**

**APPLICANT:** Historic Dennison Hotel LLC; c/o Donald Plank, Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** 26-unit apartment building.

**VICTORIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council Variance will conform a multi-unit residential building in the R-4, Residential District, and will allow renovation of the structure including the construction of a roof-top pavilion for recreational use by the tenants. The building was originally constructed as a six-story hotel that was later reduced by two stories and converted into a 39-unit apartment building. This conversion occurred when the property was previously zoned AR-2, Apartment Residential District. A city-wide rezoning to the R-4 District in 1978 rendered the property non-conforming. The number of units will be reduced to 26 with this proposal, and the request also includes variances for height, setback and yard standards, and minimum number of parking spaces. A Council variance is required because the R-4, Residential District permits a maximum of four dwelling units in one building. Approval of this request will not add a new or incompatible use to the area, and will result in a reduced density.

To grant a variance from the provisions of Sections 3332.039, R-4, Residential district; 3309.14(A), Height districts; 3312.09, Aisle; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City codes, for the property located at **789 DENNISON AVENUE (43215)**, to permit a 26-unit apartment building with reduced development standards in the R-4, Residential District **and to declare an emergency** (Council Variance # CV12-004).

**WHEREAS**, by application No. CV12-004, the owner of property at **789 DENNISON AVENUE (43215)**, is requesting a Council Variance to permit a 26-unit apartment building with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential district, prohibits more than four (4) dwelling units per building, while the existing building has 39 apartment units, and the applicant proposes to renovate the building for use as a 26-unit apartment building; and

**WHEREAS**, Section 3309.14(A), Height districts, prohibits buildings or structures exceeding 35 feet in height, while the existing building is 42 feet tall and the applicant proposes the addition of a roof-top pavilion requiring an increase in permitted height to 54 feet; and

**WHEREAS**, Section 3312.09, Aisle, requires a twenty (20) foot-wide aisle for 90 degree parking spaces, while the applicant proposes to maintain approximately five (5) feet of maneuvering area/aisle on-site for the existing parking on the south side of the building, with access and the balance of the maneuvering area occurring off-site on the property to the south; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot including aisles or circulation areas, while the applicant proposes to maintain four (4) existing parking spaces along the south side of the building to be accessed from and maneuver onto the adjacent property to the south, or, if the spaces are rearranged into two pairs of stacked parking spaces to be accessed from Hunter Avenue, then to allow maneuvering over and through parking spaces; and

**WHEREAS**, Section 3312.29, Parking space, allows stacked parking spaces only for single- and two-unit dwellings, or multi-unit dwellings with individual garage/driveway arrangements, while the applicant proposes two (2) stacked parking spaces behind two parking spaces should the arrangement of the existing four spaces on the south side of the building be changed to have access from Hunter Avenue; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 39 spaces for a 26-unit apartment building, while the applicant proposes to maintain six (6) parking spaces; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three (3) or four (4) dwelling units shall be situated on a lot with an area which equals or exceeds 2,500 square feet of lot area per dwelling unit, while applicant proposes to renovate the building for use as a 26-unit apartment building on a 15,125± square foot lot, totaling 581 square feet of lot area per dwelling unit; and

**WHEREAS**, Section 3332.21, Building lines, requires a 25-foot setback from Dennison Avenue, while the applicant proposes to maintain the existing building line of 23.6 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain a minimum side yard of three (3) feet along the north property line for the existing building; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes to maintain no rear yard for the existing building and parking areas; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in a required side or rear yard to be open and unobstructed from the established grade to the sky, while the applicant proposes to maintain the obstruction of the existing parking spaces located in the south side yard as shown on the site plan; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add a new or incompatible use to the area, and will result in reduced density; 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 **789 DENNISON AVENUE (43215)**, in using said property as desired; and

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the

public peace, property, health and safety; 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; 3309.14(A), Height districts; 3312.09, Aisle; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.28, Side or rear yard obstruction, of the Columbus City codes, is hereby granted for the property located at **789 DENNISON AVENUE (43215)**, in so far as said sections prohibit a 26-unit apartment building in the R-4, Residential District, with an increased building height of 54 feet, a reduced aisle width, maneuvering over property lines or parking spaces, four stacked parking spaces, a parking space reduction of thirty-three (33) required spaces, a reduction in the required lot area to 581 square feet per dwelling, a reduced building line of 23.6 feet, a reduced minimum side yard of three feet (3') along the north property line, no rear yard, and obstruction of the south side yard by four parking spaces, said property being more particularly described as follows:

**789 DENNISON AVENUE (43215)**, being 0.35± acres located on the west side of Dennison Avenue, 71± feet north of Buttles Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio:

And known as being Units Numbered 001, 002, 003, 004, 005, 006, 007, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310 and 311 of Leafy Dale Condominium, and its undivided interest in the common elements appurtenant to it, as the same are numbered, designated, delineated and described in the Declaration and Drawings thereof, of record respectively in Instrument No. 200519960210432 and Condominium Plat Book 155, Pages 28-31, Recorder's Office, Franklin County, Ohio.

Franklin County Parcel Numbers 010-278270 through 010-278309

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a 26-unit apartment building, 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 Plans titled, "**789 DENNISON AVENUE, SHEETS SP1 & A2.01**," dated April 4, 2012, drawn by Urban Order Architects, and signed by Donald Plank, Attorney for the Applicant. 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned upon the applicant providing a minimum of three on-site bicycle parking spaces.

~~SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**