



## Legislation Text

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**File #:** 1184-2018, **Version:** 1

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### **Council Variance Application: CV18-005**

**APPLICANT:** Hank Holdings, LTD.; c/o Jeffrey L. Brown; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Mixed-use development.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a religious facility and parsonage on one lot zoned in the R-4, Residential District. The applicant is seeking to repurpose the existing religious facility into a mixed-use building containing four dwelling units and a 3,708± square foot coffee shop with a 330± square foot accessory patio. The existing parsonage will be repurposed into a two-unit dwelling. A Council variance is necessary because the R-4 district does not permit commercial uses. The request incorporates variances for existing conditions including vision clearance, supplemental parking requirements, maximum lot coverage, maximum floor area ratio (FAR), landscaped area and treatment, area district requirements, building lines, required yards, and side yard obstruction. While the *University District Plan* (2015) recommends “lower-intensity residential” land uses for this location, it does place priority on the preservation of existing contributing historical buildings. With the addition of buffering and screening along the southern portion of the proposed patio, access to on-street parking and public transportation, as well as the maintenance of existing on-site parking spaces, staff supports this request.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3321.05(B)(2), Vision clearance; 3325.705(A)(E), Supplemental Parking Requirements; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.22(A)(1), Building lines on corner lots - Exceptions; 3332.25, Maximum side yards required; 3332.26(C)(3), 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 **1334 NEIL AVENUE (43201)**, to permit a building containing a four-unit dwelling and a 3,708± square foot coffee shop with a 330± square foot accessory patio, and a separate two-unit dwelling on the same lot with reduced development standards in the R-4, Residential District (Council Variance # CV18-005).

**WHEREAS**, by application #CV18-005, the owner of the property at **1334 NEIL AVENUE (43201)**, is requesting a Variance to permit a building containing a four-unit dwelling and a 3,708± square foot coffee shop with a 330± square foot accessory patio, and a separate two-unit dwelling on the same lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential district, allows a maximum of four dwelling units in one building and does not permit commercial uses, while the applicant proposes to repurpose the existing religious facility (Building 1) into four dwelling units and a 3,708± square foot coffee shop with a 330± square foot accessory patio, and the existing parsonage (Building 2) into two dwelling units, as shown on the site plan; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet from the corner at an intersection on each residential lot, while the applicant proposes to maintain the existing building which encroaches into the clear vision triangle at the intersection of Neil Avenue and West Sixth Avenue; and

**WHEREAS**, Section 3325.705(A)(E), Supplemental Parking Requirements, prohibits parking or maneuvering in any required side yard and states that each parking area shall be separated from any required yard or landscaped area by a continuous eight-inch curb or permanent barrier, while the applicant proposes to maintain a parking space in the required side yard of Building 2 without a curb or permanent barrier; and

**WHEREAS**, Section 3325.801, Maximum Lot Coverage, requires that a building 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 25 percent of the lot area, while the applicant proposes to maintain a lot coverage of 57 percent; 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 1.1; 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 to maintain zero percent landscaped area; and

**WHEREAS**, Section 3332.15, R-4 area district requirements, requires that a two-story two-unit dwelling be situated on a lot no less than 6,000 square feet in area, and that a four-unit dwelling on a corner lot contain 1,500 square feet per dwelling, totaling 12,000 square feet, while the applicant proposes a four-unit dwelling and a two-unit dwelling on a lot of 10,322 square feet; and

**WHEREAS**, Section 3332.21, Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than 23.1 feet, while the applicant proposes to maintain a building line of 22.3 feet along Neil Avenue; and

**WHEREAS**, Section 3332.22(A)(1), Building lines on corner lots - Exceptions, requires new construction on a corner property with a width of not over 65 feet and not under 40 feet to have a setback of at least 20 percent of the property width, in this case being equal to 12 feet along West Sixth Avenue, while the applicant proposes to maintain the existing building setbacks of 5 feet for Building 1 and 4 feet for Building 2 from West Sixth Avenue; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot which equals 12 feet; while the applicant proposes to maintain a reduced maximum side yard of 5 feet for Building 1; and

**WHEREAS**, Section 3332.26(C)(3), Minimum side yard permitted, requires a side yard of no less than 5 feet, while the applicant proposes to maintain reduced minimum side yards of zero feet for Building 1 along the southern property line and 4 feet for Building 2 along the north property line; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain no rear yard; and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes to maintain pavement for parking and maneuvering in the side and rear yards of Building 2; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance, while not consistent with the land use as recommended by the *University District Plan*, does permit the repurposing of two existing contributing historical buildings into a mixed-use development that includes appropriate buffering and screening, and the maintenance

of existing on-site parking spaces; 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 **1334 NEIL 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 hereby granted from the provisions of Sections 3332.039, R-4 residential district; 3321.05(B)(2), Vision clearance; 3325.705(A)(E), Supplemental Parking Requirements; 3325.801, Maximum Lot Coverage; 3325.805, Maximum Floor Area Ratio (FAR); 3325.809, Landscaped Area and Treatment; 3332.15, R-4 area district requirements; 3332.21, Building lines; 3332.22(A)(1), Building lines on corner lots - Exceptions; 3332.25, Maximum side yards required; 3332.26(C)(3), 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 **1334 NEIL AVENUE (43201)**, insofar as said sections prohibit a building containing a four-unit dwelling and a 3,708± square foot coffee shop with a 330± square foot accessory patio, and a separate two-unit dwelling on the same lot in the R-4, Residential District; with encroachment of the existing building into the clear vision triangle at the intersection of Neil and West Sixth Avenue; an existing parking space in the required yard of Building 2 with no curb or permanent barrier; an increased maximum lot coverage from 25 percent to 57 percent; an increased FAR from 0.4 to 1.1; a decreased landscaped area from 10 percent to zero percent; a reduction in lot area from 12,000 square feet to 10,322 square feet; a reduced building line of 22.3 feet along Neil Avenue and reduced building lines of 5 feet and 4 feet for Building 1 and Building 2 respectively, along West Sixth Avenue; a reduced maximum side yard from 12 feet to 5 feet for Building 1; a reduced minimum side yard of zero feet along the south property line for Building 1 and of 4 feet along the north property line of Building 2; a reduced rear yard of zero percent; and to maintain obstruction of the required side and rear yards of Building 2 by pavement for parking and maneuvering; said property being more particularly described as follows:

**1334 NEIL AVENUE (43201)**, being 0.24± acres located at the southeast corner of Neil Avenue and West Sixth Avenue, and being more particularly described as follows:

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

Lot Number 284 and 22.5 feet off of the south side of Lot 283 in DENNISON PLACE ADDITION to the City of Columbus, County of Franklin and State of Ohio, as the same are designated and delineated on the recorded plat of said addition, of record in Franklin County, Plat record book 3, pages 13-14 & 15.

Parcel Number: 010-066677

Property known as: 1334 Neil Avenue, Columbus, Ohio 43201

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a building containing a four-unit dwelling and a 3,708± square foot coffee shop with a 330± square foot accessory patio, and a separate two-unit dwelling on the same lot with reduced development standards in the R-4, Residential District. For clarification purposes, a coffee shop at this location means an establishment used primarily for the dispensing, or sale of coffee related beverages, for on and off-site consumption, and may include other food related items.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plans titled "**SITE COMPLIANCE PLAN PAGE 1 OF 3**" and "**SITE PLAN PAGE 2 OF 3,**" dated April 20, 2018 and signed by Jeffrey L. Brown, 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.