



## Legislation Text

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**File #:** 2890-2019, **Version:** 1

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### **Council Variance Application: CV18-058**

**APPLICANT:** Verge Developments LLC; c/o Donald T. Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

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

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Incomplete.

**UNIVERSITY IMPACT DISTRICT REVIEW BOARD RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant commercial building, an office building, and a four-unit dwelling in the C-4, Commercial district, and a single-unit dwelling in the R-2F, Residential district. In the C-4, Commercial district, the four-unit dwelling will be retained, and the proposed development will consist of mixed-use building containing 27 dwelling units, 1,818 square feet of retail space, 1,879 square feet of office space, and 605 square feet of accessory residential space. In the R-2F, Residential district, the proposed development will consist of a two-unit dwelling. The requested Council variance will permit accessory residential uses and the existing four-unit dwelling in the C-4, Commercial district, and will allow two parking spaces to be located within the R-2F parcel which will serve the uses in the C-4 parcel. The site is located within the boundaries of the *University Area Plan* (2015), which recommends "Lower Intensity Residential" and "Neighborhood Mixed Use" land uses at this location. This proposal will permit multi-story mixed-use development that is consistent with the Plan recommendations and with the recent development pattern along this corridor.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3356.03, C-4 permitted uses; and 3312.03(D), Administrative requirements, of the Columbus City Codes; for the property located at **2486 NORTH HIGH STREET (43202)**, to permit a mixed-use development with reduced development standards in the C-4, Commercial and R-2F, Residential districts (Council Variance #CV18-058).

**WHEREAS**, by application #CV18-058, the owner of property at **2486 NORTH HIGH STREET (43202)**, is requesting a Council variance to permit a mixed-use development with reduced development standards in the C-4, Commercial and R-2F, Residential districts; and

**WHEREAS**, Section 3332.037, R-2F residential district, prohibits a commercial parking lot as an accessory use, while the applicant proposes two parking spaces for the mixed-use development located on Parcel #010-045644 to be located on Parcel #010-031637, which is zoned in the R-2F district; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits residential uses only above certain commercial uses, while the applicant proposes to conform an existing four-unit dwelling and to permit accessory residential uses in the new mixed-use building; and

**WHEREAS**, Section 3312.03(D), Administrative requirements, requires parking spaces to be provided on the same lot as the use they are intended to serve, and located in an appropriate zoning district with a limited overlay or CPD text having

conditions which limit its use to parking reserved for the duration of that use to be served, while the applicant proposes two parking spaces in the R-2F district on Parcel #010-031637 that will serve uses in the C-4 district on Parcel #010-045644 that are not zoned in a limited or CPD district, but are permitted via the use variance contained within this ordinance; and

**WHEREAS**, the University Area Commission recommended approval for 3356.03, C-4 permitted uses, but not 3332.037, R-2F residential district, as this variance was added after their recommendation was rendered. The change could not be considered due to the University Area Commission's bylaws which prohibit them from voting again on the same application. Therefore, a vote was not taken by the University Area Commission on the variance to Section 3332.037, R-2F residential district. However, the site plan that was considered by the University Area Commission and included in this ordinance reflects the site configuration that necessitates this variance; and

**WHEREAS**, the University Impact District Review Board recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will allow a mixed commercial and residential development that is consistent with the *University District Plan's* land use recommendations, and continues the redevelopment pattern for this segment of North High Street; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **2486 NORTH HIGH STREET (43202)**, in using said property as desired;

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

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F residential district; 3356.03, C-4 permitted uses; and 3312.03(D), Administrative requirements, is hereby granted for the property located at **2486 NORTH HIGH STREET (43202)**, insofar as said sections prohibit accessory commercial parking spaces in the R-2F, Residential district, and a four-unit dwelling and accessory ground floor residential uses in the C-4, Commercial district; with two parking spaces that are on Parcel #010-031637 that will serve uses on Parcel #010-045644 that are not zoned in a limited or CPD district; said property being more particularly described as follows:

**2486 NORTH HIGH STREET (43202)**, being .80± acres located on the east side of North High Street, 100± feet south of East Tompkins Street, and being more particularly described as follows:

**PARCEL #010-045644 (ZONED C-4):**

**TRACT 1**

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

And bounded and described as follows:

Being part of the Third Quarter of the First Township in the Eighteenth Range United States Military Lands, formerly in

Clinton Township, now in the City of Columbus, and bounded and described as follows:

Beginning at the intersection of the East line of High Street with the North line of Wilcox Street;

Thence along the East line of High Street, North 14 deg. West for 82-1/2 feet;

Thence at right angles to the East line of High Street North 76 deg. East for 165 feet to the West line of a 16-1/2 foot alley;

Thence South 14 deg. East along the West line of said alley for 82-1/2 feet to the North Line of Wilcox Street;

Thence South 76 deg. West along the North line of Wilcox Street for 165 feet to the point of beginning.

**TRACT 2:**

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

Beginning on the East side of High Street, 42 feet Southerly from the Southeast corner of North High Street and East Tompkins Street;

Thence Easterly parallel with Tompkins Street 165 feet to an alley;

Thence Southerly parallel with High Street 40.5 feet;

Thence Westerly parallel with Tompkins Street 165 feet to High Street;

Thence Northerly along the East line of High Street 40.5 feet to the place of beginning.

**TRACT 3:**

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

Being part of Quarter Township 3, Township 1, Range 18, United States Military Lands, and more particularly described as follows:

Beginning at the intersection of the East line of North High Street with the South line of Tompkins Street;

Thence in an Easterly direction along the South line of Tompkins Street, 66 feet to a point;

Thence in a Southerly direction on a line parallel with the East line of North High Street, 42 feet to a point;

Thence in a Westerly direction and parallel to the South line of Tompkins Street, 66 feet to a point in the East line of North High Street;

Thence in a Northerly direction with the East line of North High Street, 42 feet to the place of beginning.

**TRACT 4:**

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

Being a part of Quarter Township 3, Township 1, Range 18, United States Military Lands, and more particularly bounded and described as follows:

Beginning at the intersection of the East line of North High Street with the South line of Tompkins Street;

Thence in an Easterly direction along the South line of Tompkins Street, 165 feet to a point;

Thence in a Southerly direction on a line parallel with the East line of North High Street 42 feet to a point;

Thence in a Westerly direction and parallel to the South line of Tompkins Street, 165 feet to a point in the East line of North High Street;

Thence in a Northerly direction with the East line of North High Street, 42 feet to the place of beginning.

EXCEPTING THEREFROM, however 66 feet off of the West end of said Lot conveyed to Arthur L. Evans, January 6, 1925, by deed recorded in Deed Book 792, page 285, more particularly described as follows:

Beginning at the intersection of the East line of North High Street with the South line of Tompkins Street;

Thence in an Easterly direction along the South line of Tompkins Street 66 feet to a point;

Thence in a Southerly direction on a line parallel with the East line of North High Street 42 feet to a point;

Thence in a Westerly direction parallel to the South line of Tompkins Street 66 feet to a point in the East line of North High Street;

Thence in a Northerly direction with the East line of North High Street 42 feet to the place of beginning.

**PARCEL #010-031637 (ZONED R-2F):**

Situated in the City of Columbus, County of Franklin, and State of Ohio, and bounded and described as follows:

Beginning at a point 181-1/2 feet East of the Northeast corner of High and Wilcox Streets;

Thence in an Easterly direction along the North line of Wilcox, 82-1/2 feet, more or less, to the Southwest corner of Lot Number Eighteen (18) in Samuel Kinnear's East Addition of Inlots to North Columbus, Ohio;

Thence in a Northerly direction along the West line of Lots Seventeen (17) and Eighteen (18) of Samuel Kinnear's East Addition of Inlots to North Columbus, Ohio 82-1/2 feet more or less, to a point in the West line of said Lot Seventeen (17);

Thence in a Westerly direction and parallel with the North line of Wilcox Street, 82-1/2 feet, more or less, to a point;

Thence in a southerly direction 82-1/2 feet, more or less, to the place of beginning.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a mixed-use development as permitted by this ordinance, or those uses in the respective C-4, Commercial, or R-2F, Residential districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plans titled, "**1<sup>ST</sup> FLOOR PLAN**," and "**FAR CALCULATIONS**," dated November 1, 2019, 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.