

Meeting Notes from Monday, January 5, 2015 meeting of the UAC Zoning Committee:

6:00 PM – Business/administrative session. We briefly discussed the while we waited for a quorum. Newly elected Commissioner Rory Krupp was in attendance and was asked if he had interest in joining the Zoning Committee. He is planning on joining the committee and participated with us at this meeting. It was noted that the January UAC meeting will provide opportunity to sign up for committees, and that the Executive Committee of the UAC may adjust committee assignments to have balanced representation on each committee. It was also noted that the larger the committee, the larger the required quorum. This is especially important to the Zoning Committee.

Some of the topics mentioned that should be addressed in the coming year:

- Instructions on the variance process and procedures posted on our website; make it user-friendly
- Archiving of zoning meeting notes, applicant materials and actions/decisions. It was suggested that Community Relations Committee develop basic archive procedures.
- Develop a basic zoning 'packet' for new Zoning Committee Members

PRESENT: Ethan Hansen, Craig Bouska, Dick Talbot, Seth Golding, Colin Odden, Steve Volkmann, Susan Keeny, Deb Supelak (arrived later)

EXCUSED/ABSENT: Joyce Hughes, Tom Wildman

VISITORS: Rory Krupp

Applicant(s):

1. **31 E. Lane Avenue** – This is a council variance request to add a second story to an existing addition at the rear of the house located at 31 E. Lane Avenue, just east of Pearl Alley. The property includes an existing 2-story house w/ attic and an existing, attached, 1-story concrete block addition to the rear. Dave Perry is presenter. Buckeye Real Estate is applicant.

Project Information:

- Building is a residential structure located on a parcel that is zoned C-2 (Commercial). A 1997 council variance ordinance permitted ground floor residential use in this commercial zone.
- Current building is comprised of two dwelling units – a 2-story residence with 5 bedrooms & a 1-story addition at the rear with 2 bedrooms, for a total of seven (7) bedrooms on this property.
- 1997 council variance ordinance states that max. number of bedrooms at this property shall be 7.
- Applicant proposes to add a second story over the existing 1-story rear addition, bringing the total number of bedrooms on this site to eight (8).
- Variances are requested involving changes of use:
 - **Section 3353.03, Permitted Uses:** to permit ground floor residential use, & 2nd floor residential use not located over a ground floor residential use. There shall be no more than eight (8) bedrooms in these two (2) existing dwelling units.
 - **Section 3353.05(B), C-2 Dist. Development Limitations:** to permit a dwelling unit above a non-permitted use in the C-2 District. Since ground floor residential is *not* a permitted use in the C-2 District, there must be a variance request to locate a 2nd floor dwelling unit addition above this ground floor residential use. Maximum number of bedrooms permitted is revised from seven (7) to eight (8) bedrooms.
- 2nd floor addition & stairwell = total of 794 S.F. new habitable construction.
- Existing 1-story addition (674 S.F.) & rear porch to be remodeled.

Applicant Presentation:

- Applicant presented the proposed project – a 2nd story addition to the existing 2-bedroom addition at the rear of 31 E. Lane Ave.
- The ground level residence was built in 1998.
- This project would remodel the current ground level residential unit, add a stairway & create 3 bedrooms on the new 2nd level.
- Because the maximum number of bedrooms (7) was specified in the 1997 Council Ordinance, this council variance application is necessary to increase the total number of bedrooms on this parcel from 7 to 8. There is no change of use.
- Both the interior and exterior of the building would be remodeled and upgraded. The concrete block would be resurfaced in fiber cement siding.
- The project is in the Impact District and also the Indianola Forest Historic District and has been reviewed by the UARB and the Historic Resources Commission (HRC). Both the UARB & the HRC have approved the proposed addition.

Discussion, Comments/Observations:

- Questions were asked regarding the reasons for the Council Variance.
Response: The parcel is zoned Commercial, which does not permit ground floor residential. Even though this has been ground floor residential for a while, it is still not a permitted use. This also applies to adding upper floors of residential over a non-permitted use. In addition, the project proposes to change the conditions of the original Council Ordinance by increasing the number of bedrooms by 1.
- Applicant explained that current addition is in need of remodeling – the ground floor is a very tight 2-bedroom unit. Adding a 2nd floor for the bedrooms and bath would create a more marketable unit. Remodeling would improve the appearance of the entire residence.
- Applicant went through the proposed plans & explained the elevations
- The building footprint remains basically the same
- 7 parking spaces more than meet current code requirements
- Landscaping? Response: There will be new landscaping between the sidewalk and the parking lot and a 3" caliper tree is proposed in the rear lawn area.
- The committee felt very positive about the proposed project and felt it would enhance this corner property.

Motion to approve the request for a Council Variance for the 2nd story addition to the existing 2-unit residence located at 31E. Lane Avenue: Seth Golding; Seconded: Dick Talbot. For – 5; Against – 0; Recused – 2. MOTION PASSES.

2. **10 W. 9th Street & 40 W. 9th Street** – This is a request for council variance request to create a multi-unit housing development that includes 2 Development Areas:

Development Area 1 (10 W. 9th St.): 2 existing parcels, @ corner of N. High St & W. 9th St. & adjacent parcel along W. 9th St. just east of Wall Street Alley.

Development Area 2 (40 W. 9th St.): 3 existing parcels along W. 9th, just west of the Wall St. alley.

Development Area 1 includes the renovation of the existing apartment building fronting along High St., and an existing row house located along W. 9th Avenue into a single 3-story residential development w/ 18 proposed dwelling units. Development Area 2 involves the demolition of 2 existing buildings and development of a new 4-story apartment building & parking structure w/ 16 proposed dwelling units. It was the City staff's recommendation that both properties be assigned new addresses, both on W. 9th St. This is one project, but the 2 Development Areas are handled separately in terms of variances.

The following are the variances requested for **10 W. 9th Street** (w/ frontage along High St.):

- **Section 3356.05, C-4 Permitted Uses:** to permit ground level residential use in a commercial zone.
- **Section 3312.13, Driveway:** to reduce driveway width from 20 ft. to 16 ft. for 2-way travel to parking lot.
- **Section 3312.49, Min. Number Parking Spaces Required:** to reduce on-site code-required parking from 37 to 9.
- **Section 3372.605(D), Building Design Standards:** to permit 40% glass rather than the code-required 60% glass from 2 to 10 ft. above sidewalk for 1st 10 ft. of the W. 9th St. façade.

The following are the multiple variances requested for **40 W. 9th Street**:

- **Section 3372.562(A)(B), Landscaped Area & Treatment:** to permit landscaped area to be 1.4% of lot located at the rear of the building rather than code-required 5% of lot.
- **Section 3372.563, Max. Lot Coverage:** to permit maximum lot coverage of 92%, rather than code-permitted 30% lot coverage.
- **Section 3372.564(A), Parking:** to permit 59% lot coverage by parking lot rather than code-permitted 35%.
- **Section 3372.565, Building Lines:** to allow a 14% building setback rather than the code-calculated average building setback of 18.5 ft.
- **Section 3372.566(C), Building Separation & Size:** to allow proposed maximum 18,366 SF floor area rather than the code-required maximum 10,200 SF floor area.
- **Section 3372.567, Max. Floor Area:** to permit a 0.80 F.A.R. for the proposed new building along W. 9th rather than the code-permitted 0.60 F.A.R.
- **Section 3372.568, Height:** to permit a 31 ft. max. building cornice height (grade to new flat roof) that exceeds the code-permitted 17-23 ft. max. height.
- **Section 3333.035, AR4 Apartment Residential District Use:** to permit proposed new office use on the ground floor of existing residential apartment building (C4 district) to

utilize residential parking spaces during business hours in proposed new parking structure located in the parcel to the west (AR4 district).

- **Section 3333.15(C), Basis of Computing Area:** to permit proposed max. of 85% lot coverage in an apartment district rather than code-permitted max. lot coverage of 50%.
- **Section 3333.22, Max. Side Yard Required:** to allow ten (10) feet proposed total side yards (5 ft. each side), rather than the code-calculated side yard maximum of 16 ft.
- **Section 3333.24, Rear Yard:** to permit a max. of only 0.5% total lot area rather than the code-required 25% to be located behind the building. This is due to the parking structure proposed for the area behind the apartment building.

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Applicant Presentation/Project Information:

- Dave Perry is presenter. Buckeye Real Estate is applicant.
- Applicant presented the proposed project as two separate buildings, for clarity's sake, but the project in effect is seen as one development.
- Parcel identified as **10 W. 9th**:
 - Existing residential structure located along High St. will be connected to the existing row houses along W. 9th to become a single, 18-unit apartment building
 - Both existing structures will be renovated. No additional height will be added to these structures
 - Commercial offices proposed on the 1st floor of the High St. building to be offices of Buckeye Real Estate.
 - 9 parking spaces proposed on site.
 - Existing 2-story row houses contain 6 dwelling units
 - Existing 3-story apt. building contains approx. 18 dwelling units
 - Existing row houses & apt. building will be connected on all 3 floors.
 - All 1 & 2 bedroom units.
 - Existing basement will be partially filled in – non-habitable space; mainly storage & mechanicals
 - Project has UARB preliminary design approval and recommends zoning approval
- Parcel identified as **40 W. 9th**:
 - 2 existing structures will be demolished: viewed as non-contributing structures
 - New, 3-story residential building to be constructed on 3 parcels (1/2 story below grade)
 - Proposed 16 dwelling units: 3-stories facing W. 9th and 2 stories above 1 level of parking facing Wall St. Alley
 - 2-level parking garage proposed for rear of building to include 79 parking spaces.
 - Parking count exceeds code.
 - Applicant proposes that 80% of ground floor parking spaces be devoted to Buckeye Staff & potential renters.
 - Project has UARB preliminary design approval and recommends zoning approval
 - This development to resemble Neighborhood Launch

Discussion, Comments/Observations:

- Seth noted that architecture resembles old existing housing stock – positive addition to neighborhood
- Colin expressed concern about the use of “+/-” in council variance text involving floor areas, building coverage, F.A.R., building heights, lot coverage, etc. Applicant stated that this is frequently used in zoning texts and assured that the numbers reflect a maximum figure. (*Please note that in the zoning sections listed above, the chair took the liberty of listing any numbers as a maximum figure*).
- Applicant was complimented on maintaining and working with existing structures in a way that compliments existing neighborhood structures. *Response:* Applicant noted that they had considered adding a 4th floor to the existing buildings but felt better to keep heights as they are.
- Comment that contemporary connection of the High St. building and the adjacent row houses remains in background and does not overpower existing structures.
- Question: What happens in future if parcels are sold and divided up? What happens to shared parking agreement where both structures have access to the parking structure? *Response:* Zoning ordinance ties both parcels together. There is contractual arrangement to cover parking.
- Comment in UARB meeting that those structures along W. 9th should align – same setback. Applicant will work on site plan & revise accordingly.

- Comment that this renovation of existing contributing structures will be positive counterpoint to larger, denser development at South Gateway Project across High Street.
- Overall, committee felt very positive about this proposed development.

Motion to approve the request for council variance for the proposed development located 10 W. 9th Street & 40 W. 9th Street: Seth Golding; Seconded: Ethan Hansen. For – 5; Against – 0; Recused – 2. MOTION PASSES.

3. **165 E. 15th Avenue** – This is a request for multiple variances to replace an existing 14,000 SF chapter house with a new 21,000 SF chapter house for the OSU chapter of the Peta Theta Pi fraternity, located at the SE corner of E. 15th & Indianola Avenues. The existing chapter house will be demolished. Architects/applicants for the new chapter house are Moody/Nolan. The multiple variances at this point in time are:
- **Section 3372.566, Building Area:** 21,000sf building proposed; max. permitted is 10,200sf (current 14,00sf building exceeds this already)
 - **Section 3309.14, Building Height:** 41ft. building height proposed; max. permitted is 35'
 - **Section 3372.568, Building Height:** 57'-6" cupola proposed; max. height of any part of a building is 40 ft.
 - **Section 3372.564(A), Parking:** 49.8% parking coverage of lot area; max. of 35% of lot devoted to parking permitted.
 - **Section 3372.564(B), Parking:** 43 parking spaces proposed; 61 parking spaces required
 - **Section 3372.565, Building Lines:** 47.7ft. setback from E. 15th Ave. is proposed (same as current Beta House); max. setback of 33ft. required. 19.7ft. setback from Indianola proposed; 30ft. setback along Indianola required.
 - **Section 3372.567, Max. Floor Area:** 0.81 F.A.R. proposed (*same as current building*); max. 0.50 F.A.R. permitted.
 - **Section 3312.27, Parking Setback:** parking setback equal to existing conditions proposed; 30ft. parking setback required.
 - **Section 3372.562, Landscape Area & Treatment:** 0 shade trees proposed in parking lot to enable as many parking spaces as possible; 5 shade trees in parking area (*1 per each 10 parking spaces*) required.

Project Information/Applicant Presentation:

- Existing chapter house is 2-stories. 1st floor is a half level up from grade.
- Existing bedrooms are in the basement as well as on the upper floors.
- Extensive & costly repairs required for existing structure; many design options investigated.
- Alumni donors didn't want to just 'Band-Aid' the building. Suggested funds might be better spent to demolish old structure and build new chapter house to meet current needs and be more appealing to help increase membership.
- Alumni decided to support building new chapter house on site. Able to raise more money for new build rather than renovation.
- New chapter house will be 21,000sf & have approx. 50 beds (2 more than @ existing chapter house)
- Bedrooms on 2 upper floors (no basement bedrooms). Will be arranged 'suite-style' with 2 bedroom/1 bathroom units. Emulates new housing currently under construction in north campus area.
- New facility will comply with OSU's Step Program and be eligible to house sophomores.
- New parking lot configuration has 43 spaces. 2 spaces @ east boundary protrude into the front setback along E. 15th Ave.
- Recognized that this chapter house had many infractions & was disbanded, per direction from the national chapter. New membership will be recruited that will comply with fraternity's code of conduct.
- This will be a 'dry house'. *Question:* Does this apply to entire building and grounds? Any time limits? *Response:* The requirement to be a 'dry house' pertains to the entire property and is written into the charter for this chapter, in perpetuity.

Discussion, Comments/Observations:

- Concern expressed about proposed size of building. Existing is 4,000sf above the code maximum floor area of 10,200sf & proposed building is 50% larger than this. *Response:* proposed building features all bedroom units on upper floors only, and new bedroom size is comparable to North Campus dorms currently being built. This adds to total building square footage.
- This is 2nd project seen by this committee that involves the Step Program. Beyond zoning issues,

the OSU Step Program is relying on fraternities & sororities to 'step up' to meet the housing shortfall that is anticipated with the enacting of the 'sophomore rule'. OSU, a publicly funded state university, is asking a system that is selective in its membership to provide fair housing to all sophomores. While comments are not meant to disparage the Greek system, this program does appear to be an unethical housing solution. *Response:* This project is attempting to meet the requirements of the Step Program, but this is not the main reason behind the project. With or without the Step Program, the project would still be planned to correct current building deficiencies. Step Program is not the prime motivator behind the project, but will certainly help in attracting new membership. Step Program is also not the driving force behind the size of the building.

- Concern that no trees at all in new parking lot. Suggestion that several parking spaces could be eliminated in order to add more trees/landscaping. *Response:* This fraternity has a history of low parking demand. Existing lot is rarely filled. Could look at revising parking configuration to reduce a few parking spaces in order to reduce pavement & keep parking out of the front and side yard setbacks.
- Will also look at adding trees in landscape strip along Indianola.

Final Comments/Actions:

- Applicant agreed to make plan revisions and present at next month's zoning committee.
- Number of parking spaces & parking lot configuration will be reviewed & potentially reworked to feature closer to 40 parking spaces
- Parking spaces will be deleted from front setback along E. 15th Ave.
- Additional landscaping/trees will be shown on the plan as suggested in notes above & as space allows.
- Variances being requested will be revised accordingly & resubmitted.
- Committee appreciated the attractive building design but still wanted to have a comfort level that the increase in building size would not overwhelm the property & neighborhood.

This was a preliminary presentation. NO VOTE was taken at this time.

4. **2060 N. High Street** – This is a request for a parking variance for the Dunkin Donuts shop located in the lower level of the Ohio Stater Inn. The previous use was retail. The current use includes food prep and a restaurant, which is a change of use and requires additional parking. Dave Perry is the presenter. The variance requested is:

- **Section 3312.49, Minimum Numbers of Parking Spaces Required:** to reduce the code required spaces from 25 to 0 spaces due to the change in use from retail to restaurant.

Project Information/Applicant Presentation:

- Previous use was a retail store. Proposed new use is a Dunkin Donuts business.
- Property is zoned C-4 (Commercial)
- Space is located on the lower level of the Ohio Stater Inn
- Proposed use will have both counter service and a 54 seat eating area
- The on premise food service causes the whole space to be treated as a restaurant use
- Tenant space is 4,115 SF
- Currently 28 existing parking spaces on the property, but they are dedicated to another use.
- 25 additional parking spaces are required for this change of use, so the applicant is asking forgiveness from providing these additional spaces. (*Parking requirements calculated on the difference between existing & proposed uses times a 0.25% reduction, per the Overlay.*)
- Many similar eating establishments along the High St. commercial corridor have little or no parking
- Nearby student population will be largest customer base & they will likely be walking

Discussion, Comments/Observations:

- The applicant noted that most of the customers for this new restaurant will be walking, not driving.
- **Question:** Are the existing parking spaces in the Ohio Stater Inn parking lot always occupied? **Response:** It appears that some parking spaces go unused much of the time.
- The committee was generally supportive of the variance request given that:
 - There was some established on-site parking (although not specifically dedicated to the new restaurant use).
 - There is not much open space in the area directly across from campus in which to develop parking.
 - There have been other restaurant/eating establishments on High St. directly across from campus that have been granted parking variances in the past.

Motion to approve the request for parking variance for the Dunkin Donuts Shop located at 2060 N. High St.: Seth Golding; Seconded: Ethan Hansen. For – 8; Against – 0; Abstentions – 0. MOTION PASSES.

VOTING RESULTS FOR ZONING COMMITTEE MEETING: Jan. 5, 2015

MEMBER	Seth Golding	Ethan Hansen	Joyce Hughes	Susan Keeny	Colin Odden	Deb Supelak	Dick Talbot	Tom Wildman	Craig Bouska	Steve Volkmann
Attendance	Absent	Present	Absent	Present	Present	Present	Present	Absent	Present	Present
CASE/ VOTE	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R*	Y-N-A-R	Y-N-A-R*	Y-N-A-R*	Y-N-A-R
31 E. Lane Avenue	Y	Y		R	Y		Y		R	Y
10 W. 9th & 40 W. 9th St.	Y	Y		R	Y		Y		R	Y
165 E. 15th Ave. – Tabled	n/a	n/a		n/a	n/a	n/a	n/a		n/a	n/a
2060 N. High St.	Y	Y		Y	Y	Y	Y		Y	Y

*Y – yes; N – no; A – abstain; R – recused

For Commission Presentations:

Commissioners may speak twice, up to 3 minutes each time per Bylaws Article IV, Section 1(b).

For All Zoning Presentations:

Applicants will present at the next University Area Commission (UAC) meeting which will take place (*unless otherwise notified*) on **Wednesday, Jan. 21, 2015** at the Northwood & High Building, 2231 North High Street, one block north of Lane Avenue, Room 100. Zoning cases will be heard beginning approximately at 7:15 PM. Applicants are to bring 8 copies of their presentation that best present their specific case – the specific variances requested, any plans, photos of existing properties, and a statement of hardship as to why the particular request should be granted. The vote taken by the UAC that evening will be communicated to either the Columbus Board of Zoning Appeals, or City Council, or Graphics Commission, which will make the final determination of all requested variances.

PLEASE NOTE the following parameters for all participants in Commission meetings with regard to zoning cases, per our REVISED bylaws, Article IV – MEETINGS, Section 7:

The following time limits will be adhered to for all zoning cases heard before the Commission:

1. Zoning Committee presents the facts of the case - **5 min. max**

2. Applicant Presentation - **7 min. max**
3. Zoning Committee report – **5 min. max**
4. Public comment (max 3 people each pro/con) - **2 min each (max)**. Only those who complete speaker slips prior to the case being heard will be considered for speaking based on the order the slips were received
5. Commissioner discussion: Commissioner who wishes may speak once per round for **1 min (max) for 2 rounds**. A Commissioner cannot save time for their second round or transfer their remaining time to someone else
6. Applicant response - **3 min (max)**
7. Commission vote
8. A motion to extend the max time limits can be made at the beginning of the case stating which portion(s) should be extended and by how long. The motion must pass by two-thirds (2/3) majority with no debate on this motion.