



# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

## STATEMENT OF HARDSHIP

### Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.**

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

See Exhibit B

Signature of Applicant



Date 06/04/2024

Michael Panzica

## Exhibit B

### Statement of Hardship

#### CV24-037, 200 E 5<sup>th</sup> Avenue, Columbus, OH 43201

The site is a total of 1.33 acres (gross), generally located at the northwest quadrant of E. 5<sup>th</sup> Avenue and N. Fourth Street and extending north of the first alley north of E 5<sup>th</sup> Avenue. Applicant proposes a multi-family development with 186 dwelling units, 4,000 SF of retail commercial uses and a total of 134 parking spaces. The site is divided by the public alley north of E 5<sup>th</sup> Avenue, so, for purposes of the zoning site plan and variances, the site is designated as Area A (northwest corner of E 5<sup>th</sup> Avenue and N 4<sup>th</sup> Street, south of the alley) and Area B (north side of the north alley and fronting on N 4<sup>th</sup> Street). Area A is PID 010-019917 and is undeveloped. Area B is PID 010-040863, 010-041127, 010-030509, 010-023259 and 010-040862. All parcels are zoned C-4, Commercial and also as NC, Neighborhood Commercial (Chapter 3325, University District Zoning Overlay). The site is part of Zone-In and is designated as UCT, Urban Center. The Zone-In description of the UCT District is: "These areas are in the older city, at key intersections and by major bus stops. The proposed zoning would enable construction of taller buildings for housing, offices, and retail on empty parcels and parking lots, as well as reuse of older and taller buildings". UC recommends predominantly mid-rise buildings. In real estate, mid-rise is generally considered 4 – 12 story, UCT will permit buildings with up to seven (7) stories (85') with an affordable housing component.

The site is presently in the Weinland Park Community Reinvestment Area (CRA) and designated as "Ready for Opportunity", requiring 10% of dwelling units at 80% AMI and 10% of dwelling units at 100% AMI. Zone-In requires conformance with the CRA criteria to receive a 2-story height bonus, where 5 story is permitted by right and additional 2 stories permitted with CRA/Zone-In affordable compliance. The proposed project will comply with the "Ready for Opportunity" CRA designation.

The following commitments have been added: 1). The development will comply with the "Ready for Opportunity" designation for affordable housing of the Weinland Park Community Reinvestment Area (CRA) by providing a minimum of 10% of dwelling units at 80% AMI and 10% of dwelling units at 100% AMI, and 2). A driveway to E 5<sup>th</sup> Avenue has been added. See Site Plan for driveway to E 5<sup>th</sup> Avenue. This variance ordinance shall be conditioned on the Site Plan titled "Zoning Plan (CV24-037), Weinland Park Apartments".

Applicant has a hardship and practical difficulty requiring relief from the following code Sections. There have been many variances approved to permit ground level residential use in the C-4, Commercial District and to have less than the specified % of commercial frontage. Zone-In will permit 100% ground level residential use. Variances to aisle and driveway width, in addition to designation of compact car spaces in structured parking as well as slight encroachment in the width/length of parking spaces are routine given the required placement of structural columns for the structure. This project is divided by a public alley, thereby necessitating certain technical variances since each property area needs to comply with applicable sections of the Columbus Zoning Code versus calculation on an overall basis. The proposed building height will be permitted with Zone-In. The requested variances will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city, as well as the development is consistent with the policy direction of the City of Columbus for development of urban housing as well as Zone-In recommendations. Certain variances are due to current code requirements in this interim period before a new code (Zone-In) will no longer require some of the code items to which variances are required at this time.

Applicant requests the following variances:

- 1). Section 3356.03, C-4 Permitted Uses, to permit four (4) ground floor dwelling units in Area A and two (2) ground floor dwelling units in Area B.
- 2). Section 3356.05(F)(1)(2), C-4 District Development Limitations, permits dwelling units above a parking garage if adjoining uses of Sections 3351, 3353, 3355 or 3355.03(B) occupy at least one frontage, while Area A has 4,000 SF of commercial uses but not occupying an entire frontage (E 5<sup>th</sup> Avenue or N 4<sup>th</sup> Street) and Area B doesn't have any commercial use component, so variance requested to not have an entire frontage of commercial use for Area A: E 5<sup>th</sup> Avenue (60%) or N 4<sup>th</sup> Street (40%), with the 4,000 SF of commercial use (retail) in Area A and to not have any commercial frontage on N 4<sup>th</sup> Street in Area B.
- 3). Section 3312.09, Aisle, to reduce aisle width of certain aisles in the parking structure on Area B from 20' to 18'- 8" at locations of building columns.

4). Section 3312.13, Driveway, to reduce the width of the one-way driveway to E 5<sup>th</sup> Avenue from 13' to 12' (Area A) and to reduce the width of the two driveways for the parking structure on the south wall from 20' to 18.5' each for separate two-way travel to the ground floor and second floor parking decks.

5). Section 3312.29, Parking Space, to reduce the width of certain parking spaces in the parking structure on Area B from 9' to 8' due to placement of support columns and to reduce the length of certain parking spaces (6) within the parking structure (Area B) from 18' to 16', which compact spaces shall be posted as compact spaces.

6). Section 3312.49, Required Parking, to reduce parking for Area A from 71 to 15 spaces, subject to resident use of parking in the parking structure on Area B (119 spaces). (Total of 134 parking spaces combined on Area A and Area B).

7). Section 3321.05(A)(1), Vision Clearance, to reduce the 10'x10' clear vision triangles at the intersection of site driveway and E 5<sup>th</sup> Avenue to 5'x5'.

8). Section 3325.213, FAR Standards, to increase FAR from 1.4 to 4.02 and 4.18 for Area A and Area B, respectively, net of right of way dedication.

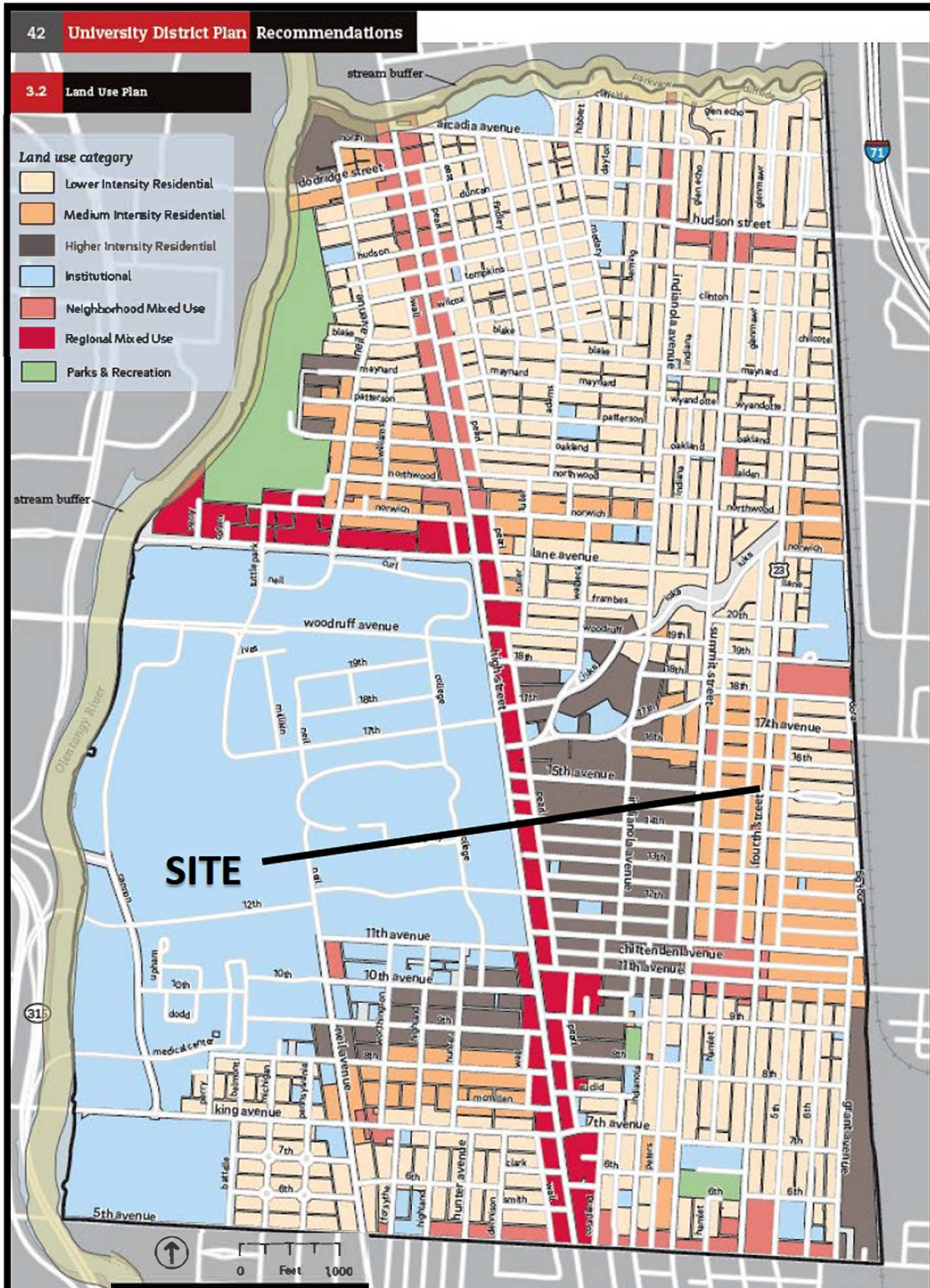
9). Section 3325.223, Building Height Standard, to increase building height from 45' (NC, Neighborhood Commercial) to 85' and to reduce the rear building setback in Area B from 20' to 10'.

10). 10). Section 3325.241(D), Building Design Standards, to reduce primary frontage glass from 60% between 2' and 10' above the sidewalk grade in Area A to 56% (E 5<sup>th</sup> Avenue) and 43% (N 4<sup>th</sup> Street) and in Area B from 60% to 30% (N 4<sup>th</sup> Street).

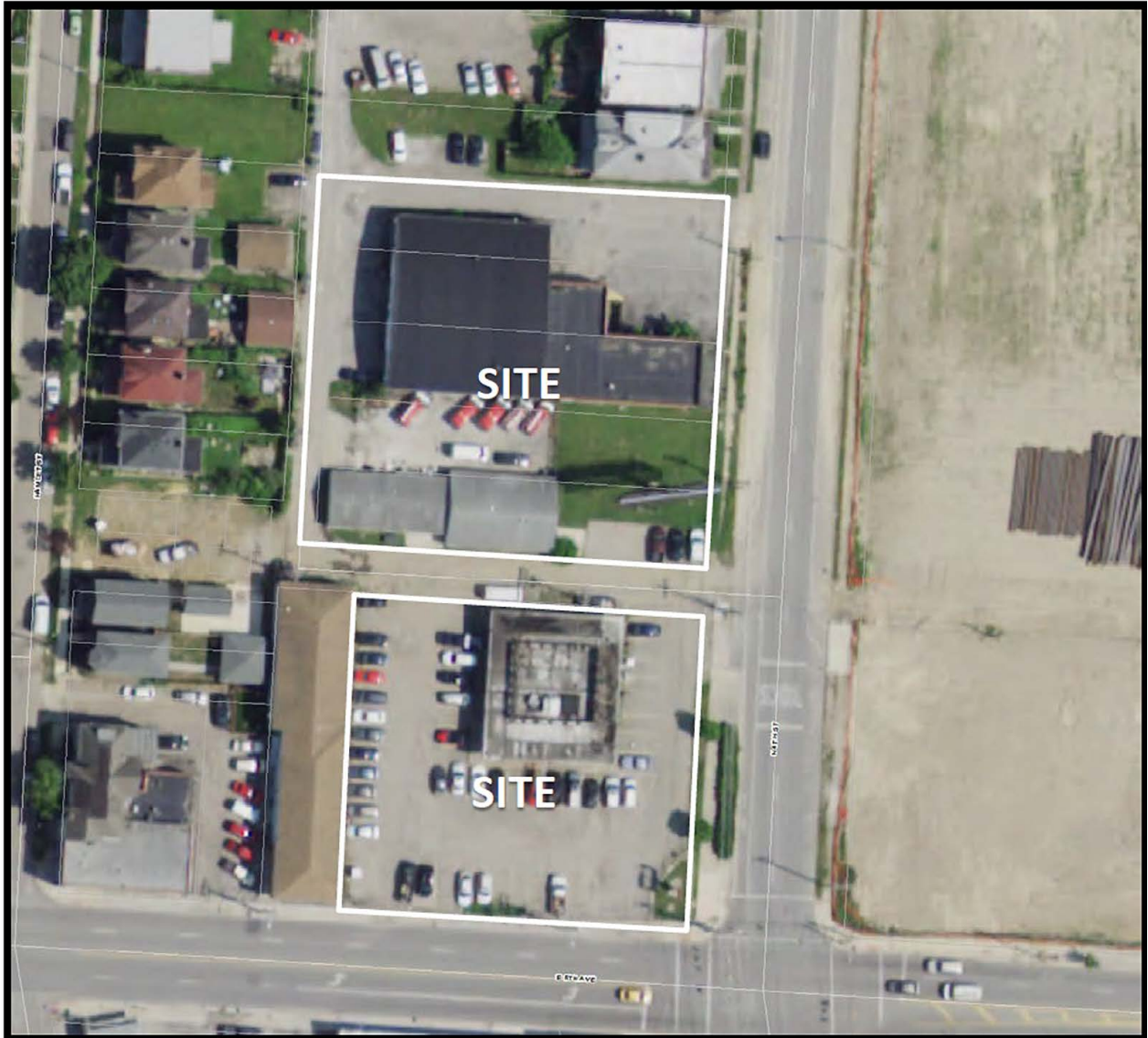
06/04/2024



CV24-037  
200 E. 5<sup>th</sup> Ave.  
Approximately 1.33 acres



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# Standardized Recommendation Form

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

**FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP  
(PLEASE PRINT)**

Case Number CV24-037

Address 200 E. 5th Ave

Group Name Brandon Kline, Agent

Meeting Date 4-17-24

- Specify Case Type
- BZA Variance / Special Permit
  - Council Variance
  - Rezoning
  - Graphics Variance / Plan / Special Permit

- Recommendation (Check only one)
- Approval
  - Disapproval

**LIST BASIS FOR RECOMMENDATION:**

Concerns from the immediate neighbors about Height of Building and traffic flow into neighborhood. Applicant worked with neighbors and seemed to really try to meet the demands they had.

Vote No - 9    yes - 2

Signature of Authorized Representative Seth B. Golding    Seth B. Golding

Recommending Group Title University Area Comm.

Daytime Phone Number 614 375-0872

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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**PROJECT DISCLOSURE STATEMENT**

APPLICATION #: CV24-037

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Brandon Kline  
of (COMPLETE ADDRESS) 10020 Aurora Hudson Rd, Streetsboro, OH 44241  
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of Business or individual (including contact name and number)  
Business or individual's address; City, State, Zip Code  
Number of Columbus-based employees  
(Limited to 3 lines per box)

<p>1. Michael Panzica - 440-668-8199 19200 Shelburne Rd, Shaker Heights, OH 44118 - 0 Columbus-based Employees</p>	<p>2. Russell Lamb 1938 Euclid Avenue, Suite 200 Cleveland, OH 44115 - 0 Columbus-based Employees</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT B. Kline

Sworn to before me and signed in my presence this 25<sup>th</sup> day of MARCH, in the year 2024

Jena Kallai  
SIGNATURE OF NOTARY PUBLIC

11.28.28  
My Commission Expires

Notary Seal Here



JENA KALLAI  
Notary Public, State of Ohio  
My Commission Expires:  
NOVEMBER 28, 2028

***This Project Disclosure Statement expires six (6) months after date of notarization.***