

# 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.

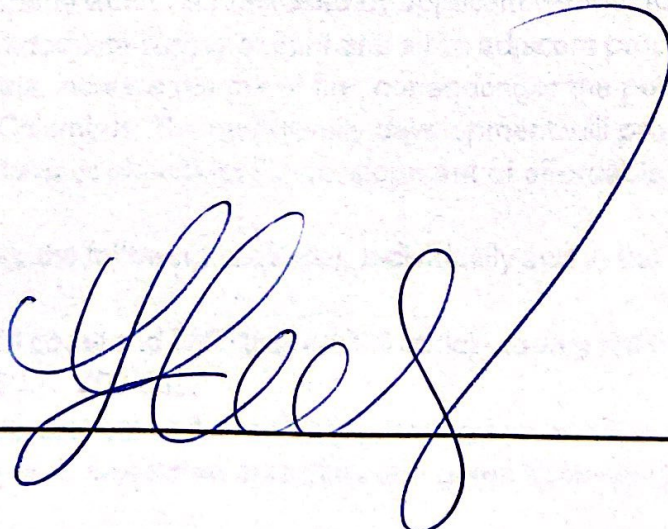
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**PLEASE 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):

Please see attached.

Signature of Applicant



Date

4.26.22  
CV22-038

COUNCIL VARIANCE STATEMENT OF HARDSHIP

Applicant: LDG Development, LLC  
 c/o Laura MacGregor Comek, Esq.  
 17 S. High Street, Ste. 700  
 Columbus, Ohio 43215  
[laura@comeklaw.com](mailto:laura@comeklaw.com)  
 614.560.1488

Owners: Great Southern Shoppers City Inc  
 250 Civic Center Dr. # 500  
 Columbus, Ohio 43215

Address: 4025 S. High St.  
 Parcel Nos.: 010-260465, 510-260454  
 Zoning Districts: LC4  
 Date: April 26, 2022

This Statement is provided in support of the Applicant's Council Variance (CV) Application.

This application for CV, rather than a full rezoning, is sought in accordance with City of Columbus application policy for affordable housing projects requiring zoning. Due to the Ohio Housing Finance Agency (OHFA) funding programs and the need for basic zoning approvals for application deadlines in late summer and early fall 2022, the Applicant is utilizing the City's two-step process for affordable housing developers, driven by funding application deadlines (often short time frames associated therewith) and the uncertainty of funding to consummate planned projects. The Applicant will proceed with this "Step One" to confirm the uses and density as set forth here. After the funding grants are awarded, and if the project is funded, the Applicant will file a full rezoning of the property to address issues relative to zoning and development standards, i.e., "Step Two."

The site is 7.6 +/- acres and being Franklin County Auditor Tax Parcels 010-260465, 510, 260454, located on the west side of South High Street, north of I-270. The site is zoned LC4, Limited Commercial (Ordinance 0506-01, passed April 2, 2001, Zoo-083) and is undeveloped.

Until funding is secured, rezoning the site to a residential district will create a hardship on the current property owner as the property won't be purchased by applicant without (OHFA) funding. This variance request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets, increase the risk of fire, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing consistent with City of Columbus objectives for development of affordable housing.

The Applicant seeks the following variances, individually and in the aggregate:

Section 3356.03 – to permit a multi-unit residential development with up to 300 dwelling units

Section 3370.05 – to permit a multi-unit residential development with up to 300 dwelling units

Section 3312.21(A)(B) - to reduce the number of required parking lot islands to not more than twenty. Trees from the unconstructed islands to be re-distributed throughout the Site; and to eliminate screening requirements along the south property line

Section 3312.49- to reduce required parking for apartment residential developments from 1.5 spaces per unit to 1.1 spaces per unit.

Section 3321.07(A) - To allow a drive aisle between a required building line and a street line.

Section 3356.1 - to allow a fifty-foot building setback from S. High Street.

Section 3370.07 – to not comply with the zoning text requirements of Ordinance #506-01 (Zoo-083) regarding permitted uses and parking lot screening; and

The variances are not significant given the intensity of current commercial use permitted versus the multi-family housing as proposed. Furthermore, the site location, topo of the site and surrounding areas, as well as the significant existing buffers and screening that occur naturally, the variances are technical and not a reduction from actual standards to obtain the same level of green area, buffers/landscaping.

There are no adverse effects to adjacent landowners – if anything the inclusion of affordable housing to a site that has sat vacant for more than twenty years since being zoned meets a significant need in the area. There is no effect on the delivery of governmental services.

The Applicant cannot feasibly obviate the use variance – but would note that residential is already permitted in the LC<sub>4</sub> district if “above” the commercial uses as permitted herein.

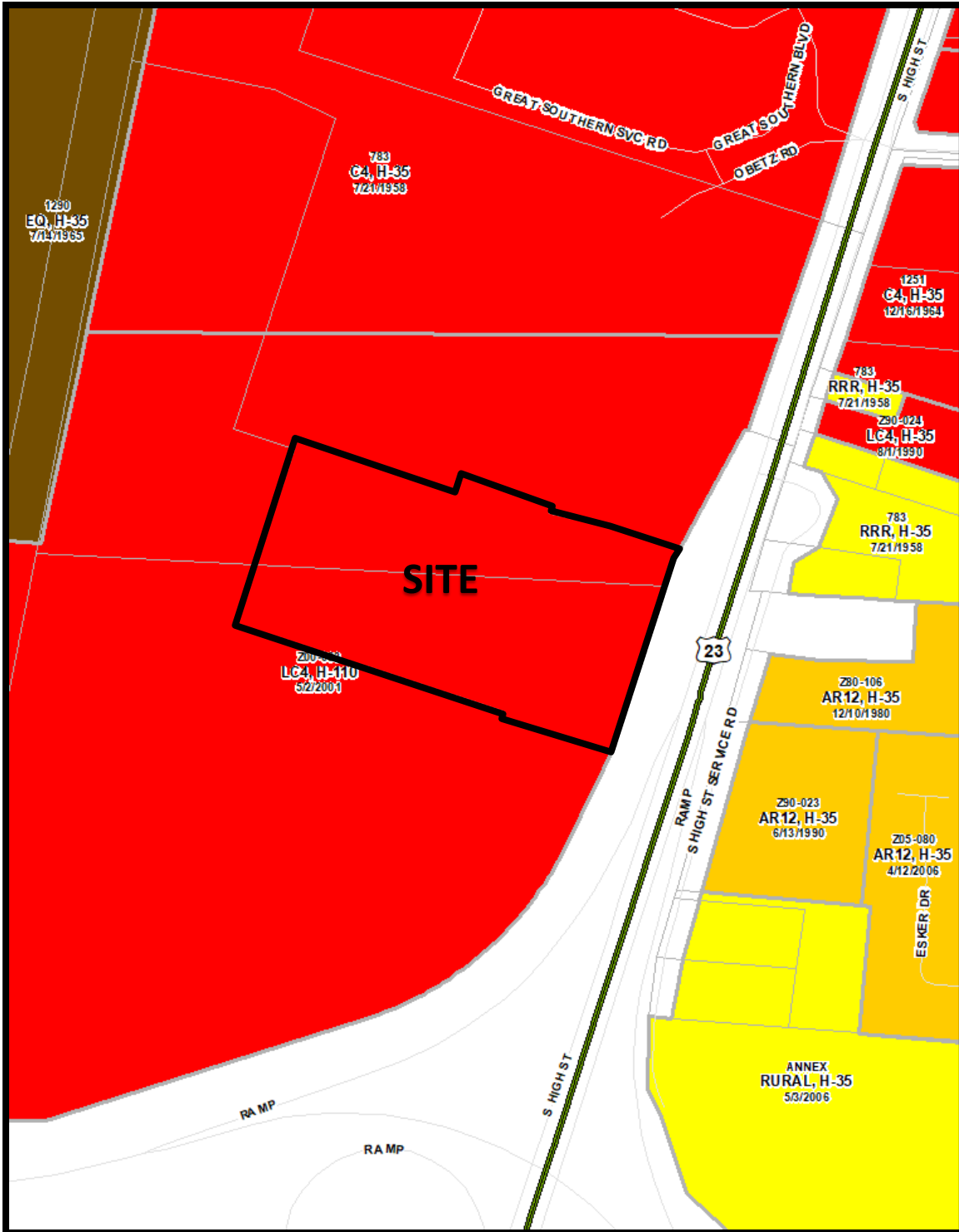
For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted,

*Laura MacGregor Comek, Esq.*

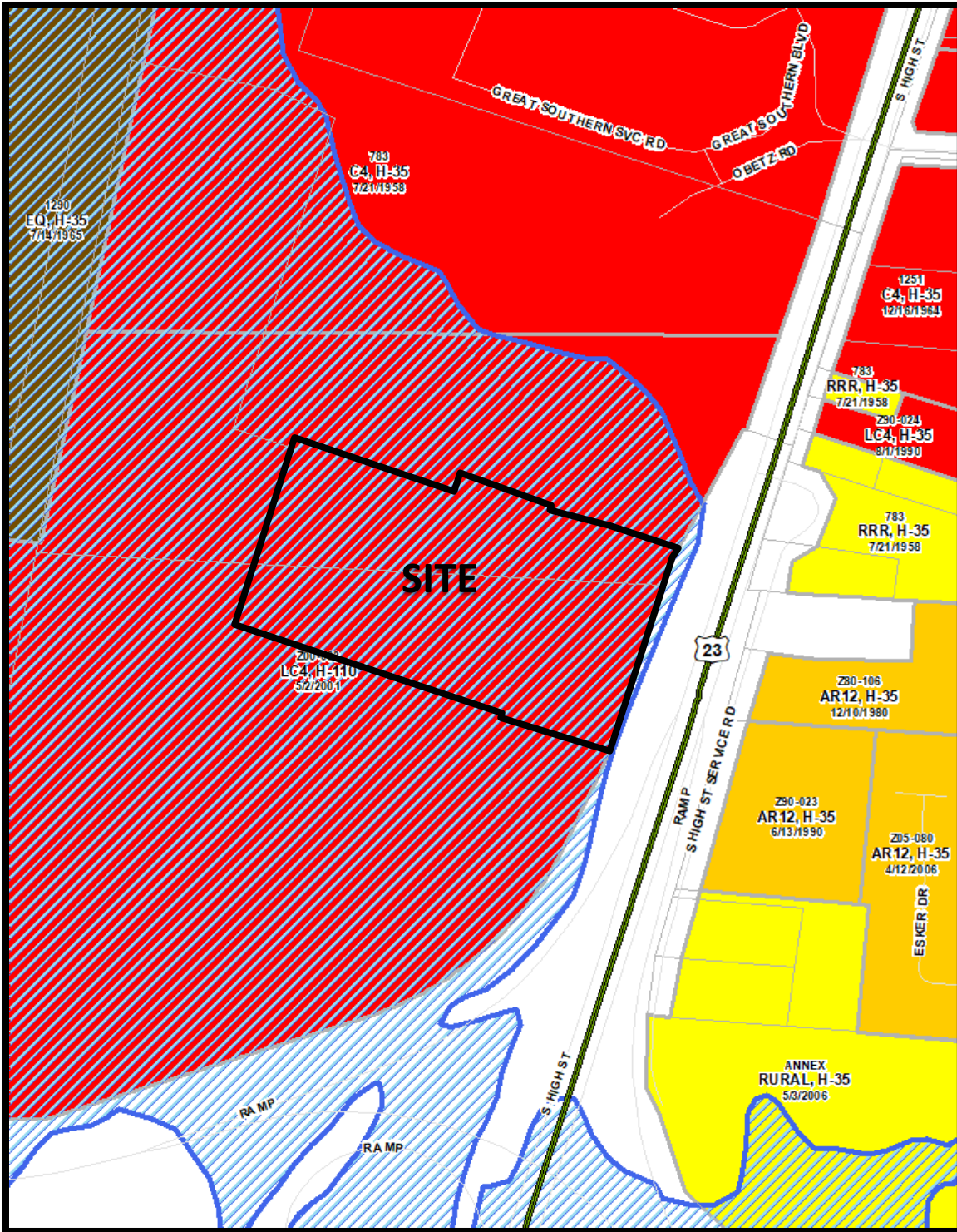
Laura MacGregor Comek, Esq.  
17 S. High St., Ste 700  
Columbus, Ohio 43215  
Phone: 614.560.1488  
[Laura@comeklaw.com](mailto:Laura@comeklaw.com)  
Counsel for Applicant





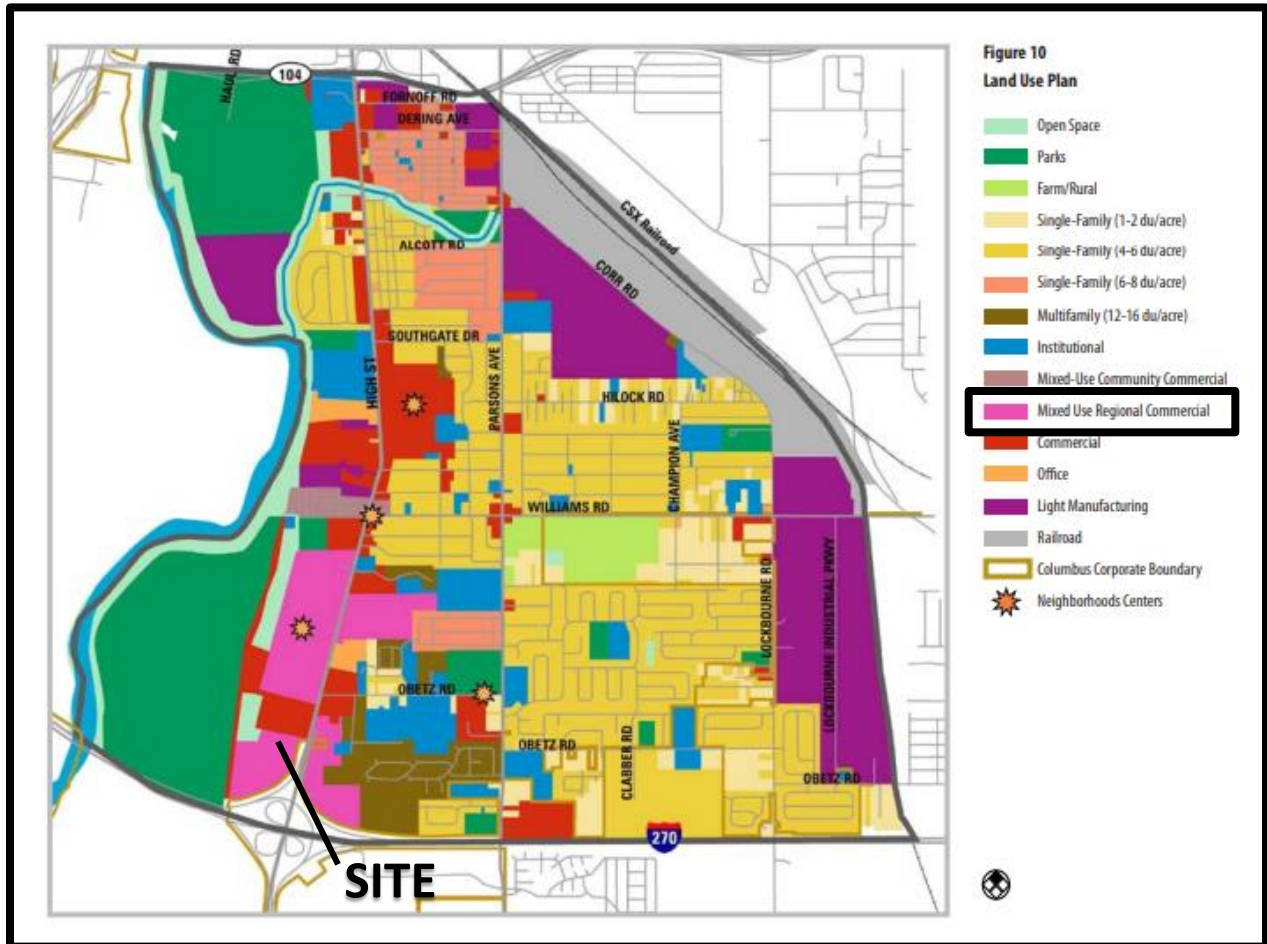
CV22-038  
4025 S. High St.  
Approximately 7.6 acres

Floodplain Map



CV22-038  
4025 S. High St.  
Approximately 7.6 acres

Scioto Southland Plan (2007)



CV22-038  
4025 S. High St.  
Approximately 7.6 acres





CV22-038  
4025 S. High St.  
Approximately 7.6 acres

# Standardized Recommendation Form

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

Case Number	<u>CV22-038</u>
Address	<u>4025 S High St</u>
Group Name	<u>FAR SOUTH AREA COMMISSION</u>
Meeting Date	<u>June 2, 2022</u>
Specify Case Type	<input type="checkbox"/> BZA Variance / Special Permit <input checked="" type="checkbox"/> Council Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Disapproval

**LIST BASIS FOR RECOMMENDATION:**

The Commission unanimously approved this project feeling that it will help fill the need of affordable housing in our area.

Vote	<u>Aye 11, Nay 0, Abstain 0</u>
Signature of Authorized Representative	<u>Michael D. Walker, Sr</u>
Recommending Group Title	<u>Zoning Committee Chair</u>
Daytime Phone Number	<u>740-649-5376</u>

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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DEPARTMENT OF CITY AND ZONING SERVICES

## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-038

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) Chris Dischinger

of (COMPLETE ADDRESS) 1469 S. 4th St., Louisville, Ky 40208

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)

1. LDG Multifamily, LLC 1469 S 4th Street Louisville, Ky 40208 0	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

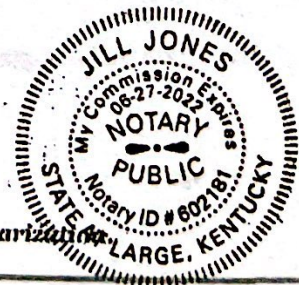
Sworn to before me and signed in my presence this 25<sup>th</sup> day of April, in the year 2022

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

June 27, 2022

Notary Seal Here



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