

Statement of Hardship

Property Address: 364 Whittier Street
Owner/Applicant: Whittier ABC Co., LLC
8518 Stonechat Loop
Dublin, Ohio 43017
Attorney: David Hodge
Underhill & Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
Date of Text: April 30, 2019
Application: CV18-089

The Subject Site consists of two parcels, PIDs: 010-011493 and 010-018728. The Site is situated north-east of the intersection of East Whittier Street and Bruck Street. The Site is currently zoned R-2F. The Site is bounded on all sides by property zoned R-2F, however all four corners of the intersection of Whittier and Bruck are used commercially.

The use of the Site is, and has historically been, commercial in nature. The Site was rendered nonconforming by City of Columbus action, placing the commercially used and developed property into a residential zoning district.

The Site is within the Schumacher Place neighborhood of the Columbus Southside Area Commission. The Site is subject to the South Side Plan which recommends that medium-high density residential at 10-16 dwelling units per acre is appropriate. Higher density is appropriate if the design will not adversely impact the existing development pattern of the area.

Applicant proposes redevelopment of the Site with a partial demolition. The corner commercial space will be maintained, while the rest of the site will be developed with five (5) dwelling units, including a live-work space on Whittier frontage.

While the South Site Plan indeed recommends medium-high density residential, Principle 1 of the plan states, "Neighborhoods should have a mix of land uses." Principle 1 also recommends the following for corner commercial spaces:

- The proposed use is within an existing storefront.
- Evidence is provided that the development would have no negative impact on the surrounding residential area in terms of parking, lighting, graphics, noise, and similar issues. It should be noted that neighborhood retail can also benefit the community through the presence of jobs and convenient access to goods and services.

The Applicant proposes to maintain the existing corner commercial space and will follow these elements of Principle 1 of the South Side Plan.

Principle 2 of the South Side Plan states, “New development should respect community character and historic features. Applicant will use design techniques to ensure that they are integrated with the existing fabric and scale and retain the character of the area. Specifically, the corner commercial space will be maintained.

To accommodate the proposed development, Applicant respectfully requests the following variances:

1. 3332.037 – R-2F permitted uses. Applicant requests a variance to permit commercial and apartment house uses. This will accommodate and legitimize commercial use of the existing building on the corner, which building and development predates the adoption of zoning, this corner has always operated commercially. It will further accommodate residential development at a scale and intensity consistent with other apartment residential uses in the immediate vicinity. Whittier Street is a decidedly mixed-use corridor and this variance will provide for appropriate improvement, redevelopment, and sorely needed revitalization of the subject property.
2. 3332.14 – R-2F area district requirements. Applicant requests a variance to permit two principal buildings on a lot that is 8,580 +/- square feet. The subject properties consist of two buildings today that appear as one, the properties will be combined, however the form and function of two buildings on the subject property will provide for the continuation of an existing condition on the property.
3. 3332.18(D) – Basis of computing area. This section provides a maximum building coverage of 50% of the lot area. Currently the buildings occupying the property cover greater than 84% of the lot area. With the proposed redevelopment the building coverage will be reduced to 54%. The proposed redevelopment reduces the amount of lot area building coverage bringing it closer to compliance with the regulation.
4. 3332.21 – Building line. This section establishes building lines for East Whittier Street and Bruck Street to be 25 feet. Applicant requests a variance to reduce the building line from East Whittier Street and Bruck Street to zero feet, legitimizing the existing current condition of the property.
5. 3312.27(3) – Parking setback line. Under this section, where a required building setback line is less than 25 feet, the parking setback line shall follow the building setback line or the established parking setback, whichever is less, but in no case shall the parking setback line be less than ten feet from the street right-of-way line. Applicant requests a variance to reduce the parking setback line from ten (10) feet to eight (8) feet, this is along the alley and is an improvement to the existing condition at this location.
6. 3312.49(C) – Minimum numbers of parking spaces required. This section requires 48 parking spaces for 5 dwelling units, 2,945 square feet of restaurant space, and 510 square feet of general office space. The Applicant requests a variance to reduce the minimum number of parking spaces required from 48 to 5. This property has long been a legal nonconforming commercially developed and used property in the R-2F district. The property is developed with 9,344 square feet of space constructed for retail with zero legal surface parking spaces, and therefore has an existing parking deficiency of 38 parking spaces. The variance requested is appropriate and typical of urban redevelopment projects of this nature. Any redevelopment of this property with such an appropriately scaled urban redevelopment will require a parking reduction variance of

this nature. It is the proposed use of the corner property as an eating and drinking establishment to be parked at 1 parking space for every 75 square feet of gross floor area, and the suburban nature this outdated parking requirement in an existing urban neighborhood that increases and establishes the parking requirement here. Such parking cannot be accommodated on-site and should not be accommodated on site in this urban neighborhood. This requested parking reduction has been thoroughly reviewed by the professional traffic engineers of the Columbus Public Service Department who recommend approval of the reduction.

7. 3321.05(B)(2) – Vision clearance. This section requires a 30-foot vision clearance triangle at the intersection of East Whittier Street and Bruck Street. The Applicant requests a variance to reduce the required vision clearance triangle at the intersection East Whittier Street and Bruck Street from 30 feet to zero feet. This is an existing condition and the variance is requested to legitimize it.
8. 3332.25, Maximum side yards required. This section requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot width, here 13.2 feet. Applicant requests a variance to reduce the maximum side yards required from 13.2 feet to one (1) foot. The applicant is increasing the side yard from .38 feet to one (1) foot.
9. 3332.26, Minimum side yard permitted. The existing side yard is .38 feet. This section requires a minimum side yard of 5 feet. Applicant requests a variance to reduce the minimum side yard from 5 feet to one (1) foot, the applicant is making the side yard more in compliance with this requirement than the existing condition.

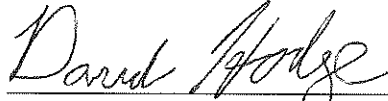
A hardship and practical difficulties exist because the Applicant cannot develop the Site as proposed while still conforming to the underlying zoning district established by the City's Zoning Code. Applicant's requested use variances will not adversely affect the surrounding property or surrounding neighborhood. The requested use variances will not impair supply of light or air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Practical difficulties further exist because the Applicant cannot develop the Site as proposed while still meeting the underlying development standards established by the City's Zoning Code. Applicant's requested area variances will not seriously affect any adjoining property or the general welfare. This is a commercially developed property in a residentially zoned district. Zoning was implemented on this property after it was developed for commercial use. That zoning rendered the property legal nonconforming.

Strict application of the R-2F standards neither work for the property as built, nor may they be appropriately applied to this proposed redevelopment. Allowing this small mixed-use neighborhood-oriented redevelopment is consistent with the urban development pattern of the neighborhood, and should be encouraged as the type of redevelopment that gives the greater neighborhood the vibrancy that exists there today in other, similarly situated, neighborhood developments.

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,

A handwritten signature in cursive script that reads "David Hodge". The signature is written in black ink and is positioned above a horizontal line.

David Hodge, Attorney for Applicant

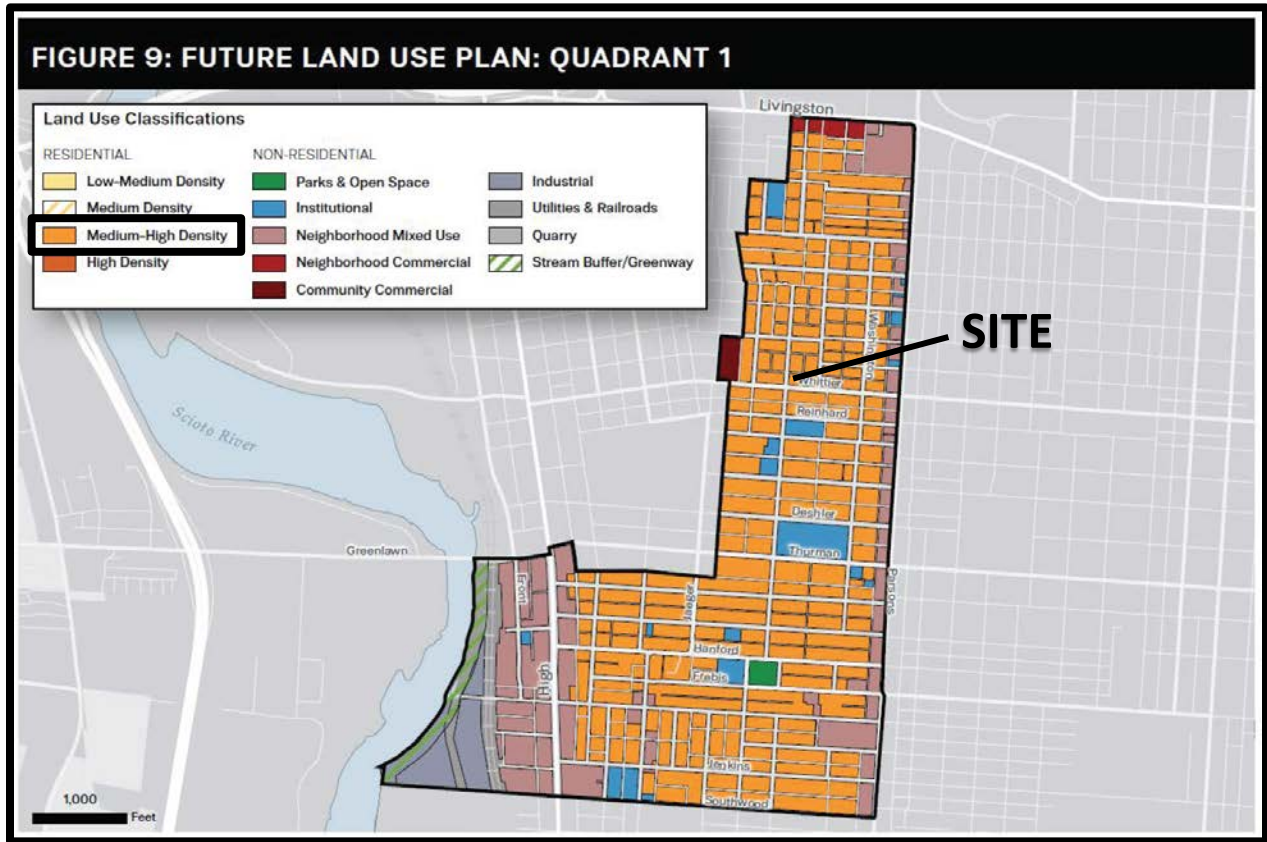


CV18-089
364 East Whittier Street
Approximately 0.18 acres



CV18-089
364 East Whittier Street
Approximately 0.18 acres

South Side Plan (2014)



CV18-089
364 East Whittier Street
Approximately 0.18 acres

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
(PLEASE PRINT)

Case Number:

CV18-089

Address:

364 E Whittier St

Group Name:

Southside Area Commission

Meeting Date:

April 23, 2019

Specify Case Type:

- BZA Variance / Special Permit
 Council Variance
 Rezoning
 Graphics Variance / Plan / Special Permit

Recommendation:

(Check only one and list basis
for recommendation below)

- Approval
 Disapproval

PLEASE SEE ATTACHED SHEET

NOTES:

Please see attached Vote Count from the Zoning Site Hearing and Also the Commission Meeting

Vote:

Please See Attached Vote for Each

Signature of Authorized Representative:

SIGNATURE

Southside Area Commission

RECOMMENDING GROUP TITLE

614-285-4901 x1100

DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 111 N. Front St, Columbus, OH 43215.

03.09.2019 CSSAC ZONING COMMITTEE VOTE

CSSAC

To accommodate the proposed development, Applicant respectfully requests the following variances:

	Y	N			Y	N	
YES	5	1	1.	3332.037 – R-2F permitted uses. Applicant requests a variance to permit commercial and apartment house uses.	4	7	NO
YES	5	1	2.	3332.14 – R-2F area district requirements. Applicant requests a variance to permit two principal buildings and a patio on a lot that is 7,920 +/- square feet.	8	4	YES
YES	6	0	3.	3332.18(E) – Basis of computing area. Applicant requests a variance to permit the proposed uses on a lot with a minimum lot area of 7,920 +/- square feet.			
YES	6	0	4.	3332.21 – Building line. This section establishes building lines for East Whittier Street and Bruck Street to be 25 feet. Applicant requests a variance to reduce the building line from East Whittier Street and Bruck Street to zero feet, legitimizing the existing condition.	10	2	YES
YES	4	2	5.	3312.27(3) – Parking setback line. Under this section, where a required building setback line is less than 25 feet, the parking setback line shall follow the building setback line or the established parking setback, whichever is less, but in no case shall the parking setback line be less than ten feet from the street right-of-way line. Applicant requests a variance to reduce the parking setback line from 10 feet to eight (8) feet.	7	5	YES
YES	5	1	6.	3312.49(C) – Minimum numbers of parking spaces required. This section requires 44 parking spaces based off 5 dwelling units, 2,301 square feet of restaurant space, 1,293 square feet of patio space and 510 square feet of general office space. Applicant requests a variance to reduce the minimum number of parking spaces required from 47 to 5.	6	2	YES
YES	6	0	7.	3321.05(B)(2) – Vision clearance. This section requires a 30-foot vision clearance triangle at the intersection of East Whittier Street and Bruck Street. The Applicant requests a variance to reduce the required vision clearance triangle at the intersection East Whittier Street and Bruck Street from 30 feet to zero feet. This is an existing condition and the variance is requested to legitimize it.	10	2	YES
YES	5	1	8.	3321.07(B) – Landscaping. This section requires one on-lot tree for every ten dwelling units or fraction thereon. Applicant requests a variance to reduce the landscaping tree requirement from one to zero.			
YES	6	0	9.	3332.25, Maximum side yards required. This section requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot width, here 13.2 feet. Applicant requests a variance to reduce the maximum side yards required from 13.2 feet to one (1) foot. The applicant is increasing the side yard from .38 feet to one (1) foot.	9	3	YES
YES	6	0	10.	3332.26, Minimum side yard permitted. The existing side yard is .38 feet. This section requires a minimum side yard of 5 feet. Applicant requests a variance to reduce the minimum side yard from 5 feet to one (1) foot, the applicant is making the side yard more in compliance with this requirement than the existing condition.	8	3	YES

A hardship and practical difficulties exist because the Applicant cannot develop the Site as proposed while still conforming to the underlying zoning district established by the City's Zoning Code. Applicant's requested use variances will not adversely affect the surrounding property or surrounding neighborhood. The requested use variances will not impair supply of light or air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Practical difficulties further exist because the Applicant cannot develop the Site as proposed while still meeting the underlying development standards established by the City's Zoning Code.

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number CV18-089 Att Shannon Pine

Address 364 East Whittier Street

Group Name Schumacher Place Civic Association

Meeting Date March 5, 2019

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

RECEIVED
MAR 13 2019
BUILDING & ZONING SERVICES

NOTES: See Attachment 1

Vote Vote results are attached. See Attachment 2

Signature of Authorized Representative Brenda K Gischel

Recommending Group Title Schumacher Place Civic Association

Daytime Phone Number 614-406-2077

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.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.

SPCA Attachment 1

Schumacher Place Civic Association provides the following comments on the variances proposed in case CV18-089, 364 East Whittier Street:

Use Variance

3332.037 - R-2F Residential District Requirements

The use variance requested by the applicant does not meet several of the conditions that are required for granting a use variance. First, it is not necessary to construct a five-unit apartment building on the site for the project to be economically viable. Construction of a two-family dwelling, which would conform to the area's R-2F use, is possible; and while it might not maximize revenue to the owner, units could be offered at rates providing a reasonable return on investment.

Second, as will be discussed below, granting the variance as proposed will adversely affect the rights of adjacent property owners or residents.

Third, as will be discussed below, granting the variance as proposed will adversely affect the safety and general welfare of the community.

Finally, the variance sought is not the minimum that will afford relief to the applicant. As discussed above, it is not necessary for the applicant to request a use variance to construct a five-unit apartment building because a conforming use is possible.

Regarding the existing commercial building, the applicant has repeatedly stated his intention to have an eating and drinking establishment with an outdoor patio occupy the space. This would be an establishment where people, many from outside the neighborhood, will arrive by car and congregate, causing congestion on neighborhood streets and occupying on-street parking spaces that residents rely on.

SPCA requests that a condition be included in the use variance regarding the type of commercial use that could be housed in this building. Uses such as office space, florist shop, a gift shop or specialty food store are examples of commercial uses that would provide services to neighborhood residents and cause less parking pressure on neighborhood streets.

Area Variances

Each of the following items is called out in section 3307.10 of the city code, Variances by City Council, as factors that city council shall consider before authorizing any variance from the Zoning Code.

1) Will granting these variances unreasonably increase the congestion of public streets in the area? Yes, it will.

The streets in the vicinity of this project are residential streets serving many homes that do not have off-street parking. Parking is allowed on both sides of the streets, and during peak business hours in the evening, patrons of the proposed eating and drinking establishment would be parking on streets that are already crowded with residents' cars.

The zoning code requires the applicant to provide 42 parking spaces for the commercial space. The applicant is proposing to provide zero parking spaces. An unacceptable parking situation

SPCA Attachment 1

has already developed in Schumacher Place in the vicinity of the East Public development on Parsons Avenue, which includes a restaurant and a brewery.

The City approved that development with zero parking spaces, and now residents on Beck and Elsmere Streets find the available street parking full of patrons' cars, even though residential permit parking was implemented on these streets just a few months ago. The owner of the East Public properties has stated his concern that the lack of parking is affecting his business.

SPCA does not want this parking problem duplicated with the development at 364 East Whittier Street.

2) Will granting these variances endanger public safety? Yes, it could.

The parking congestion caused by patrons of the eating and drinking establishment on neighborhood streets during the evening hours will mean that residents returning home in the evening will not be able to park near their homes. This could make them more vulnerable to street crime, a valid concern as indicated in the area crime reports.

In addition, when the narrow neighborhood streets are lined on both sides with parked cars, as will happen if an eating and drinking establishment locates in the commercial building, it can hinder emergency vehicle access and maneuvering, whether it be fire or EMS. This presents a danger both to residents, the business and its customers.

3) Will granting these variances unreasonably diminish or impair established property values within the surrounding area? Yes, it could.

While some people say having a popular eating and drinking establishment located in a neighborhood would enhance property values, that is not the likely outcome in Schumacher Place. Property values in Schumacher Place have been rising significantly in the last decade without an influx of these kinds of developments, to the point where it is becoming unaffordable to current and potential residents.

A business establishment that causes traffic congestion, on-street parking problems, patio noise and late night comings and goings could just as easily detract from the quiet enjoyment of the residential neighborhood and cause property values to decline.

4) Will granting these variances impair the comfort of the inhabitants of the city? Yes, it will.

The proposed eating and drinking establishment with its outdoor patio is surrounded by residential properties. The increased traffic and parking pressures, noise from the patio and other disturbances will impair the comfort these residents currently enjoy in their homes and outdoor living spaces.

In addition, the City should consider several of the Duncan Factors, which are included in section 3307.09 of the city code, when deciding whether to grant this variance.

5) Is the variance substantial? Yes it is.

SPCA Attachment 1

This is a substantial variance request. The applicant is requesting nine area variances, only two of which are intended to bring existing conditions into conformance with the zoning code.

6) Will granting the variance substantially alter the essential character of the neighborhood? Yes, it will.

Granting the variance will create on-street parking issues for residents where none currently exist. This likely will lead to more streets in Schumacher Place having permit parking, which does not provide a satisfactory solution for residents or businesses. Over time, as residents find the parking problems to be incompatible with long-term residency, the neighborhood will become more transient.

7) Did the property owner purchase the property with knowledge of the zoning restriction? Yes he did.

Through communications with SPCA, the property owner, his attorney, and his architect have demonstrated that the owner had complete knowledge of the zoning restrictions on this property at the time of purchase.

Schumacher Place Civic Association Variance Voting Results Page

Project: 364 East Whittier Street, CV18-089

1) 3332.037 - R-2F Residential District Requirements

This section allows one single-family dwelling or one two-family dwelling. Applicant requests to have commercial and apartment house uses.

YES 19
NO 23

2) 3332.14 - R-2F Area District Requirements

This section requires a single-family dwelling or other principal building to be on a lot of not less than 6000 sf. Applicant requests to have two principal buildings and a patio on a lot of 7920+/- sf.

YES 20
NO 21

3) 3332.18(E) - Basis of Computing Area

The applicant requests to have the proposed uses on a lot of 7920+/- sf.

YES 21
NO 21

4) 3332.21 - Building Lines

This section establishes building lines for East Whittier Street and Bruck Street at 25 ft. The applicant requests to reduce the building lines to 0 ft to reflect existing conditions.

YES 24
NO 18

5) 3312.27(3) - Parking Setback Line

This section requires that where a building setback line is less than 25 ft, the parking setback line shall follow the building setback line or the established parking setback, whichever is less, but in no case shall the parking setback line be less than 10 ft from the street right-of-way line. The applicant requests to reduce the parking setback line from 10 ft to 8 ft.

YES 21
NO 21

6) 3312.49(C) - Minimum Numbers of Parking Spaces Required

This section requires 44 parking spaces based off 5 dwelling units, 2,301 sf of restaurant space, 1,293 sf of patio space and 510 sf of general office space. The applicant requests to reduce the minimum number of parking spaces required from 47 to 5.

YES 12
NO 29

SPCA Attachment 2

7) 3321.05(B)(2) - Vision Clearance

This section requires a 30 ft vision clearance triangle at the intersection of East Whittier Street and Bruck Street. The applicant requests to reduce the required vision clearance triangle at the intersection of East Whittier Street and Bruck Street from 30 ft to 0 ft. The variance is requested to legitimize an existing condition.

YES 28
NO 14

8) 3321.07(B) - Landscaping

This section requires 1 on-lot tree for every 10 dwelling units or fraction thereof. The applicant requests a variance to reduce the landscaping tree requirement from 1 to 0.

YES 20
NO 22

9) 3332.25(B) - Maximum Side Yards Required

This section requires the sum of the widths of each side yard to equal or exceed 20 percent of the lot width. For this lot, that's 13.2 ft. The applicant requests to reduce this to 1 ft. Note: The applicant is increasing the side yard from .38 ft to 1 ft.

YES 23
NO 18

10) 3332.26 - Minimum Side Yard Permitted

This section requires a minimum side yard of 5 ft. The applicant requests to reduce the minimum side yard from 5 ft to 1 ft. The existing side yard is .38 ft.

YES 22
NO 20



Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV18-089

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, New Albany, Ohio 43054

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
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

1. Whittier ABC Co. LLC 8518 Stonechat Loop Dublin, Ohio 43017	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Eric Zartman

Subscribed to me in my presence and before me this 1st day of May, in the year 2019

SIGNATURE OF NOTARY PUBLIC

Kimberly R. Grayson
1-11-2020

My Commission Expires:



Notary Seal Here

KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

PLEASE provide complete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer