

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: **CV24-026A**
Location: **1479 N. HIGH ST. (43201)**, being 0.59± acres located on the southwest corner of West 9th Avenue and North High Street (010-062668, 010-011934, 010-034533, and 010-012829; University Area Commission and University Impact District Review Board).
Existing Zoning: C-4, Commercial District.
Proposed Use: Multi-unit residential development.
Applicant(s): 1497 N High TMT LLC; c/o Rebecca Mott, Atty.; 411 East Town Street, Floor 2; Columbus, Ohio 43215.
Property Owner(s): 1479 HS Propco, LLC; 3813 West Chester Pike, Floor 1; Newtown Square, PA 19073.
Planner: Brandon Carpenter; 614-645-1574; bmcarpenter@columbus.gov

BACKGROUND:

- Ordinance #1827-2024, passed July 1, 2024 (CV24-026) allowed a multi-unit residential development with up to 450 bedrooms with reduced development standards in the C-4, Commercial District. Variances to reduce the required parking from 225 spaces to zero provided spaces, and to increase the maximum building height from 72 feet to 157.5 feet were also included in that request. A revised site design increased the number of proposed bedrooms from 450 rooms to 493 rooms, resulting in 247 required parking spaces. This request will amend Sections 1 and 2 of Ordinance #1827-2024 to update the parking space reduction variance to reflect the adjusted number of required parking spaces.
- A Council Variance is required to allow residential and accessory residential uses on the ground floor of a building in the C-4, Commercial District.
- North and east of the site are mixed-use buildings in the UCR, Urban Core District. South of the site is an apartment building in the UCR, Urban Core District. West of the site are apartment buildings in the AR-4, Apartment Residential District.
- The site is within the planning area of the *University District Plan* (2015), which recommends “Regional Mixed Use” land uses for this location.
- The site is located within the boundaries of the University Area Commission and the University Impact District Review Board, both of whose recommendations are for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this proposed development and support the variances for increased building height and reduced parking.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The *University District Plan* (2015) recommends this area for “Regional Mixed Use,” which supports mixed-use corridors with the high-density residential development. The Plan also states that the design of the new construction should be compatible with nearby contributing buildings and the surrounding streetscapes. The proposal is consistent with the Plan’s land use recommendations, and, will continue the redevelopment pattern for this section of North High Street. Staff notes that the site is now zoned in the UCR, Urban Core District under Title 34, and will provide more residential units consistent with the City’s current priorities. Staff also notes that the final building design and site plan, which are not included with this variance request, are subject to a Certificate of Approval from the University District Impact Review Board. The project was commenced under the former C-4 district, and the applicant has chosen to complete the final site compliance plan for this project under Title 33 Zoning Code requirements.

Council Variance Application

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.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

☐ Yes ☒ No

The Property already obtained a variance from these same sections of the zoning code in July, 2024; however, the internal design of the building changed and the number of bedrooms increased, thereby increasing the number of required parking spaces. This necessitates the need for an increased variance or reduction in the number of parking spaces required from 247 spaces required to 0 spaces provided.

2. Whether the variance is substantial.

☐ Yes ☒ No

The variances being requested are not substantial, but are nominal, as compared to the original request that was granted approval. The request is due to an increase in the number of bedrooms for the project and necessitate a change in one variance obtained.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

☐ Yes ☒ No

There will be no change to the essential character of the neighborhood due to the requested variances from lot development standards which are typical for a development project of this nature and in this area.

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
☐ Yes ☒ No

The requested variances will not affect or impair the delivery of governmental services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.
☒ Yes ☐ No

Yes, the property owner had knowledge of the restrictions and sought, and obtained, similar variances in July, 2024.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
☐ Yes ☒ No

The variances are needed to construct the project as planned. One variance is being modified from the approval that was obtained in July, 2024.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
☒ Yes ☐ No

The spirit and intent behind the zoning requirements, and, certainly, the formerly-approved variance application can be observed and substantial justice done by the granting of this variance request.

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):

Please read the Statement of Hardship.

Signature of Applicant

Rebecca J. Mott

Date 05-20-2025

STATEMENT OF HARDSHIP – May 16, 2025

Property Address: 1479 North High Street, Columbus, Ohio 43201

Applicant: Marker Acquisitions LLC c/o Harbor Bay

The subject properties are located along North High Street south of W. 9th Ave. The subject properties are currently zoned in the C-4 zoning district and are located within the University District Zoning Overlay – Regional Commercial Subarea. The applicant is proposing to develop the property to construct a multi-family residential development with accessory uses.

To the north, east and south are C-4 zoning districts developed with a mix of commercial and residential units and to the west are existing residential units zoned in the AR-4 zoning district. The University District Area Plan recommends Neighborhood Mixed-Use Development for the site, with Higher Intensity Residential to the west behind North High Street.

The subject properties obtained approval of a council variance on July 5, 2024, under Ordinance No.: 1827-2024 and Council Variance Application No.: CV24-026, which provided a use variance from Sections 3356.03 and 3356.05 to permit multi-family residential uses, including both residential uses and accessory uses, on the ground floor in a C-4 commercial zoning district; a variance from Section 3325.323 from a height of 72' to 157'6"; and a variance from Section 3325.281 to reduce the number of required off-street parking spaces from 225 parking spaces to 0 parking spaces.

The Applicant is amending the council variance application due to the increase in the number of proposed bedrooms from 450 to up to 493 in the design, thereby increasing the shortfall in the required number of parking spaces (and the variance needed for required parking spaces). Therefore, the request and council variance application is re-stated as follows:

The Applicant is requesting a council use variance from Sections 3356.03 and 3356.05 to permit multi-family residential uses, including both residential uses and accessory uses, on the ground floor in a C-4 commercial zoning district.

In addition to the use variance, the applicant is also requesting a variance from Section 3325.323 which provides a 72' height limitation to allow the maximum height of certain buildings as reflected on the site plan to be a maximum of 157'6" feet.

The applicant is also requesting a variance from Section 3325.381(B)(2) to reduce the required off-street parking from 247 parking spaces to 0 parking spaces. The proposed parking counts under the variance are as follows:

Residential Parking (.5 per bedroom required per Section 3325.381)

.5 x 493 bedrooms = 247 required parking spaces

Required: 247 parking spaces

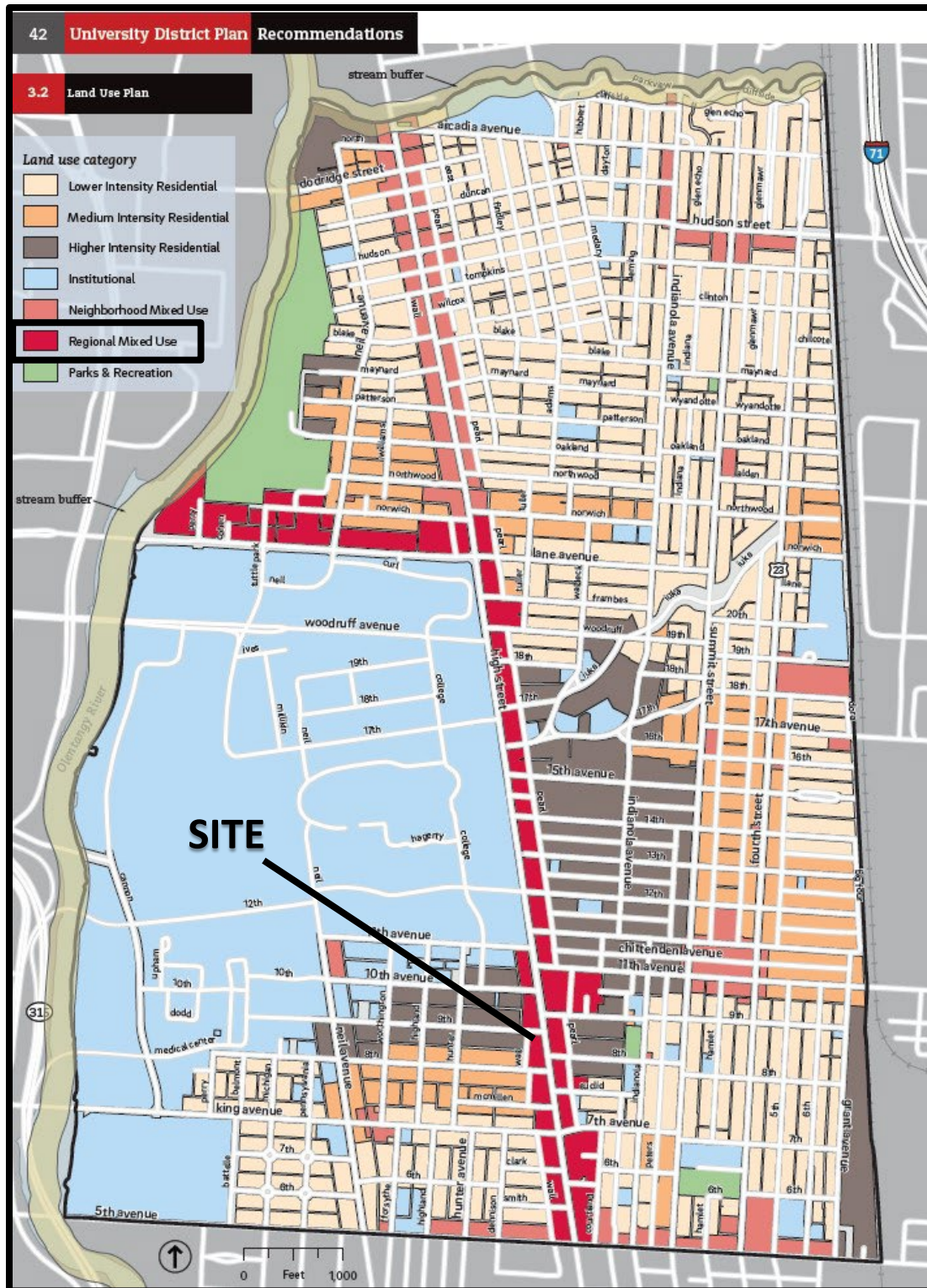
Provided: 0 parking spaces

The Applicant has worked closely over the last several months with the University Area Commission to design a development that both provides needed housing to the University District as well as serves as a

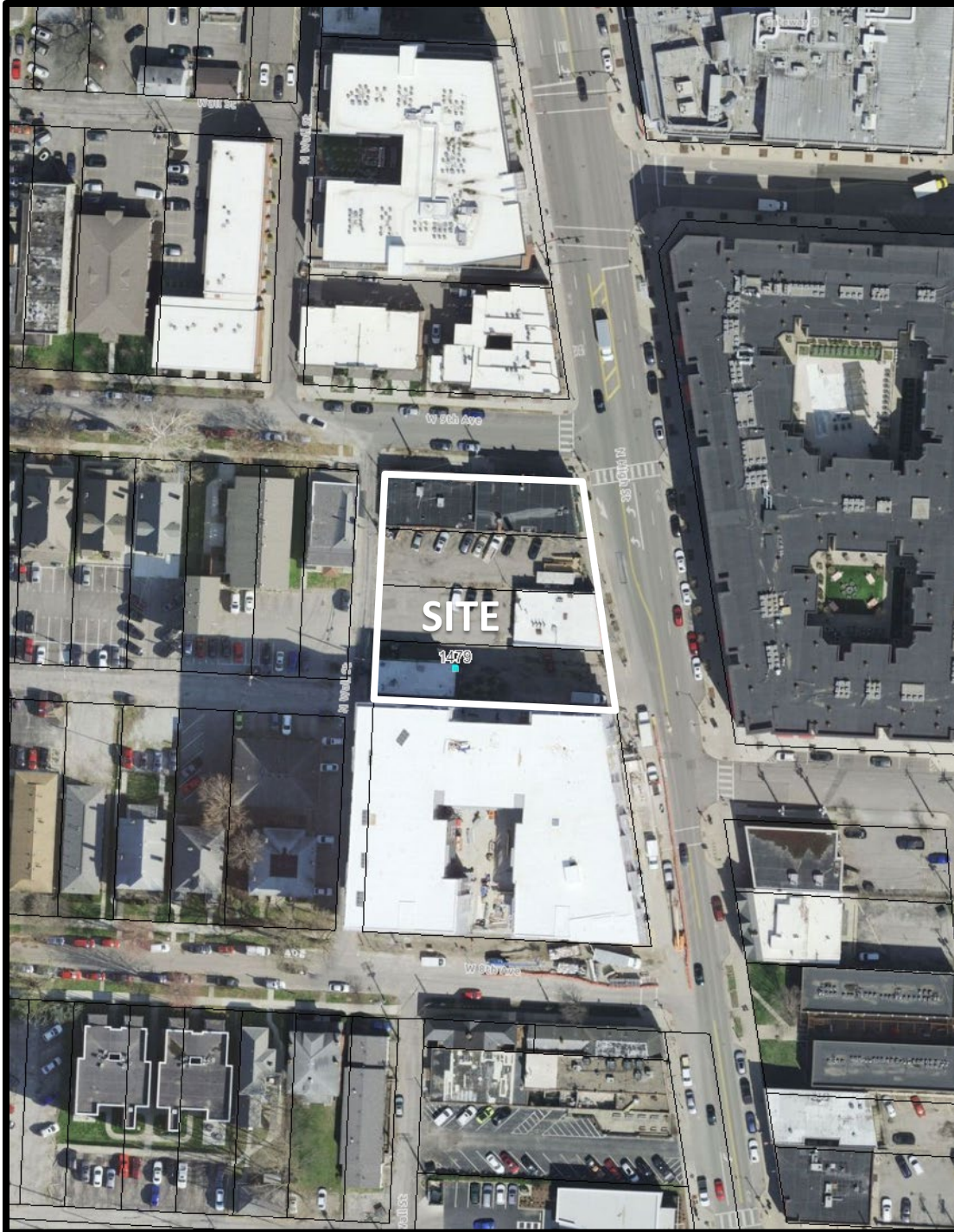
transition from the more intense commercial uses along North High Street. The variances to allow for the construction of residential-only buildings, as well as the increased height and decreased parking variances will give the Applicant the opportunity to meet the design requirements requested by the University Area Commission and still keep with the recommendations of the University District Area Plan.

The grant of the above variances 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; or unreasonably diminish or impair established property values within the surrounding area. The proposed development is consistent in all respects with development patterns in the area.

CV24-026A
1479 North High St.
Approximately 0.59 acres



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Approximately 0.59 acres

UNIVERSITY IMPACT DISTRICT REVIEW BOARD

111 North Front Street, Third Floor
Columbus, Ohio 43215
(614) 645-8062

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
DEVELOPMENT

	RECOMMENDATION
UIDRB case no.	UID-23-03-010a&b
Zoning/ Variance case no.	CV25-050 / CV24-026A
Property address	1479 N. High St. (AKA 1479-1497 N. High St.)
UIDRB Hearing date	April 25, 2024
Applicant	Marker Acquisition LLC & Harbor Bay
Issue date	June 17, 2025

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (614-645-4522 / 111 North Front Street, First Floor) and following all other applicable codes and ordinances of the City of Columbus.

The University Impact District Review Board hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the City of Columbus Planning Division within the Department of Development. The Board has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3325.115.

Variance or Zoning Change Request

- | | |
|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Graphics |
| <input checked="" type="checkbox"/> Parking Variance | <input type="checkbox"/> Special permit |
| <input checked="" type="checkbox"/> Change of Use | <input type="checkbox"/> Setbacks |
| <input type="checkbox"/> Lot Split | <input checked="" type="checkbox"/> Other |

TYPE(S) OF ACTION(S) REQUESTED:

Variances to:

- USE: VARIANCE REQUEST FROM PROVISIONS OF SECTIONS 3356.03, C-4 PERMITTED USES; AND 3356.05(C), C-4 DISTRICT DEVELOPMENT LIMITATIONS TO PERMIT DWELLING UNITS IN THE C-4 COMMERCIAL DISTRICT AND DWELLING UNITS NOT LOCATED ABOVE USES CONTAINED IN THE C-1, C-2, AND C-3 COMMERCIAL DISTRICTS AND THOSE SPECIFIED IN THE C-4 COMMERCIAL DISTRICT.
- HEIGHT: VARIANCE REQUEST FROM PROVISIONS OF SECTION 3325.323 TO PERMIT BUILDING HEIGHT OF 157'-6" FEET.
- PARKING: VARIANCE REQUEST FROM PROVISIONS OF 3325.381(B)(2), REQUIRED PARKING, TO PERMIT 0 PARKING SPACES.

RECOMMENDATION:

<input checked="" type="checkbox"/> SUPPORT REQUESTED VARIANCES OR ZONING CHANGE	<input type="checkbox"/> DO NOT SUPPORT REQUESTED VARIANCE OR ZONING CHANGE	<input type="checkbox"/> NO ACTION TAKEN
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THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.



Stephanie N. Kensler, University Impact District Review Board, Staff

Carpenter, Brandon M.

From: Pine, Shannon L.
Sent: Friday, May 9, 2025 1:48 PM
To: Carpenter, Brandon M.
Cc: Dietrich, Timothy E.
Subject: FW: [EXTERNAL] Touching base.

FYI -SP

-----Original Message-----

From: McCain, Kevin B.
Sent: Friday, May 9, 2025 1:43 PM
To: Pine, Shannon L. <SPine@Columbus.gov>
Cc: Ashear, Philip J. <PJAshear@columbus.gov>; Oswalt, John D. <JDOswalt@columbus.gov>
Subject: FW: [EXTERNAL] Touching base.

FYI

THANK YOU,

Kevin McCain
SENIOR POLICY ADVISOR
LEGISLATIVE RESEARCH OFFICE

90 W. Broad Street
Columbus, OH 43215
(614) 645-5829

-----Original Message-----

From: Doreen Uhas Sauer <doreenuh@icloud.com>
Sent: Friday, May 9, 2025 1:41 PM
To: McCain, Kevin B. <KBMcCain@columbus.gov>
Subject: [EXTERNAL] Touching base.

Just wanted you to know you can let Harbor Bay know Seth and I are in agreement UAC does not have any need to comment further and we support their seeking to amend the original proposal. Have a good weekend. D
Sent from my iPhone



DEPARTMENT OF BUILDING
AND ZONING SERVICES

Council Variance Application

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-026A

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) Rebecca J. Mott, Plank Law Firm, LPA

of (COMPLETE ADDRESS) 411 East Town Street, Floor 2, Columbus, Ohio 43215

deposes and states that they are 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:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. 1497 N High TMT LLC 3412 Commercial Avenue Northbrook, Illinois 60062 Attention: Mark J. Bell, 608-209-4492 Columbus-based employees: 0	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Rebecca J. Mott

Sworn to before me and signed in my presence this

28th

day of

May

, in the year

2025

SIGNATURE OF NOTARY PUBLIC

[Signature]

Notary Seal Here

My Commission Expires

Never



Craig J. Moncrief, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date

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