

## STATEMENT OF HARDSHIP

**Application: CV20-066**

**Address: 280 Whittier Street**

**Parcel(s): 010-030105**

**Property Size: +/- 2.34 Acres**

**Proposed District: CPD**

**Variance: 3356.05 – C-4 District Limitations. Applicant requests a council variance to permit ground floor residential uses.**

**Area Commission: Columbus Southside Area Commission**

**Owner(s)/Applicant(s): Pizzuti GE LLC c/o Jon Riewald**

**Attorney: Michael Shannon, Underhill & Hodge LLC**

**Date: December 21, 2020**

The Applicant submits this statement in support of its companion council variance. The subject property (“Site”) is approximately 2.34 acres and located at the northeast corner of East Whittier Street and Jaeger Street. The Site is currently zoned CPD and operates with a grocery store use. Adjacent properties are zoned R2F.

The Site is situated within the Columbus Southside Area Commission and the Schumacher Place Civic Association. The Site is not situated within a commercial overlay or planning overlay and is not a registered historic site or district. The Site is within the boundary of the South Side Plan which recommends community commercial uses.

The Applicant proposes razing the existing structure and redeveloping the Site with a new development. The plan proposes a mixed-use building with approximately 8,250 square feet of retail use and approximately 262 residential units. The Applicant proposes to rezone the site to a Commercial Planned Development (CPD) to accommodate the new use. The Applicant also requests a variance from the following section:

3356.05 – C-4 Rgto kwgf "Wugs. Applicant requests a council variance to permit ground floor residential uses.

The requested council variance to permit ground floor residential use will not adversely affect the surround properties or surrounding neighborhood and is warranted to alleviate a difficulty. Nor will the council variance impair adequate supply of light and air to the adjacent properties, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

The proposed first floor residential units will incorporate direct walkup access to the street. This is a design which is consistent with the style and rhythm of adjacent properties along Kossuth and Jaeger. The purpose of this design is so that the development will fit within the urban fabric of the neighborhood and engage at pedestrian scale.

The South Side Plan recognizes that, for neighborhoods to be sustainable over the long term, it is important that a mix of uses are provided. This means that people can live in a neighborhood, can locally purchase the goods and services they need, and may even be employed in their neighborhood. This mix of uses provides for a stable economic and residential base. It also supports walking and biking as options to driving, provided densities are sufficient to support such transportation options.

Principle 1 of the South Side Plan states that neighborhoods should have a mix of land uses. Specifically, mixed use development should be common along primary corridors and should include multifamily housing, retail, office, and other services that contribute to a walkable urban environment. While Whittier is not a primary corridor such as High Street or Cleveland Avenue, it is a growing corridor which already supports a mix of commercial and residential uses. The proposed project is a mixed-use development which will follow the principles of the South Side Plan and contribute to a mixed-use environment and encourage a walkable live-work environment.

The Applicant requested a variance to allow residential uses on the first floor of the development. This variance will allow the development to proportionally contribute to the mixed-use environment without dominating the space with too much commercial square footage. The property is substantially larger than the neighboring properties and an entire first floor of commercial use be excessive for the neighborhood. Therefore, allowing this space to be filled with residential use will ensure that the scale is maintained.

The Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variance. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system to allow developments which fit within the spirit and intent of the zoning district but do not exactly fit under the strict letter of the zoning code. In this case, Applicant proposes a development which falls within the spirit and intent of the zoning code and the South Side Plan.

The Applicant respectfully requests that the Columbus City Council weigh these factors in its consideration and find that the variance is warranted to alleviate a difficulty.

Respectfully submitted,

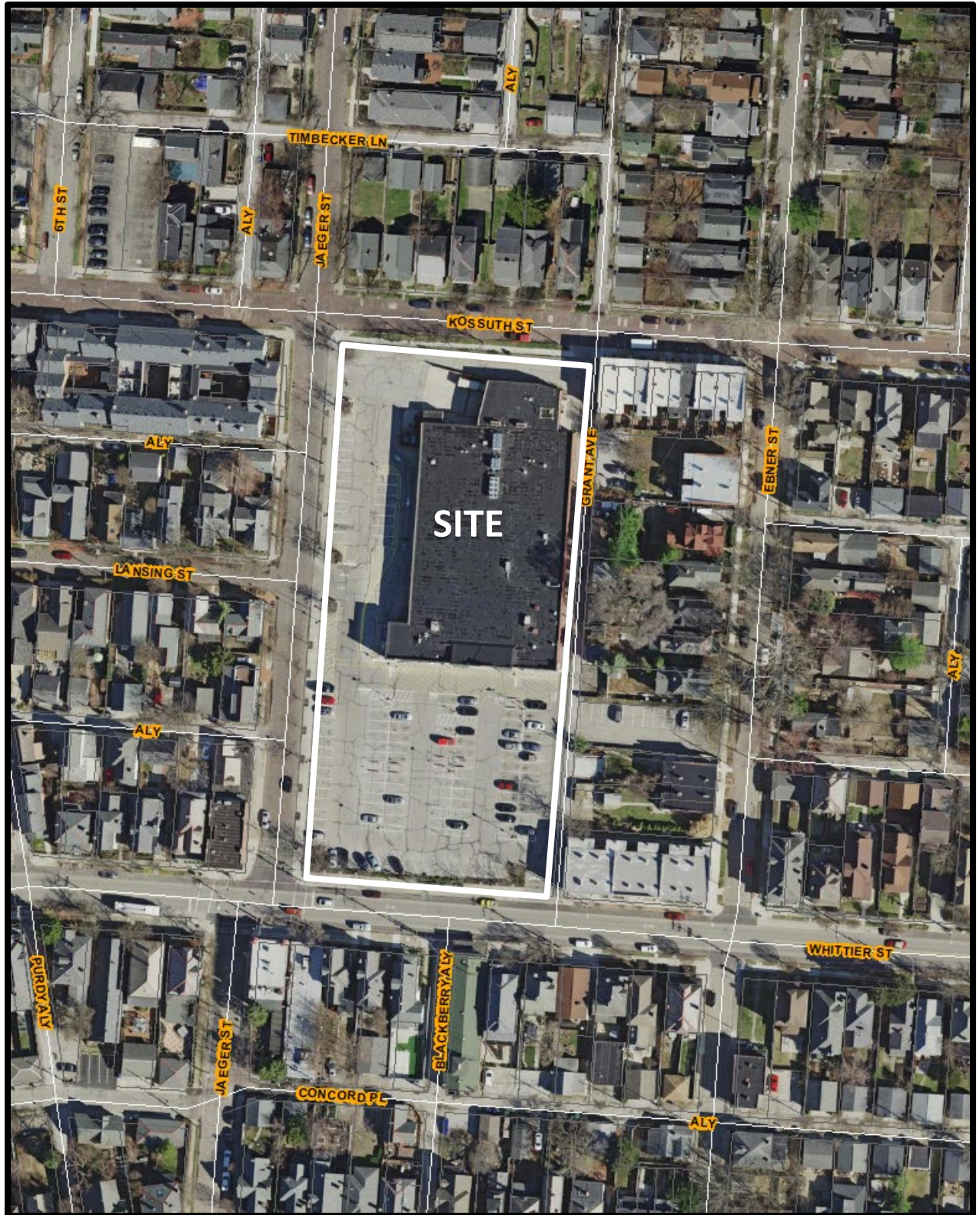


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Michael Shannon, Esq.  
Attorney for Applicant



CV20-066  
280 Whittier St.  
Approximately 2.34 acres



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From: **Erin Synk** <[eesynk@gmail.com](mailto:eesynk@gmail.com)>

Date: Wed, Dec 9, 2020 at 10:33 AM

Subject: Votes from Special Meeting

To: Jim Griffin <[binkycmh@hotmail.com](mailto:binkycmh@hotmail.com)>, Curtis Davis <[cdavis@team-icsc.com](mailto:cdavis@team-icsc.com)>, Paula Copeland <[pjcopeland@sbcglobal.net](mailto:pjcopeland@sbcglobal.net)>, Beth Fairman Kinney <[bfkinney@columbus.gov](mailto:bfkinney@columbus.gov)>, Sully, Nancy P. <[npsully@columbus.gov](mailto:npsully@columbus.gov)>

December 8, 2020 CSSAC Special Meeting

Attendance: Commissioners Cole, Garden, Less, Welch, Griffin, Copeland, Banner, Synk, Davis, Alcock, Hopkins, Leight present. Absent: Tisby, Patterson.

280 E. Whittier

- Z - 20-61 Rezoning to CPD. Moved by Welch, second by Leighty. 6-5 Motion passes.
- 3356.05 To permit ground floor residential dwellings. Moved by Welch, second by Leighty. 7-4. Motion passes.
- 3312.49 To reduce minimum parking required to 263. Moved by Welch, second by Leighty. 7-4. Motion passes.
- 3356.11 To reduce setback to 0 ft. Moved by Welch, second by Leighty. 6-5. Motion passes.

506 Cline: Moved by Welch, second by Alcock. 12-0 Motion passes.

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

**Case Number** Z20-061 and CV20-066

**Address** 280 East Whittier Street

**Group Name** Schumacher Place Civic Association

**Meeting Date** October 6, 2020

**Specify Case Type**

BZA Variance / Special Permit

Council Variance

Rezoning

Graphics Variance / Plan / Special Permit

**Recommendation**  Approval

(Check only one)  Disapproval

**NOTES:** Schumacher Place Civic Association voted on a rezoning application and a council variance application.

The results of both votes are presented on Attachment 1.

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**Vote** Vote results are attached.

**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.

## **Schumacher Place Civic Association Rezoning and Variance Voting Results Page**

Project: 280 E. Whittier St. Rezoning, Z20-061

The rezoning application is to allow the construction of a mixed-use development with a proposed height of 60 feet, a maximum of 330 dwelling units, and approximately 8000 square feet of retail space.

FOR	15
AGAINST	390

Project: 280 E. Whittier St. Council Variance, CV20-066

**1) 3356.05 - C-4 District limitations**

The applicant requests a variance to permit ground floor residential uses.

**2) 3312.49 - Minimum number of parking spaces required**

The applicant requests a variance to reduce the minimum number of required parking spaces from 529 to 236.

**3) 3321.05(B) - Clear vision triangle**

The applicant requests a variance to reduce the minimum clear vision triangle at the intersection of South Grant Avenue from 10 feet to 4 feet.

**4) 3356.11 - C-4 district setback lines**

The applicant requests a variance to reduce the minimum building line from 25 feet to zero feet.

FOR the four variances	17
AGAINST the four variances	385



DEPARTMENT OF BUILDING AND ZONING SERVICES

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 #: CV20-066

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, 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 (include contact name and number)
Business or individual's address; City, State Zip Code
Number of Columbus based employees
(Limited to 3 lines per box)

Table with 2 columns and 2 rows for listing parties with 5% or more interest.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Handwritten signature of Eric Zartman

Subscribed to me in my presence and before me this 20th day of February, in the year 2021

SIGNATURE OF NOTARY PUBLIC

Handwritten signature of Notary Public

My Commission Expires:

N/A

This Project Disclosure Statement is valid for 12 months after date of notarization.

Notary Seal Here



ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

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Please make all checks payable to the Columbus City Treasurer