

# Council Variance Application

ORD #0132-2022; CV21-125; Page 1 of 8

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

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

CV21-125

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.

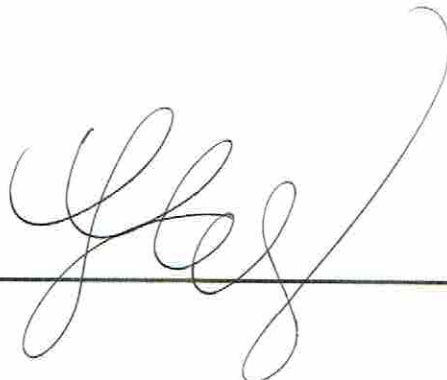
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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

10.31.21

STATEMENT OF HARDSHIP

Applicant: Homeport  
 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: Columbus Housing Partnership dba Homeport  
 3443 Agler Rd.  
 Columbus, Ohio 43219

Address: 2870 Alum Creek Dr.  
 Parcel Nos.: 010-267629  
 Zoning Districts: PUD-8  
 Date: October 31, 2021

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

This application for CV, rather than a full rezoning, is sought due to the OHFA and Franklin County funding programs and the need for zoning approvals for application deadlines February 2022. The Applicant is using the City's two-step process for affordable housing developers, driven from funding application deadlines and the short time frames associated therewith. The Applicant will proceed with 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 all other issues relative to zoning, development standards, etc.

The Step One CV seeks approval to merely achieve a technical change in the definition of 40 'townhome' units of affordable senior housing to 40 two (2), three (3) and four (4) family building units of affordable senior housing and to allow 1- and 2-bedroom units instead of 2 and 3 bedrooms.

This Council Variance is necessary as the current PUD-8 specifically defines the 40 units as 'townhomes' which by City of Columbus definition includes certain public roadway construction and platting requirements that differ from merely 'attached multi-family' ie., two (2), three (3) and four (4) family building units construction, which allows for private streets and no unit-by-unit platting. Too, the specificity of 2- and 3-bedroom units are within the existing PUD-8 but are NOT consistent with the OHFA scoring system which gives preference to 1 and 2 bedroom units to meet the senior housing typology.

By City of Columbus process, Homeport may ONLY obtain use and density by council variance, to meet the OHFA requirement.<sup>1</sup> This request seeks to also include the bedroom count, to specifically meet the OHFA requirement. If the project is awarded, Homeport will return for a full rezoning and new council variance (if needed) to fully develop the project.

<sup>1</sup> The Applicant has included a variance to CCC Section 3345.07, Contents of Application, as a procedural compliance item for this council variance. It may be included in the follow up rezoning, that item is 'to be determined.'

Columbus City Ordinance 0677-003 specifically provides:

**Sub Area C (4.31 acres; 9.28 net u/a)**

This tract will be developed with forty (40) townhomes for sale and will be developed in accordance with C.C.C. Section 3333 for Multi-Family Residential Development. All townhomes shall have 2 to 3 bedrooms and attached garages.

Variance/Modification to this underlying standard is needed to construct senior affordable housing – i.e., a 40-unit development along the east side of Alum Creek Dr. with 1- and 2-bedroom units. The Applicant is also varying CCC Section 3345.07 regarding the Contents of a PUD application, to the extent this CV is not in strict compliance with the existing PUD or PUD code.

The Site is only 4.167 +/- acres and has been zoned for a 'multi-family' residential use since 2003.

The variances are not significant given the same number of units and the same intended use being multi-family housing.

There are no adverse effects to adjacent landowners – if anything the inclusion of senior housing meets a need in the area. There is no effect on the delivery of governmental services.

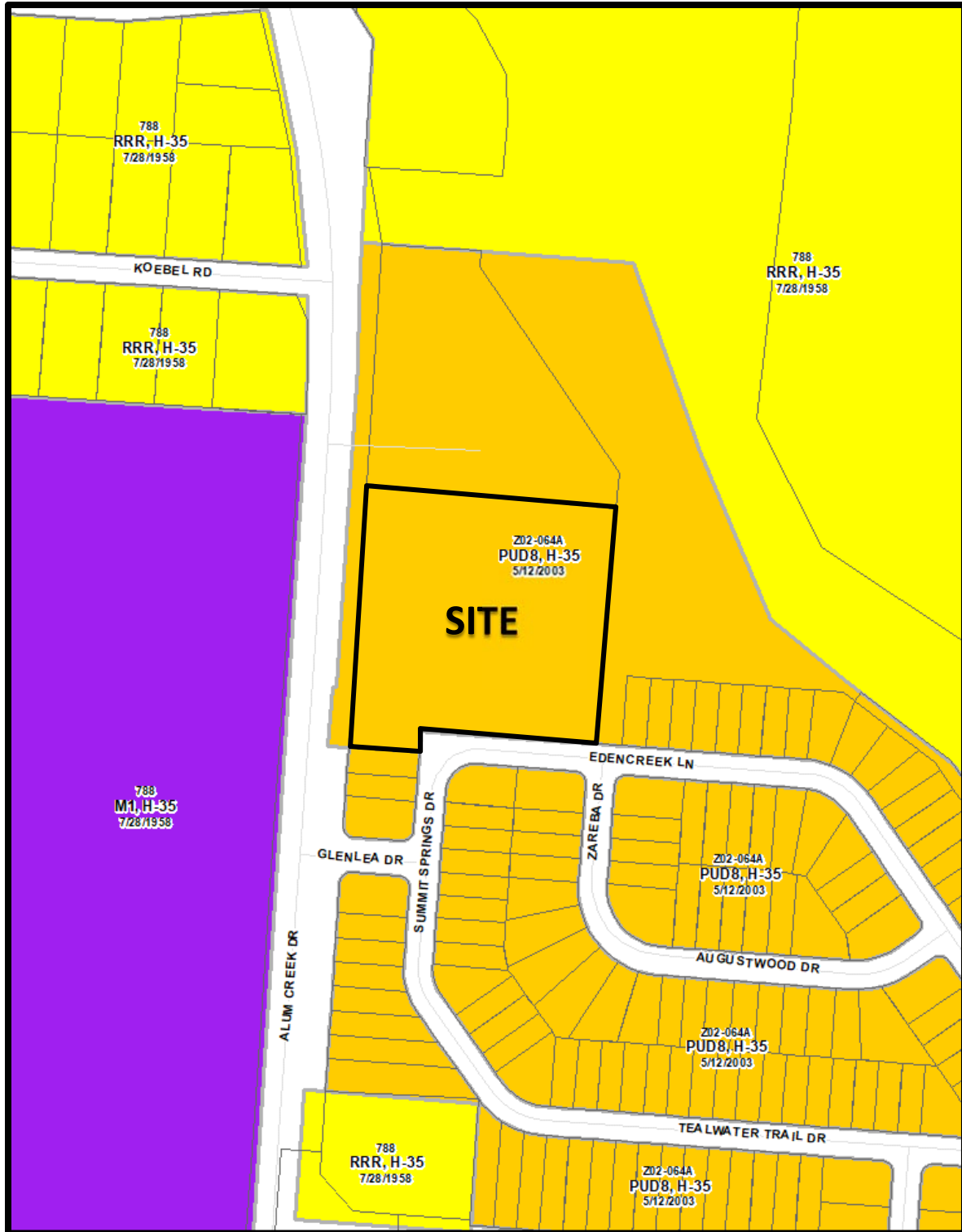
The Applicant cannot feasibly obviate the minor use variance – to allow 'attached multi-family,' ie., two (2), three (3) and four (4) family building units, residential housing, as the current PUD-8 does specifically include this component.

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

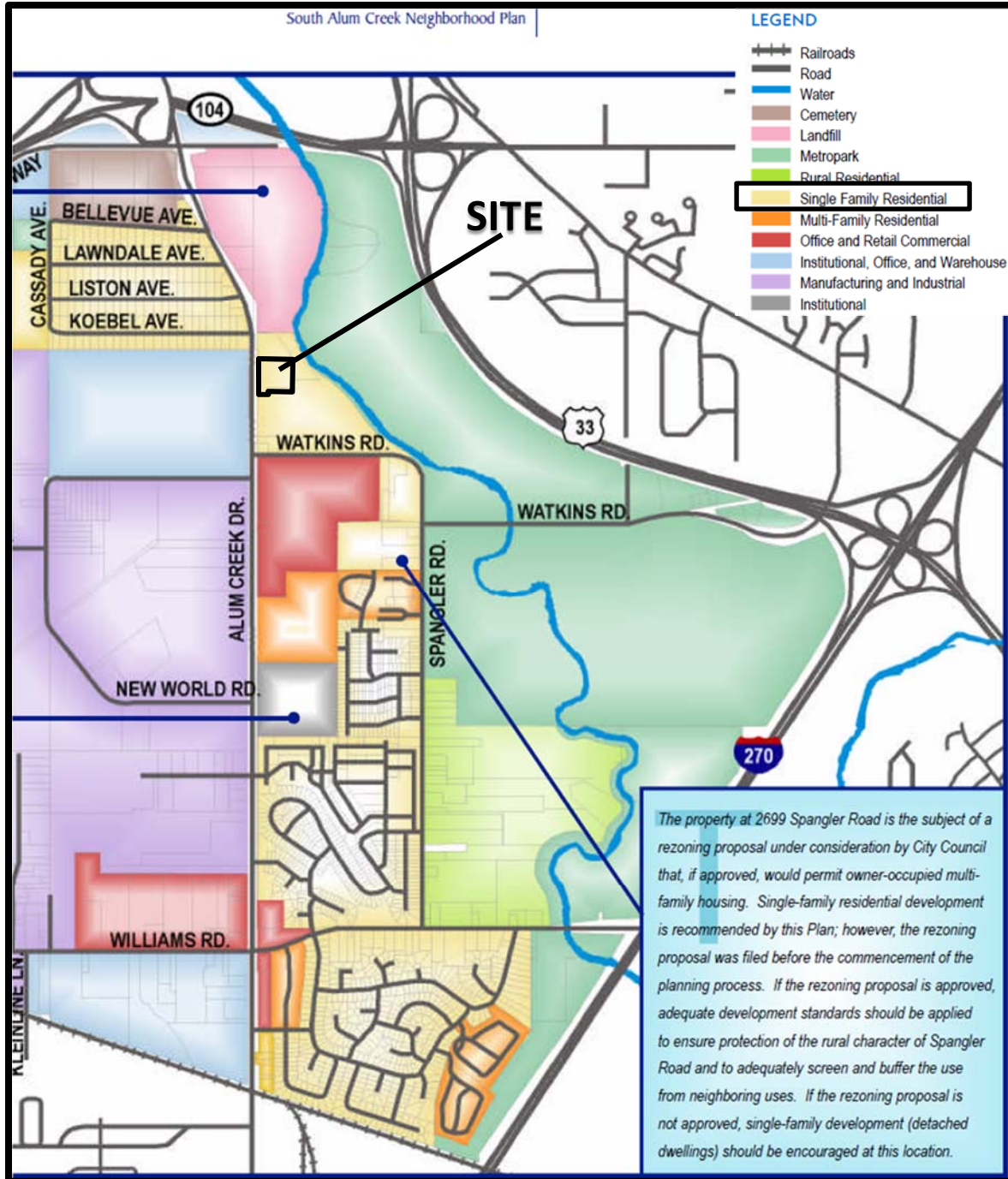
Respectfully submitted,

*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



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2870 Alum Creek Rd.  
Approximately 4.17 acres



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

Case Number:

\_\_\_\_\_

Address:

\_\_\_\_\_

Group Name:

\_\_\_\_\_

Meeting Date:

\_\_\_\_\_

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

**NOTES:**

Vote:

\_\_\_\_\_

Signature of Authorized Representative:

*Michael D. Walker, Sr*

SIGNATURE

RECOMMENDING GROUP TITLE

DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; qt O CKN"q<Cuuki pgf "Rrppgt."Ek{ "qh  
MAIL to: Columbus, Department of Building & Zoning Services, 111 N. Front St, Columbus, OH 43215.

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## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-125

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)

of (COMPLETE ADDRESS)

Laura MacGregor Comek Esq

17 S. High St., Ste 700 Cols, OH 43215

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. <u>Columbus Housing Partnership dba Homeport</u> <u>3443 Agler Rd. Cols., Ohio 43219</u>	2.
<u>see</u>	4.

Check here if listing additional parties on a separate page.

*[Handwritten Signature]*

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 2<sup>nd</sup> day of NOVEMBER, in the year 2021

Kathy Zalmon

SIGNATURE OF NOTARY PUBLIC

KATHY ZALMON  
Notary Public, State of Ohio  
My Commission Expires 06-08-2025

My Commission Expires 6-8-2025



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