

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

APPLICATION: CV25-133
Location: 89 WEST PARK AVE. (43222), being 0.18± acres located at the northwest corner of West Park Avenue and West State Street (010-067057 and 010-054060; Franklinton Area Commission).
Existing Zoning: R-4, Residential District.
Proposed Use: Non-profit organization and associated uses.
Applicant(s): Mark Hensler; 326 South High Street; Columbus, OH 43215
Owner(s): Franklinton Development Association; 1091 West Broad Street; Columbus, OH 43222.
Planner: Brandon Carpenter; 614-645-1574; bmcarpenter@columbus.gov

BACKGROUND:

- The site consists of two parcels developed with a former religious facility in the R-4, Residential District. The requested Council variance will allow a non-profit organization and associated retail, office, and assembly space uses.
- A Council variance is required because the R-4 district only allows limited accessory commercial uses such as daycares and food pantries if they are associated with a religious facility. Since the existing building no longer functions as a religious facility, the request is necessary to allow the operations of the non-profit organization.
- No other variances are included in this request.
- North, south, east, and west of the site are single-unit dwellings all in the R-4, Residential District.
- The site is located within the planning boundaries of the *West Franklinton Plan (2014)*, which recommends “Institutional” land uses for this location.
- The site is located within the boundaries of the Franklinton Area Commission whose recommendation is for approval.
- Practical difficulties were not considered since no standard variances are proposed with this request.

CITY DEPARTMENTS’ RECOMMENDATION: Approval.

The proposal is viewed as being consistent with the *West Franklinton Plan’s (2014)* land use recommendation of “Institutional” at this location, because the proposed uses are the same as those that were included in the previous religious facility, and incompatible uses will not be introduced to the area.

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

Without a variance, the property is limited to uses permitted in the R-4 zoning district. The existing building was historically used as a religious facility. Since 2019, Little Bottoms Free Store, a nonprofit providing free clothing, diapers, and formula to families with children ages 0-3, has operated in the building. The current owners acquired the property in 2025 to allow these services to continue. Because the property is no longer used as a religious facility, a use variance is required to permit the continued operation of this community-serving nonprofit.

2. Whether the variance is substantial.

Yes No

This variance does not constitute a substantial change to the existing building or site. It would permit the continuation of many of the same operations that have occurred over the past six years while the building was utilized as a religious facility.

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 are no planned alterations to the building or site that would alter the character of the neighborhood.

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

Yes No

Existing delivery of governmental services would remain.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Yes No

The property owner was unaware that the existing use would not be permitted under the zoning restrictions because the property was no longer used as a religious facility at the time of purchase.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Yes No

The tenant that houses their operation in the building while it was still a religious facility would no longer be able to use the space if a variance is not granted.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes No

This is an existing building within the community that has offered non profit services to the surrounding neighborhood. The intent behind this variance is to allow for those services to continue with minimal change to the building and site.

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):

Signature of Applicant

Mark Hensler

Digitally signed by Mark Hensler
DN: c=US, e=mark.hensler@bbcodesign.com, o=BBCO, cn=Mark Hensler
Reason: I attest to the accuracy and integrity of this document
Date: 2025.12.23 13:47:44-0500

Date 12.23.2025



CV25-133 – 89 W Park Ave – 010-067057-00

03.16.2026

Statement of Hardship

The subject property was historically used as a religious facility, a use permitted under the existing R-4 zoning classification. Since 2019, the building has housed Little Bottoms Free Store, a nonprofit organization that provides free clothing, diapers, and infant formula to families with children ages 0–3.

The new owners acquired the building in 2025 to keep Little Bottoms in operation. The new owners do not have a religious affiliation; however, they would like to continue community-focused operations in the spaces. A use variance is required for the current operations to continue in the building, as it is no longer a religious facility.

The requested variance does not involve any structural or site modifications and will not alter the established character of the surrounding neighborhood. The building exterior will remain largely unchanged, with only minor maintenance renovations undertaken to preserve its historic character and integrity. The proposed uses are consistent with those that have occurred on the site for approximately six years and would have no greater impact than the former permitted religious use.

The property owner was unaware that the existing use would not be permitted under the zoning restrictions because the property was no longer used as a religious facility at the time of purchase. The variance is therefore necessary to allow the reasonable and continued use of the property in a manner consistent with its longstanding function and neighborhood context.

Requested Variances

- 3332.039 – R-4 Residential District Use
 - A variance is requested to permit the continued use of the property as a **non-profit business, limited mercantile use, and community gathering space** within the R-4 Residential District. The property has a long history of community-focused use and the proposed activities are similar in scale, intensity, and impact to the former religious facility use. Granting the variance will allow continued delivery of essential community services without altering the residential character of the surrounding neighborhood.

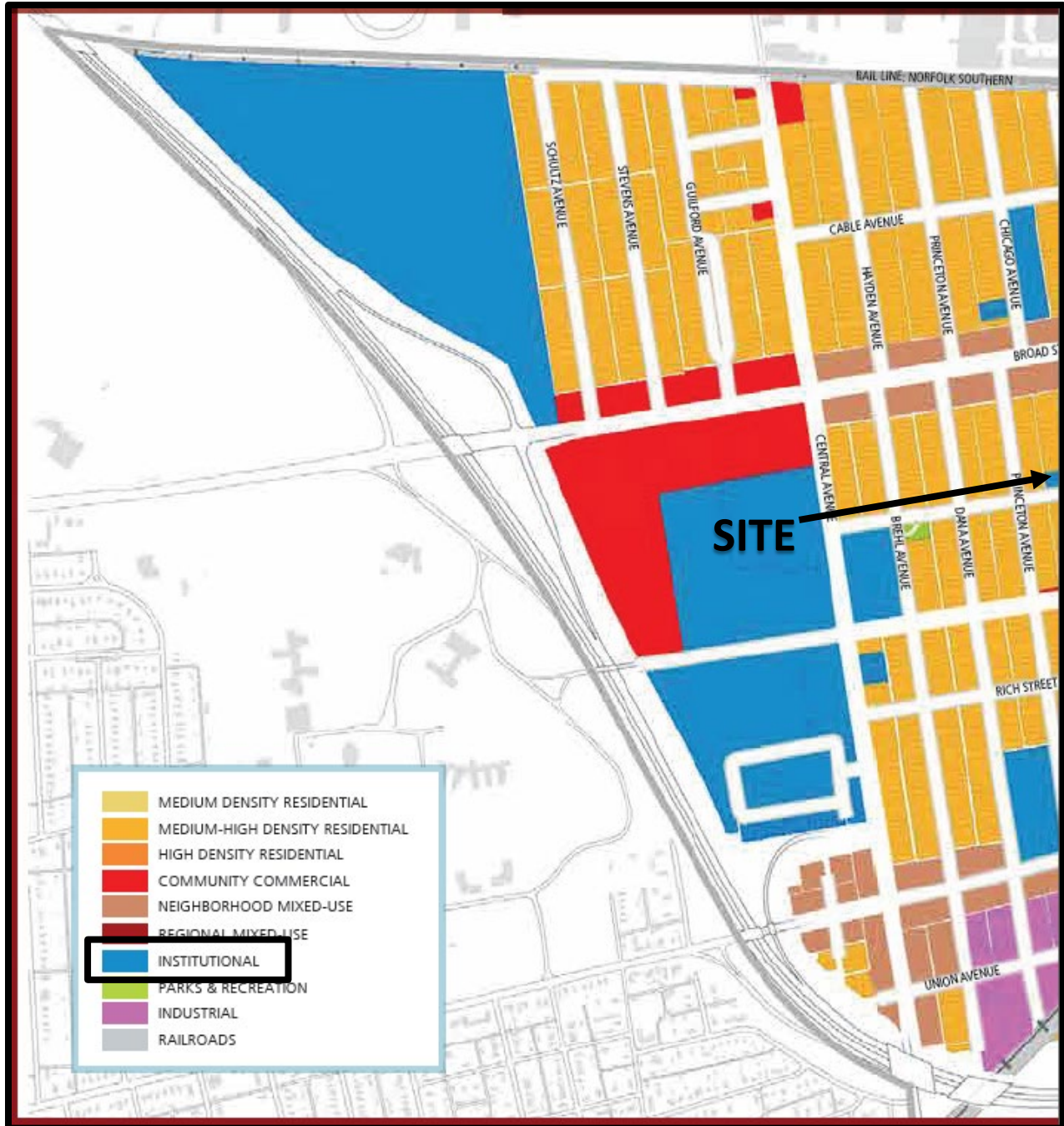
Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Hensler'.

Mark Hensler, AIA



CV25-133
89 W. Park Ave.
Approximately 0.18 acres



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FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(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) **Approval**
 Disapproval

LIST BASIS FOR RECOMMENDATION:

Vote _____

Signature of Authorized Representative Jack Chambers

Recommending Group Title _____

Daytime Phone Number _____

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV25-133

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) Mark Hensler
of (COMPLETE ADDRESS) 326 S High St. Columbus, OH 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

<p>1. Franklinton Development Association Eric Skidmore, Executive Director 614.636.3644 1091 W Broad St, Columbus, OH 4322 4 Employees</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT *Mark Hensler*

Sworn to before me and signed in my presence this 22nd day of December, in the year 2025

Melissa Kilpatrick
SIGNATURE OF NOTARY PUBLIC

5/6/2029
My Commission Expires

Notary Seal Here



Melissa Kilpatrick
Notary Public, State of Ohio
Commission #: 2024-RE-877210
My Commission Expires 05-06-29

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