

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

APPLICATION: CV24-149
Location: 4240 HAMILTON SQUARE BLVD. (43125), being 1.98± acres located on the northwest corner of Hamilton Square Boulevard and Lakeview Crossing (010-243278; Greater Southeast Area Commission).
Pending Zoning: L-AR-1, Limited Apartment Residential District (H-35).
Proposed Use: Multi-unit residential development.
Applicant(s): Metro Development LLC, c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite. 460; Columbus, OH 43215.
Property Owner(s): M FIVE LP, c/o Mid Ohio Development Corp.; P.O. Box 32449; Columbus, OH 43232.
Planner: Dane Kirk; 614-645-7973; DEKirk@Columbus.gov

BACKGROUND:

- The 1.98± acre site consists of one undeveloped parcel in the L-M, Limited Manufacturing District. The site is pending zoning to the L-AR-1, Limited Apartment Residential District (Z24-065) to allow development of a 48-unit apartment complex as demonstrated with the submitted site plan and building elevations included with that application. The Applicant has received a recommendation of disapproval from Staff and a recommendation of approval from the Development Commission for the proposed L-AR-1 district.
- To allow the development as proposed, the requested Council variance will allow a reduced perimeter yard from 25 feet to 5 feet, and an increased garage building height from 15 feet to 16 feet.
- North and west of the site are warehouses and office space in the L-M, Limited Manufacturing District. South and east of the site are multi-unit residential development in the AR-12, Apartment Residential District.
- The site is within the planning boundaries of the *South East Land Use Plan* (2018), which recommends the “Employment Center” land use at this location. The site is also subject to complete adoption of *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).
- The site is located within the boundaries of the Greater Southeast Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this proposed development.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested Council Variance is consistent with similar apartment complex developments that allow site design consistent with C2P2 Design Guidelines that places parking behind buildings, and garage roof pitch that better compliments the apartment buildings’ design.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

2. Whether the variance is substantial.

☒ Yes ☐ No

The perimeter yard variance is substantial but the garage height increase of 1 foot is not. The site has an odd shape that makes it difficult to develop and maintain the 25 foot perimeter yard. The front yard setback is being met.

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 multifamily developments across the street and a warehouse and yard service next to the site. Adding more multifamily units would not change the essential character of the neighborhood nor would adjoining properties suffer a substantial detriment since multifamily already exist nearby.

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

☐ Yes ☒ No

Governmental services are already provide to this area and to this site.

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

☒ Yes ☐ No

The applicant is aware of the zoning requirement.

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

☐ Yes ☒ No

A variance is the only way to resolve this issue.

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

☒ Yes ☐ No

The adjacent properties do not have a similar setback. Granting the perimeter yard would allow for the developement of this site. The garage height is a minor adjustment to provide better drainage for the garage's roof. Spirit and intent would be met and substantial justice done by granting these variances.

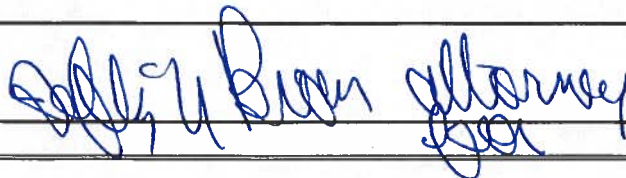
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

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):

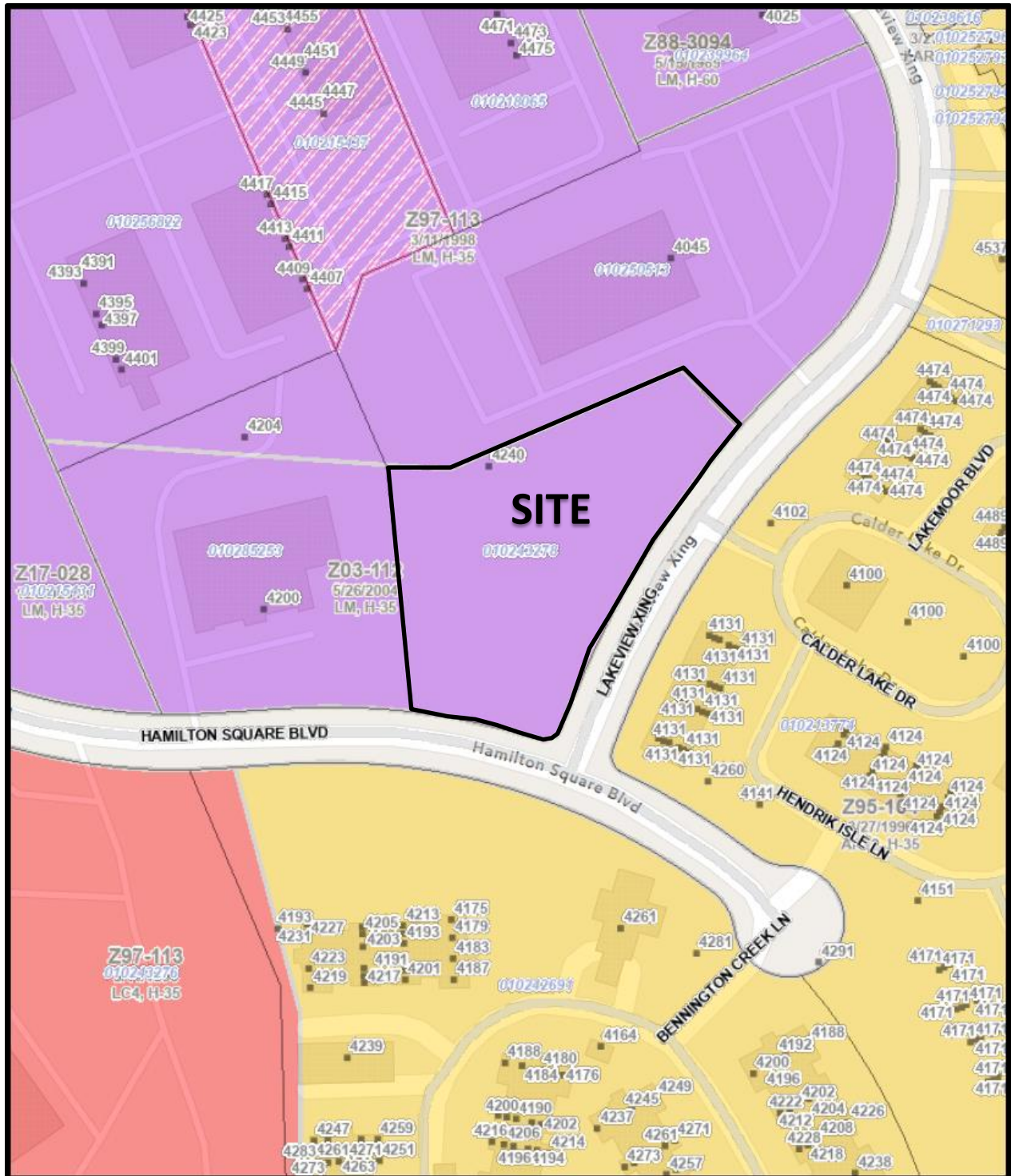
The variance to the perimeter yard 3333.255 and height increase for the garages 3333.35G would allow the site to be developed with multifamily units which already exisit across the street from this site. The site has an unusal shape which creates a perimeter yard issue when the front yard building setback is maintained. The adjacent sites are developed and the proposed development would not be a substantial detriment to those uses. The essential character of the neighborhood would not be substantially altered by the proposed development.

Signature of Applicant



Date

11/26/24



CV24-149
4240 Hamilton Square Blvd. (43125)
Approximately 1.98 acres

Approximately 1.98 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

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



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 #: CV24-149

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) Jeffrey L. Brown
of (COMPLETE ADDRESS) 37 West Broad Street STE 460 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

1. Metro Development LLC. Joe Thomas 614-540-2400 470 Olde Worthington Road STE 100 Westerville, OH 43082. Number of Columbus based employees 67.	2. M FIVE LP. c/o Mid Ohio Development Corp. Roney Murphy 614-774-1117 P.O. Box 32449 Columbus, OH 43232-0449. No Columbus based employees.
3.	4.

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

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 25th day of November, in the year 2024

SIGNATURE OF NOTARY PUBLIC 

My Commission Expires 9/4/2025



Notary Seal Here
Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2025

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