

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.

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):

See Attached

Signature of Applicant

Corina J. Kleen

Date

4/20/21

STATEMENT OF HARDSHIP

3632 Indianola Avenue

Background:

3632 Indianola Avenue includes approximately 10.44 acres zoned Manufacturing (M) and approximately 1.45 acres zoned Commercial (C-3). The M zoned ~10.44 acres are improved with 301 extended stay hotel residential units that were approved by zoning prior to Ordinance #2797-2016 that eliminated extended stay hotels as a permitted use in the M district. In 2020 the C-3 zoned ~1.45 acres were approved for development of a restaurant and a mixed use building for office/commercial uses on the first floor with 20 residential units on the 2nd and 3rd floors.

1. Extended Stay Hotel: In regard to the extended stay hotel, this fully developed portion of the Property was approved as a permitted use in the M district. The owner requests a variance to make the extended stay hotel a conforming use in the M district.

2. Residential Units in M District: In regard to the request to have residential units in the M district, the majority of the first floor of this proposed building is located in the C-3 portion of the Property but a small portion extends into the M District. The C-3 and M District do not permit residential uses on the first floor. The first floor of the building was originally planned and approved in 2020 for office uses. As we've all experienced, COVID-19 pandemic has affected where we work and how we shop. Many people will continue to work from home.

In light of the trends, the owner wishes to have the right to use the first floor of its proposed building for up to 10 residential units on the first floor along with the 20 units on the 2nd and 3rd floors that were approved in 2020.

But in light of the fact that planning for a mix of commercial uses in this neighborhood is supported by the land plan for Indianola and residents of the neighborhood, the owner has revised its plan for the garages lining Indianola that were originally designed to appear as store fronts to incorporate two retail/office spaces of approximately 1300 square feet each. With the addition of these two storefronts/retail/office spaces, the commercial areas that were originally located on the first floor of the 3 story building will now be located between the 3 story building and the retail/restaurant site fronting on Indianola. These new locations provide the opportunity for outdoor dining areas and better street appeal. It should be noted that the loss of the parking spaces that would have been located in what is now retail/office space does not result in a need for a parking variance. With all revisions, the required parking is 526 spaces and the site provides 593.

3. Residential Units on the First Floor: The C-3 District permits dwelling units when located above other permitted uses in the C-3 District. Permitting dwelling units to be located on the first floor will not adversely affect the surrounding property or neighborhood. The Property is adjacent to residential and commercial uses and will be part of the mixed use area of the neighborhood.

Granting the variances will not increase the building's size and will not impair the adequate supply of light and air to 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 respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

4. Restatement of Approved Variances in 2020: In regard to the 3 variances that were approved in 2020 as BZA20-006, the Statement of Hardship stated as follows:

The owner wishes to increase the height district from 35 feet to 40 feet in the C-3 portion of the Property. The height increase of only 5' is not substantial and does not alter the essential character of the neighborhood or create a substantial detriment. The minimal increase in height permits building's to be designed to better accommodate permitted uses. The spirit and intent of the zoning is observed in that the variance supports the development of intended uses.

The building design standards require the principal building(s) to have a minimum of 60% of the lot width to provide a consistent building frontage along a primary street. The site has 2 "primary buildings" and a 3rd building that jointly satisfy the 60% requirement. However, the 3rd building is not considered a "primary building" because it is a garage. While its wall along the primary street has been designed to satisfy the building design standards, its use does not. Therefore, a variance is required. The spirit and intent of the design standards are being satisfied.

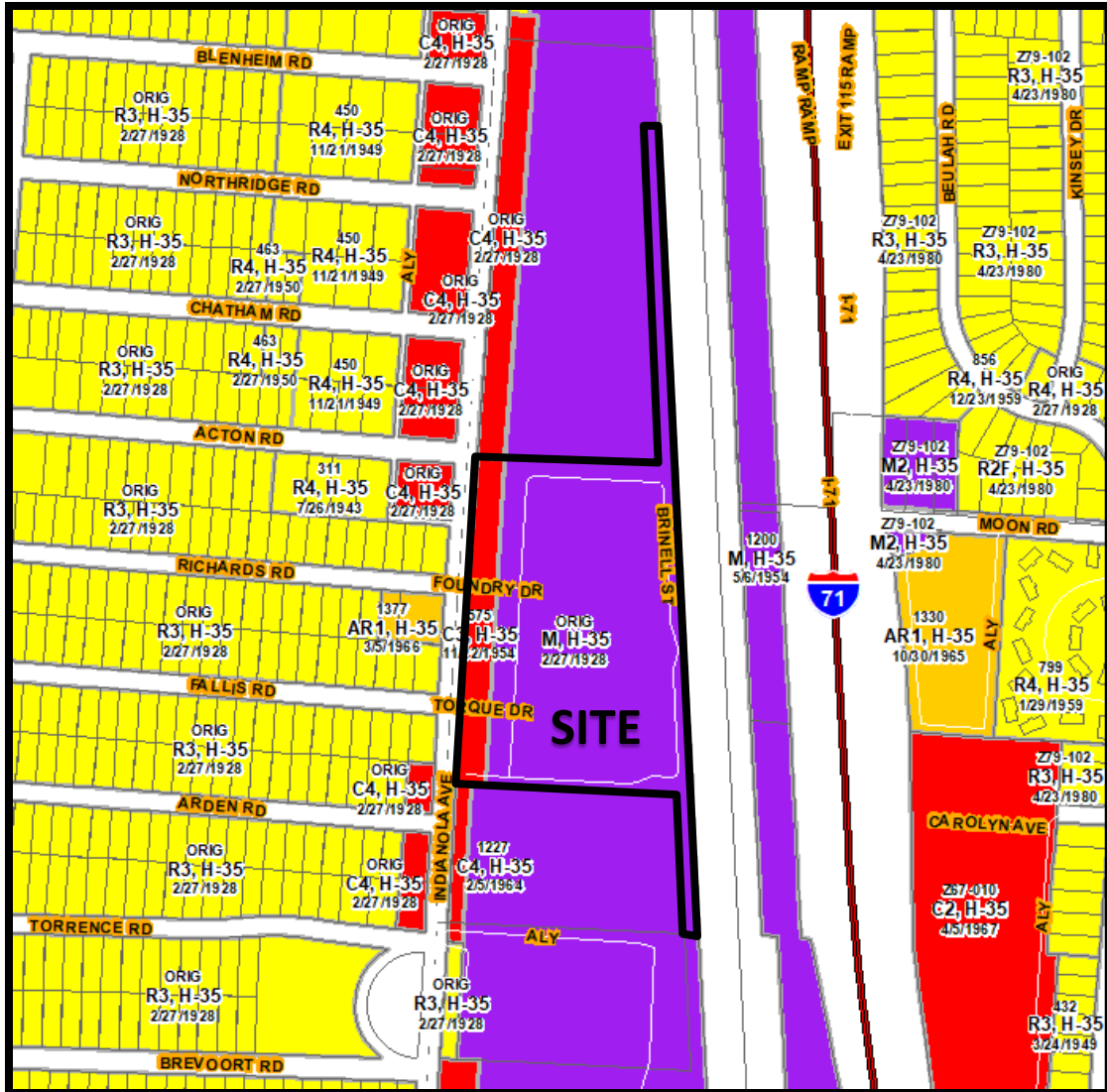
The site was originally planned and approved with the required 25' setback from the Indianola right-of-way. Because variances are being requested for the height and building standards, Section 4309.17 of the CCO requires the applicant to dedicate additional right-of-way. The applicant is dedicating 10' of right-of-way as requested by the City but seeks a variance to permit the setback line along Indianola to remain as originally approved, which results in a 15' setback from the new right-of way.

VARIANCES

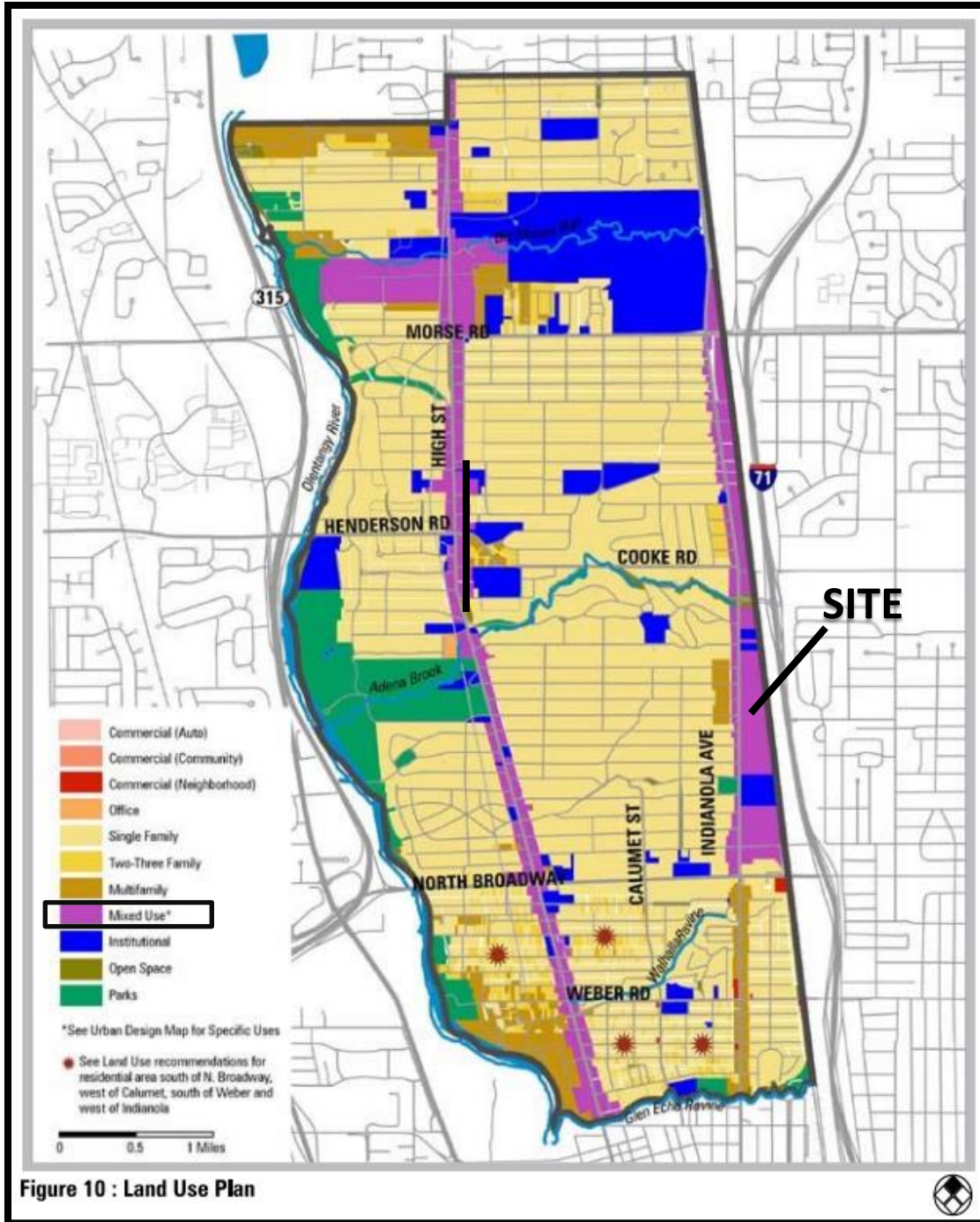
3632 Indianola Avenue

(This list of variances includes/restates the variances approved for this site with BZA20-006 noted with an asterisk)

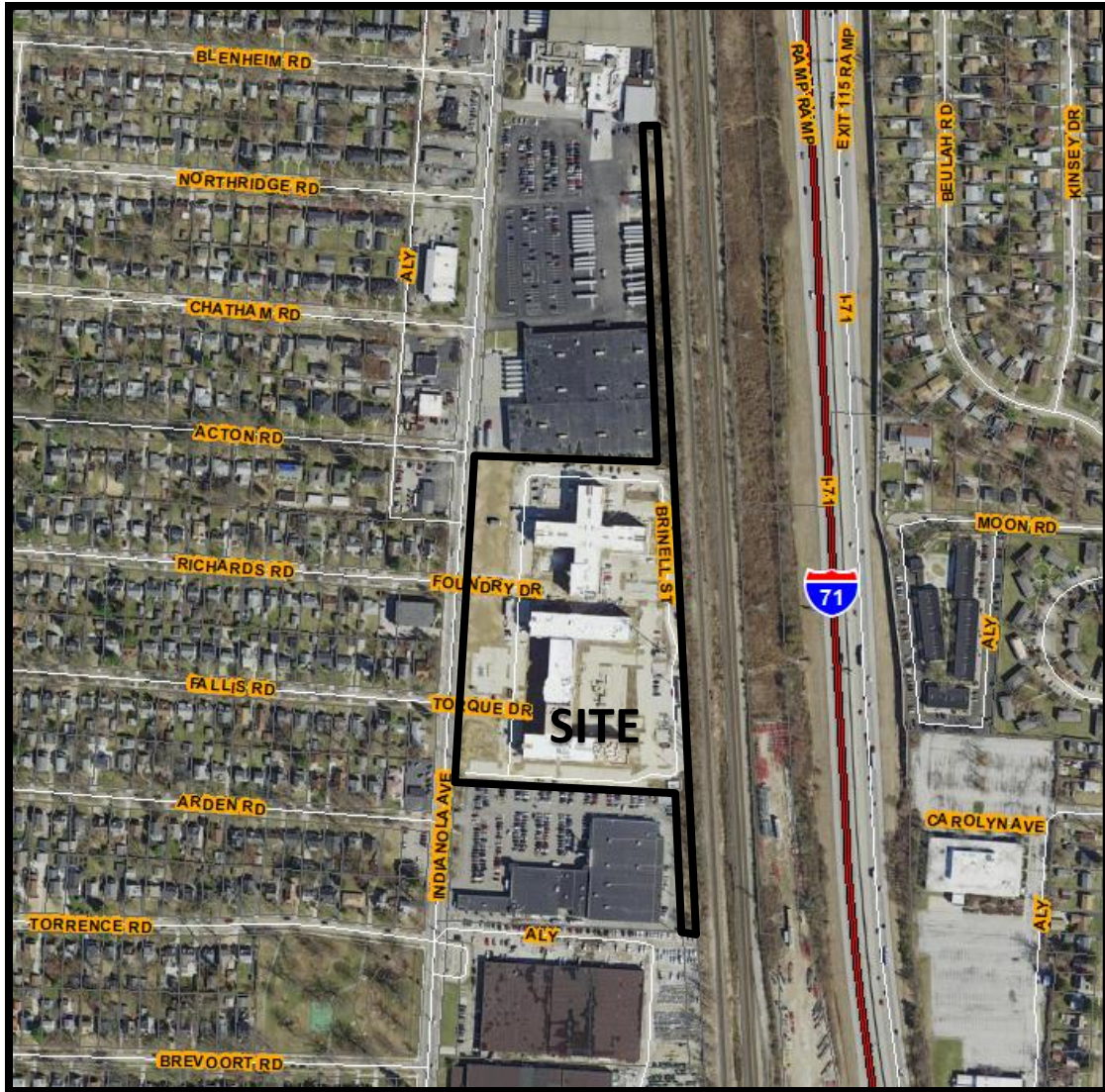
1. *3309.14 Height Districts: To permit the height district of 40 feet and not H-35 feet in the portion of the property zoned C-3.
2. *3372.705(B) Building Design Standards: To permit the width of a principal building along the primary building frontage to be less than the minimum of 60 percent of the lot width and to be 43%.
3. *3355.09 C-3(A)(2) District Setback Lines: To permit the buildings to be setback 15' from the right-of-way line and not 25'.
4. 3363.01: M-Manufacturing District: To permit residential units to be located in the "M" manufacturing district.
5. 3363.01: M-Manufacturing District: To permit an extended stay hotel to be located in the "M" manufacturing district.
6. 3355.03: C-3 Permitted Uses: To permit a residential apartment building with thirty (30) units.



CV21-049
3632 Indianola Avenue
Approximately 11.89 acres



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Standardized Recommendation Form

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

Case Number	<u>CV21-049</u>
Address	<u>3632 INDIANOLA AVE</u>
Group Name	<u>CLINTONVILLE AREA COMMISSION</u>
Meeting Date	<u>02 SEPTEMBER 2021</u>
Specify Case Type	<input type="checkbox"/> BZA Variance / Special Permit <input checked="" type="checkbox"/> Council Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Disapproval

LIST BASIS FOR RECOMMENDATION:

Despite a divergence from the initial application, granting of the variances seemed integral to forward progress of the project.

Upon confirmation that exterior was brick finish, Commissioner Wetherholt noted that aligned with typical Clintonville finishes.

Commissioner Garrison had some concerns; questioned the ability for the proposed residential use to revert back to retail use in the future, stressed for rooftop HVAC equipment to be setback from the Indianola ROW and kept small to avoid sight lines, and noted that "extended stay hotel" properties may not be able to be advertised or leased as "apartments" per definition in Ohio Code (ORC 3731.01(A)1).

The Commission agreed to vote on the variances as a whole. Commission Chair Vottero was an excused absence during the meeting.

Vote	<u>8-0</u>
Signature of Authorized Representative	<u>James Garrison</u> <small>Digitally signed by James Garrison Date: 2021.09.08 07:59:45 -04'00'</small>
Recommending Group Title	<u>Secretary</u>
Daytime Phone Number	<u>614-632-0867</u>

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.

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-049

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) Connie J. Klema, Attorney
of (COMPLETE ADDRESS) P.O. Box 991, Pataskala, Ohio 43062

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)

<p>1. The Avenue Apartments LLC 3300 Riverside Dr. Ste 100, Upper Arlington, OH 0 Columbus-based employees</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Connie J. Klema

Sworn to before me and signed in my presence this 27th day of April, in the year 2021

SIGNATURE OF NOTARY PUBLIC

Marcy D Green

My Commission Expires

2-28-25

Notary Seal Here



MARCY D GREEN
Notary Public
State of Ohio
My Comm. Expires
February 28, 2025

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