

Council Variance Application

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

DEPARTMENT OF BUILDING
AND ZONING SERVICES

STATEMENT OF HARDSHIP

Application #: CV18-070

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

A. Permit a variance 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 or unusual hardships 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

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 discovered after your application is approved, a new application 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 Lowell J. Kline Date 8/21/18

STATEMENT OF HARDSHIP

38 E 6th Avenue

Parcel Nos. 010-029284 & 010-045267

The two adjacent parcels ("Parcels") are located on the north side of E. 6th Avenue at the intersection of Courtland Avenue (NW corner of Courtland & E. 6th)

The Parcels are bordered on their **north** sides by the Kroger building, on their **west** by Kroger's loading docks and Pearl Street—which serves as access to the Kroger loading docks and the Parcels and terminates at the Parcels' north property lines at the Kroger building, on the **south** by E. 6th Avenue, and on the **east** by Courtland Avenue.

The Parcels were purchased by the current owner in 2011. The east parcel is approximately 0.10 acre and the west parcel is approximately 0.08 acre.

The Parcels were used for parking prior to, during and after Kroger's expansion and in 2011 when the current owner purchased the Parcels. The east parcel is zoned R-4 and the west parcel is zoned P-1.

The Parcels border the southern wall of the Kroger and the eastern side of Pearl Street---which also serves as the access for trucks delivering goods to Kroger's loading docks. The Parcels' use for parking is an asset to residents and companies.

Parking on the Parcel zoned R-4 does not adversely affect the surrounding property or neighborhood, does not impair an 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 the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus. Permitting parking on the Parcels provides a benefit to the neighborhood.

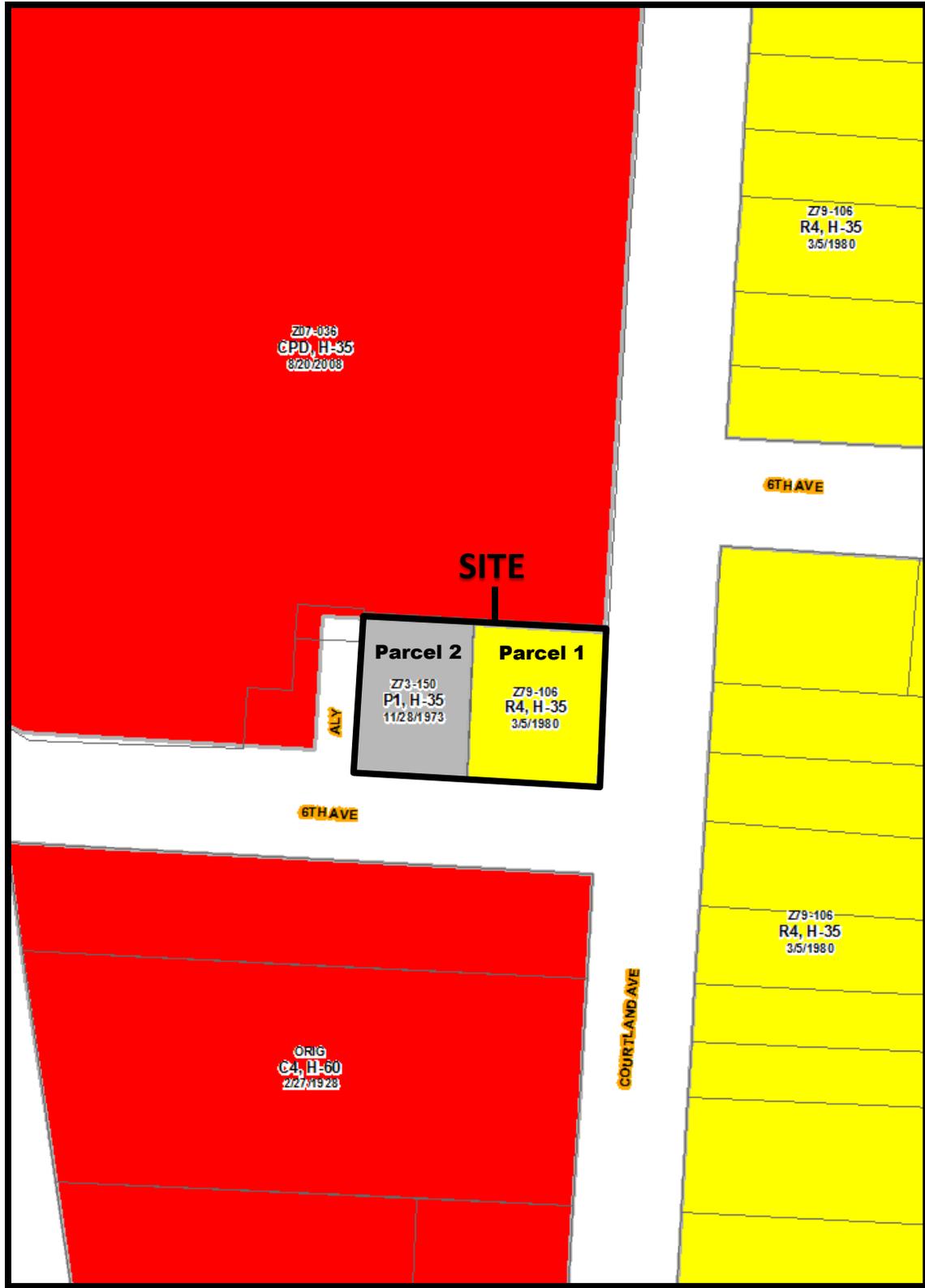
Granting the requested area variances permit the full use of the Parcels for parking and serves to not diminish the number of parking spaces that have served the area for many years.

LIST OF VARIANCES

38 E 6th Avenue

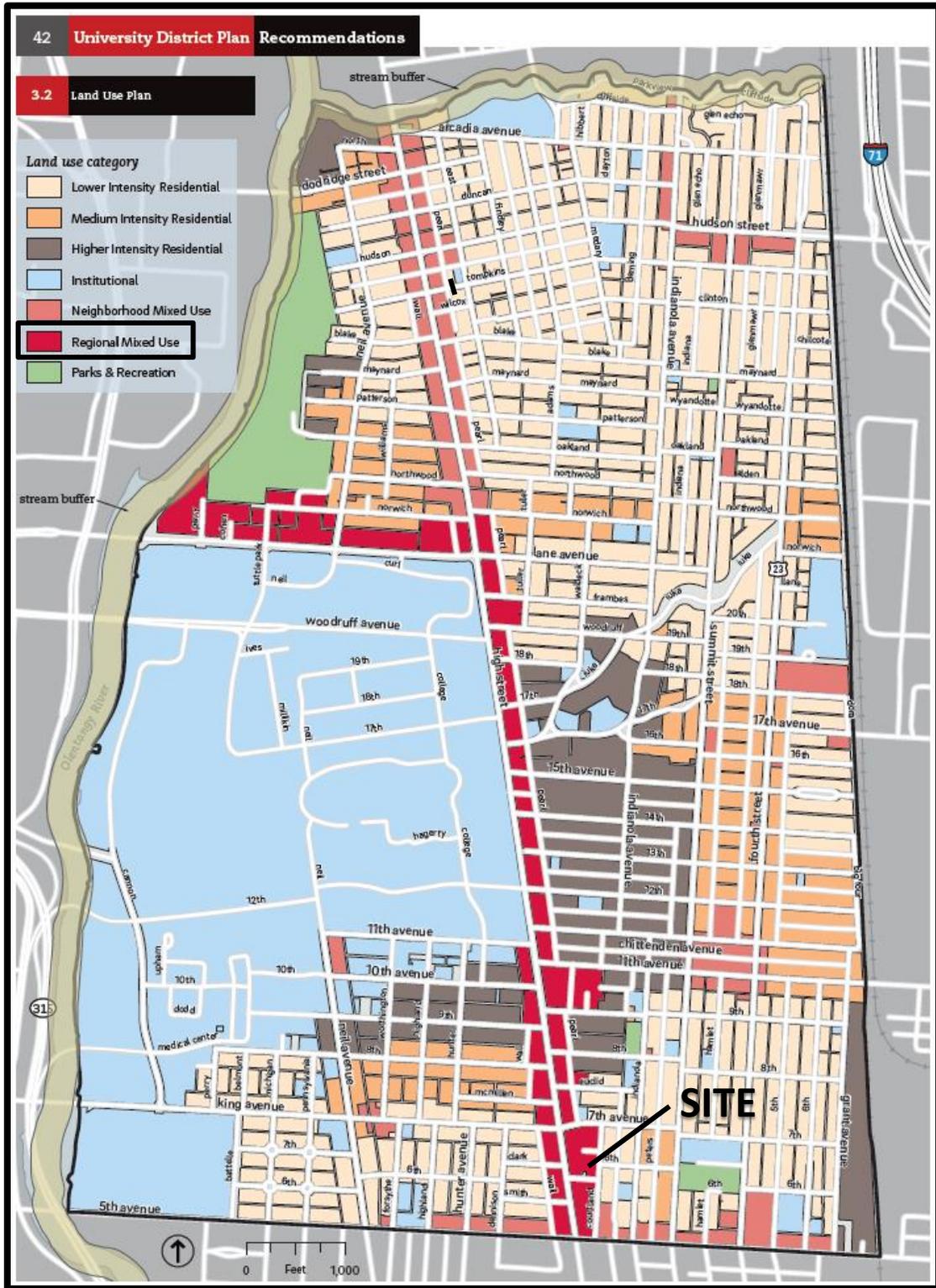
Parcel Nos. 010-029284 ("Parcel 1" zoned R-4) & 010-045267 ("Parcel 2" zoned P-1)

- A. The request for a "Use" variance applies only to Parcel 1:**
3332.039: To permit a "parking lot" in addition to all other permitted uses in the R-4 district.
- B. The requests for area variances apply to both Parcels 1 & 2:**
- 1. 3332.25 Maximum Side Yards Required (R-4): To permit the maximum side yard for a parking lot to be less than 12' on the west side of Parcel 1 and be 0' and to be 9' on the east side of Parcel 1 (Parcel 2 has a 0' side yards on east and west sides).**
 - 2. 3332.26(C)(2) Minimum Side Yard Permitted (R-4): To permit the minimum side yard for a parking lot to be less than 5' on the west side of Parcel 1 and to be 0' (Parcel 2 has minimum side yards of 0').**
 - 3. 3312.21 Landscaping and Screening: To permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence that exceeds four feet (4') in height, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade and to otherwise not require interior, setback or perimeter landscaping on Parcel 1 and Parcel 2.***
 - 4. 3321.05(B)(2) Clear Vision Intersections: For Parcel 1, to permit to not have a clear vision requirement as required by residential structures under this code section.**
 - 5. 3325.331(B) Setback Requirements: To permit a parking lot to have a setback of 0' on Parcel 1 and Parcel 2 and not 5' as required when a building is located on the same parcel.**
 - 6. 3325.361 Landscaping and Screening: To permit the fence to exceed four feet (4') in height and permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade.**
 - 7. 3371.01(f) P-1 Private Parking District: To permit no landscaping along the eastern portion of Parcel 2 where it abuts Parcel 1, noting that Parcel 1 adjacent to Courtland Avenue shall have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade.**
- Landscaping described above shall be delineated on the site compliance plan with landscaping approved in the Certificate of Approval by the University Impact District Review Board.**

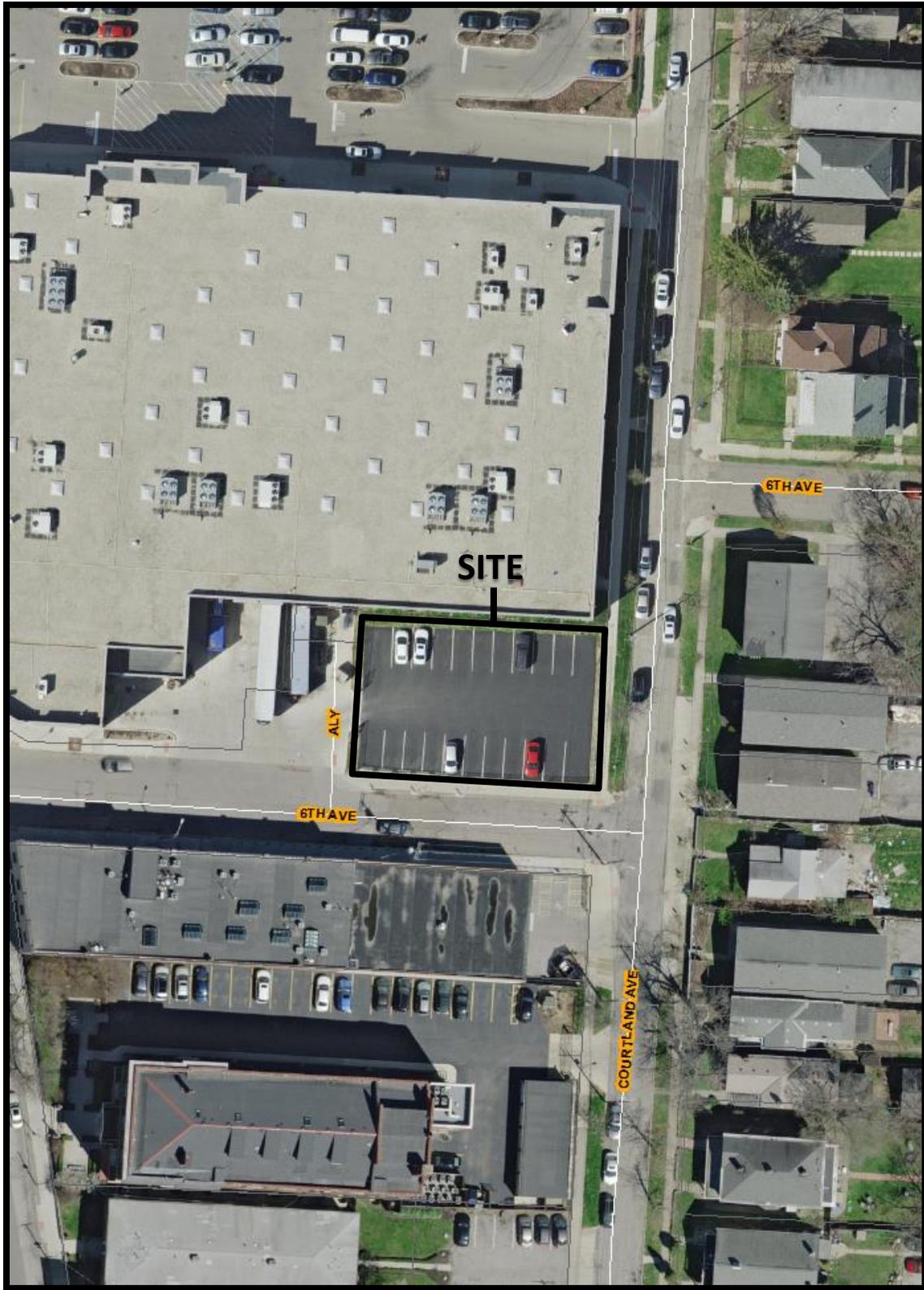


CV18-070
38 East Sixth Avenue
Approximately 0.18 acres

University Area Plan (2015)



CV18-070
38 East Sixth Avenue
Approximately 0.18 acres



CV18-070
38 East Sixth Avenue
Approximately 0.18 acres



City of Columbus
Mayor Andrew J. Ginther

ORD #0344-2019; CV18-070; Page 7 of 10
University Area Commission

Northwood High Building
2231 North High Street
Columbus, Ohio 43201
(614) 441-8174
www.universityareacommission.org

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Seth Golding
Treasurer

TO: Shannon Pine
111 N. Front Street
Columbus, OH 43215
Ph: 614-645-2208
spine@columbus.gov

December 19, 2018

RE: 38 E. 6th Avenue:
CV18-070
Shannon:

Matt Beaton
Craig Bouska
Amy Elbaor
Andrew Frankhouser
Pasquale Grado
Rory Krupp
Michael Sharvin
Deb Supelak
Lauren Squires
Steve Volkman
Tom Wildman

This letter is to inform you that on December 19, 2018, the University Area Commission voted to approve the council variance for the project located at 38 E. 6th Avenue. The variances permit the current parking lot use on the P-1 and R-4 parcels on the NW corner of Courtland and E. 6th. The Zoning will remain as is. The applicant wanted to maintain the existing R-4 zoning to have more options for future development. The variances being requested are needed to maintain the current use:

1. Sec. 3332.039, R-4 Residential District: to permit a parking lot use in addition to all other permitted uses in the R-4 district.
2. Sec. 3332.25, Max. Side Yard Required: to permit the maximum side yard for a parking lot to be less than 12 ft. on Parcel 1 and 0 ft. on Parcel 2 and be 0 ft
3. Sec. 3332.26(C), Min. Side Yard Permitted: to permit the min. side yard for a parking lot to be less than 5 ft. and to be 0 ft.
4. Sec. 3312.21, Landscaping & Screening: to permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence that exceeds four feet (4') in height, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade and to otherwise not require interior, setback or perimeter landscaping on Parcel 1 and Parcel 2.*
4. ~~Sec. 3312.27, Parking Setback Line: to permit the parking setback line to be less than 25 ft. and be 0 ft. along E. 6th St. & Courtland (for both Parcels 1 & 2).~~ (Variance removed.)
5. Sec. 3321.05(B)(2) Clear Vision Intersections: For Parcel 1, to permit to not have a clear vision requirement as required by residential structures under this code section.
6. 3325.331(B) Setback Requirements: to permit a parking lot to have a setback of 0 ft. on Parcel 1 and Parcel 2 and not 5 ft. as required when a building is located on the same parcel.
7. Sec. 3325.361, Landscaping & Screening: To permit the fence to exceed four feet (4') in height and permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade.
8. Sec. 3371.01(f) 1-4: (i) P1 Private Parking District: To permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9') in width from the eastern property line consisting of a fence, plantings and a hedge with the height of no less than three feet (3') above the parking lot grade.

* Landscaping described above shall be delineated on the site compliance plan with landscaping approved in the certificate of approval by the University Impact District Review Board.

The Applicant listened to the concerns of the commission regarding the use of chain link fence (the fence should also be maintained at a lower level), lack of a landscape buffer, and lighting after daylight hours. Two parking spaces were removed to create a planting bed along the east boundary. And the landscape plan shall be approved by the UIDRB. The plan was modified to respond to the commission's concerns, which was appreciated by the commission. The project was approved unanimously by the commission.

The vote to approve the above variance request was: For – 15; Against – 0; Abstentions – 0.

Respectfully Submitted,
Susan LM Keeny

Susan Keeny

UNIVERSITY IMPACT DISTRICT REVIEW BOARD

111 North Front Street, Third Floor
Columbus, Ohio 43215
(614) 645-6096 (614) 645-6675 fax

DEPARTMENT OF
DEVELOPMENT

RECOMMENDATION

zoning case no. **CV18-070**
property address **38 East Sixth Street**
hearing date **December 20, 2018**
applicant **Connie Klema/1288 N. High LLC.**
issue date **January 9, 2019**

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (614-645-4522 / 111 North Front Street, First Floor) and following all other applicable codes and ordinances of the City of Columbus.

The University Impact District Review Board hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the City of Columbus Planning Division within the Development of Department. The Board has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3325.115.

Variance or Zoning Change Request

- Rezoning
- Parking Variance
- Change of Use
- Lot Split

- Graphics
- Special permit
- Setbacks
- Other

TYPE(S) OF ACTION(S) REQUESTED:

Variances to:

- **3332.25 Maximum Side Yards Required (R-4):** To permit the maximum side yard for a parking lot to be less than 12’ on the west side of Parcel 1 and be 0’ and to be 10’ on the east side of Parcel 1 (Parcel 2 has a 0’ side yards on east and west sides).
- **3332.26(C)(2) Minimum Side Yard Permitted (R-4):** To permit the minimum side yard for a parking lot to be less than 5’ on the west side of Parcel 1 and to be 0’ (Parcel 2 has minimum side yards of 0’).
- **3312.21 Landscaping and Screening:** To permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9’) in width from the eastern property line consisting of a fence that exceeds four feet (4’) in height, plantings and a hedge with the height of no less than three feet (3’) above the parking lot grade and to otherwise not require interior, setback or perimeter landscaping on Parcel 1 and Parcel 2.*
- ~~**3312.27 Parking Setback Line:** To permit the parking setback line to be less than 25’ and be 0’ along E. 6th Avenue and Courtland Avenue (for both Parcels 1 and 2). (Variance removed - determined to be unnecessary.)~~
- **3321.05(B)(2) Clear Vision Intersections:** For Parcel 1, to permit to not have a clear vision requirement as required by residential structures under this code section.
- **3325.331(B) Setback Requirements:** To permit a parking lot to have a setback of 0’ on Parcel 1 and Parcel 2 and not 5’ as required when a building is located on the same parcel.
- **3325.361 Landscaping and Screening:** To permit the fence to exceed four feet (4’) in height and permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9’) in width from the eastern property line consisting of a the fence, plantings and a hedge with the height of no less than three feet (3’) above the parking lot grade.
- **3371.01(f) P-1 Private Parking District:** To permit the eastern portion of Parcel 1 adjacent to Courtland Avenue to have a landscaped area of nine feet (9’) in width from the eastern property line consisting of a fence, plantings and a hedge with the height of no less than three feet (3’) above the parking lot grade.



University Area Review Board

109 North Front Street, First Floor
Columbus, Ohio 43215-9031
(614) 645-6096 (614) 645-1483 fax

DEPARTMENT OF
DEVELOPMENT

RECOMMENDATION:

- SUPPORT REQUESTED VARIANCE OR ZONING CHANGE
- DO NOT SUPPORT REQUESTED VARIANCE OR ZONING CHANGE
- NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.

Luis Teba
University Impact District Review Board, Staff

This Certificate is issued with a good faith understanding that the work to be performed was represented completely, accurately, and truthfully. Before performing any work for which this Certificate has been issued, all other clearances and permits must be obtained from the Building Services Division at 757 Carolyn Avenue. This Certificate of Approval should accompany your application for a zoning clearance, registration certificate, building permit, or installation permit.

Delivered: mailed faxed picked-up BDS dwg.



Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

DEPARTMENT OF BUILDING AND ZONING SERVICES

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 #: CV18-070

STATE OF OHIO COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Connie J. Klema Attorney of (COMPLETE ADDRESS) PO Box 991 PATASKAHA OH 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
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Table with 4 columns for listing parties. Column 1 contains handwritten entry: 1. 1288 N HIGH LLC, 22E GAY ST STE 800, COLS OH 43215, Q EMPLOYEES, DAVID DAY 614-586-0607.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT: Connie J. Klema

Subscribed to me in my presence and before me this 28th day of August, in the year 2018

SIGNATURE OF NOTARY PUBLIC: Marcy D. Green

My Commission Expires: 2-29-20

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

Notary Seal Here



MARCY D. GREEN
Notary Public, State of Ohio
My Commission Expires
02-29-2020

PLEASE NOTE: Incomplete information will result in the rejection of this submittal. Applications must be submitted by appointment. Call 614-645-4522 to schedule. Please make all checks payable to the Columbus City Treasurer