

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

APPLICATION: CV24-075
Location: 4970 LINDORA DR. 43232), being 0.92± acres located at the southeast corner of Lindora Drive and Carbondale Drive (010-002548; Greater South East Area Commission).
Existing Zoning: C-4, Commercial District.
Request: L-AR-1, Limited Apartment Residential District (H-35).
Proposed Use: Multi-unit residential development.
Applicant(s): Tijen Incorporated, LLC, c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Ronald J. O'Brien, Atty; Zeiger Tigges and Little, LLP; 41 South High Street, 3500 Huntington Center; Columbus, OH 43215.
Property Owner(s): Tijen Incorporated, LLC; 4970 Lindora Drive, Columbus, OH 43232.
Planner: Phil Ashear; 614-645-9625; PJAshear@columbus.gov

BACKGROUND:

- The 0.92± acre site is pending zoning to the L-AR-1, Limited Apartment Residential District. The requested Council variance will allow the site to be developed with a 20-unit apartment building.
- The requested Council variance will allow a zero parking lot shade trees and for the required four shade trees to instead be placed within the perimeter yard, and a reduced parking setback along Lindora Avenue from 25 feet to 12 feet.
- To the north and west of the site are single-unit dwellings in the SR, Suburban Residential District. To the east is parkland in the C-4, Commercial District and SR, Suburban Residential District. To the south are commercial uses in the C-4, Commercial District and single-unit dwellings in the SR, Suburban Residential District.
- The site is within the planning boundaries of the *South East Land Use Plan* (2018), which recommends "Mixed Use 1 (<24 du/ac)" land uses 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 South East Area Commission, whose recommendation is for disapproval.
- Staff recognizes that there are practical difficulties with the variances included in the request.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested variances will allow the site to be developed with a 20-unit apartment building. Staff supports the request as the proposed site plan and building elevations are consistent with

the *South East Land Use Plan's* and C2P2 Design Guidelines. The proposal is also consistent with the City's objective of creating more housing in all areas of the city.



DEPARTMENT OF BUILDING
AND ZONING SERVICES

Council Variance Application

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

While a different project might be built without variance, potentially including commercial use(s) under the existing C-4 zoning parcel has been vacant for 42 years after a gas station went out of business and was razed. It is apparent the site isn't econoc for commercial uses. The site could have been redeveloped for 42 years but hasn't been. The pending rezoning proposes the district for 20 dwelling unit, two story apartment building.

2. Whether the variance is substantial.

☐ Yes ☒ No

The two (2) requested variances are not substantial. They are minor variances to placement of parking lot trees and parking (Lindora Drive).

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

The property is presently zoned C-4, Commercial and has been vacant for 42 years after a gas station went out of business. C-4 uses could be built under existing zoning, potentially to the detriment of the neighborhood, and of questionable economic given the 42 year vacancy. The C-4 District permits apartments located over a ground level commercial use. The proposed 2 unit building is only a different form of housing while housing is permitted in the C-4 district in a different form.

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

☐ Yes ☒ No

The development will have no affect on the delivery of governmental services.

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

☐ Yes ☒ No

The property owner was not aware of the zoning restriction regarding residential use in the C-4 district without a ground level commercial use. Residential use is permitted in the C-4, but only on the second or higher floors when located over a ground level commercial use.

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

☐ Yes ☒ No

The property is proposed to be rezoned to the L-AR-1 Apartment Residential District by pending application Z24-024. The two requested variances are due to providing the most parking and due to refuse truck access to the site.

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

☒ Yes ☐ No

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the two minor

Total tree planting exceeds code required trees. The variance issue is about placement of trees in the parking lot, which is at required refuse truck maneuvering and provision of code required parking.

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

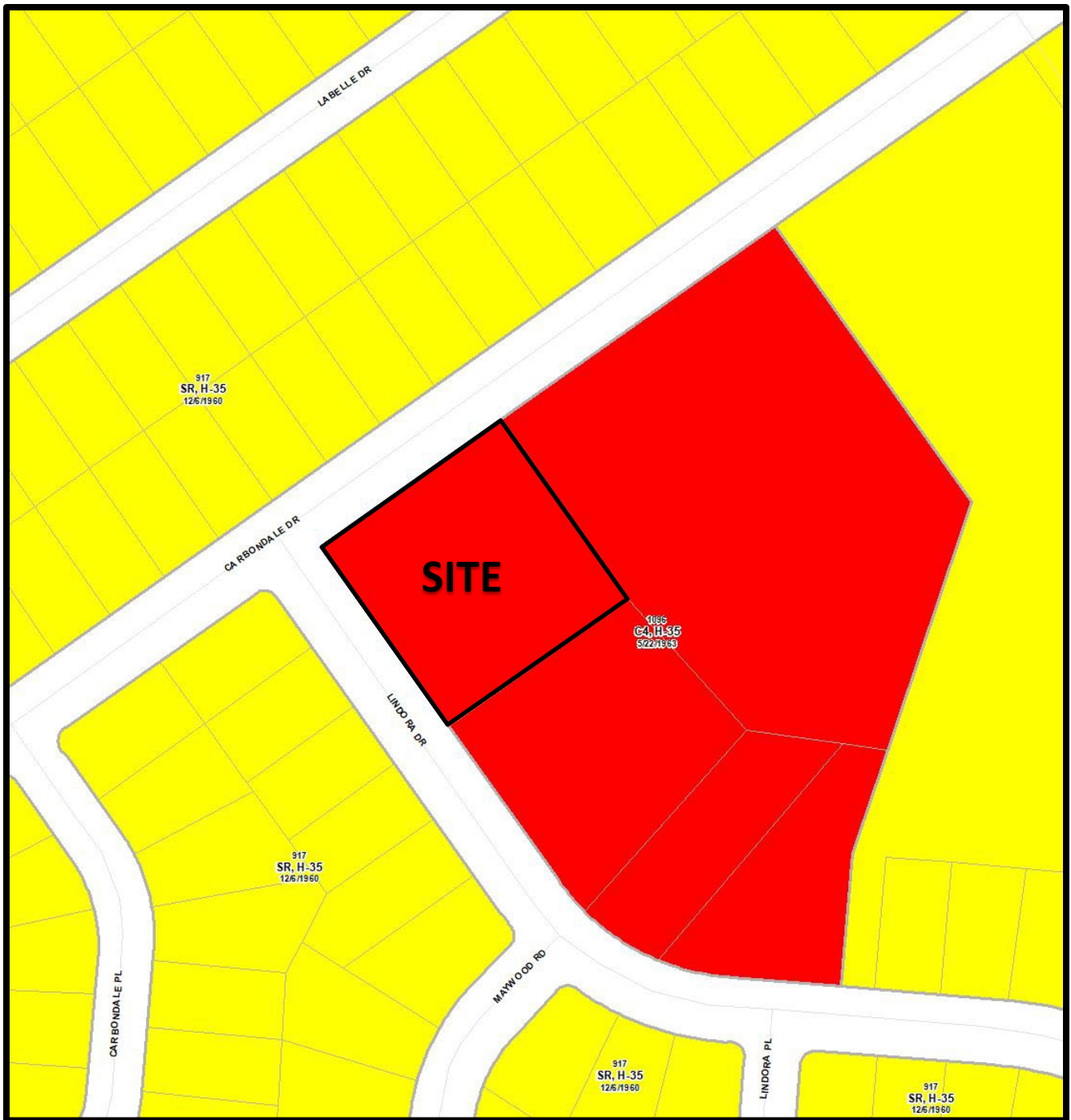
NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

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):

1). Section 3312.21(A), Landscaping and Screening, to reduce interior parking lot trees from 4 to 0, subject to parking lot tree on the Site Plan being planted in the perimeter of the parking lot.

2). Section 3312.27, Parking Setback Line, to reduce the Lindora Drive parking setback from 25' to 12'.

Signature of Applicant Tiger Inc. LLC by Dan B. Perry, Agent Date 06/20/2025
Signature of Attorney Donald A. Perry Date 06/20/2025



CV24-075
4970 Lindora Dr.
Approximately 0.92 acres




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4970 Lindora Dr.
Approximately 0.92 acres

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number	<u>Z24-024 & CV24-075</u>
Address	<u>4970 LINDORA DR</u>
Group Name	<u>GREATER SOUTH EAST AREA COMM</u>
Meeting Date	<u>10/22/2024</u>
Specify Case Type	<input type="checkbox"/> BZA Variance / Special Permit <input checked="" type="checkbox"/> Council Variance <input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Graphics Variance / Plan / Special Permit
Recommendation (Check only one)	<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Disapproval

LIST BASIS FOR RECOMMENDATION:

- Over 100 residents opposed the project from the initial Zoning Committee meeting on 9/18/2024 to the vote on 10/22/2024.
 - The Zoning Committee unanimously recommended disapproval.
 - The project does not align with the new Eastland Community Plan.
- Major Issues:
- It seeks to increase density in a traditionally single-family neighborhood.
 - Community members believe the parcel should remain commercial to maintain the residential area's integrity.
 - Existing parking issues are intensified during youth league events on the adjacent grassy area.
 - Proposed changes were minimal, only removing one unit for community office space and an undisclosed financial contribution.
 - Existing apartments are on the outskirts along Refugee and Noe Bixby with a bus line, while this project would intrude further into the middle of a single-family residential area presenting first mile/last mile challenges

Vote	<u>0 AYES, 5 NAYS - Unanimous Disapproval</u>
Signature of Authorized Representative	<u></u> <small>Digitally signed by Mark Harper Date: 2024.10.23 19:04:54 -04'00'</small>
Recommending Group Title	<u>Mark Harper, Zoning Chair</u>
Daytime Phone Number	<u>419-975-9138, Phone Number for Constituents</u>

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 #: CV24-075

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) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, Columbus, OH 43215
deposes and states that he 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:

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. Tijen Incorporated, LLC; 5945 Cooper Road, Westerville, OH 43081 Number of Columbus-based employees: One (1) Contact: Elias Nduati, (614) 446-3531	2. _____
3. _____	4. _____

☐ Check here if listing additional parties on a separate page

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 20th day of June, in the year 2025

MaryAlice Wolf
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here
My Commission Expires _____



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires:
October 24, 2028

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