

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

APPLICATION: CV23-050
Location: 5656 BIXBY RD. (43110), being 22.3± acres located on the north side of Bixby Road, northeast of the intersection with US Route 33 (433-322196; Greater South East Area Commission).
Pending Zoning: L-AR-1, Limited Apartment Residential District.
Proposed Use: Multi-unit residential development.
Applicant(s): Metro Development, LLC; c/o Jeffery L. Brown, Atty; Smith and Hale, LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.
Property Owner(s): Michael P. Barr; 5656 Bixby Road, Canal Winchester, OH 43110.
Planner: Phil Ashear; 614-645-1719; pjashear@columbus.gov

BACKGROUND:

- The 22.3± acre site consists of one parcel developed with agricultural uses and a single-unit dwelling in the R, Rural District. Due to the pending annexation of two additional parcels, this is considered Phase I of the proposed development. Phase II will proceed upon completion of the annexation of the two additional parcels. The applicant requests the L-AR-1, Limited Apartment Residential District to allow the development of a 439-unit apartment complex as shown with the submitted site plan and building elevations in Z23-032. Two additional parcels will be included in the overall development site upon annexation, and this Council Variance Application will be amended to incorporate that property which is labeled as Phase Two on the site plan included with Z23-032, containing 3.5± acres.**
- North and east of the site are single-unit dwellings and agricultural uses in the NC, Neighborhood Center and TC, Town Center Districts. South and west of the site are US Route 33 and single-unit dwellings in the R, Rural District in Madison Township.
- The site is located within the boundaries of the *South East Land Use Plan (2018)*, which recommends “Employment Center” uses for this location.
- The site is located within the boundaries of the Greater South East Area Commission, whose recommendation is for approval (3-2 with 1 abstention).
- Staff recognizes that there are practical difficulties with the garage height requirements included in the request.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested Council variance is supported because the increase in garage height is consistent with similar requests granted for apartment complex developments to allow a roof pitch on detached garage buildings that better matches the proposed apartment buildings.

** Two additional parcels will be included in the overall development site upon annexation, and this Council Variance Application will be amended to incorporate that property which is labeled as Phase Two on the site plan included with Z23-032, containing 3.5± acres.

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

The increase in height of the garages from 15 to 16 feet will provide better drainage and a better design

2. Whether the variance is substantial.

Yes No

15 to 16 feet

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 essential character of the neighborhood will not be substantially altered by the garage height increa

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
 Yes No

Governmental services are already provided.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 Yes No

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 Yes No

Variance is the only solution.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 Yes No

The request is a minor increase which provides for better drainage and a better design.

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.

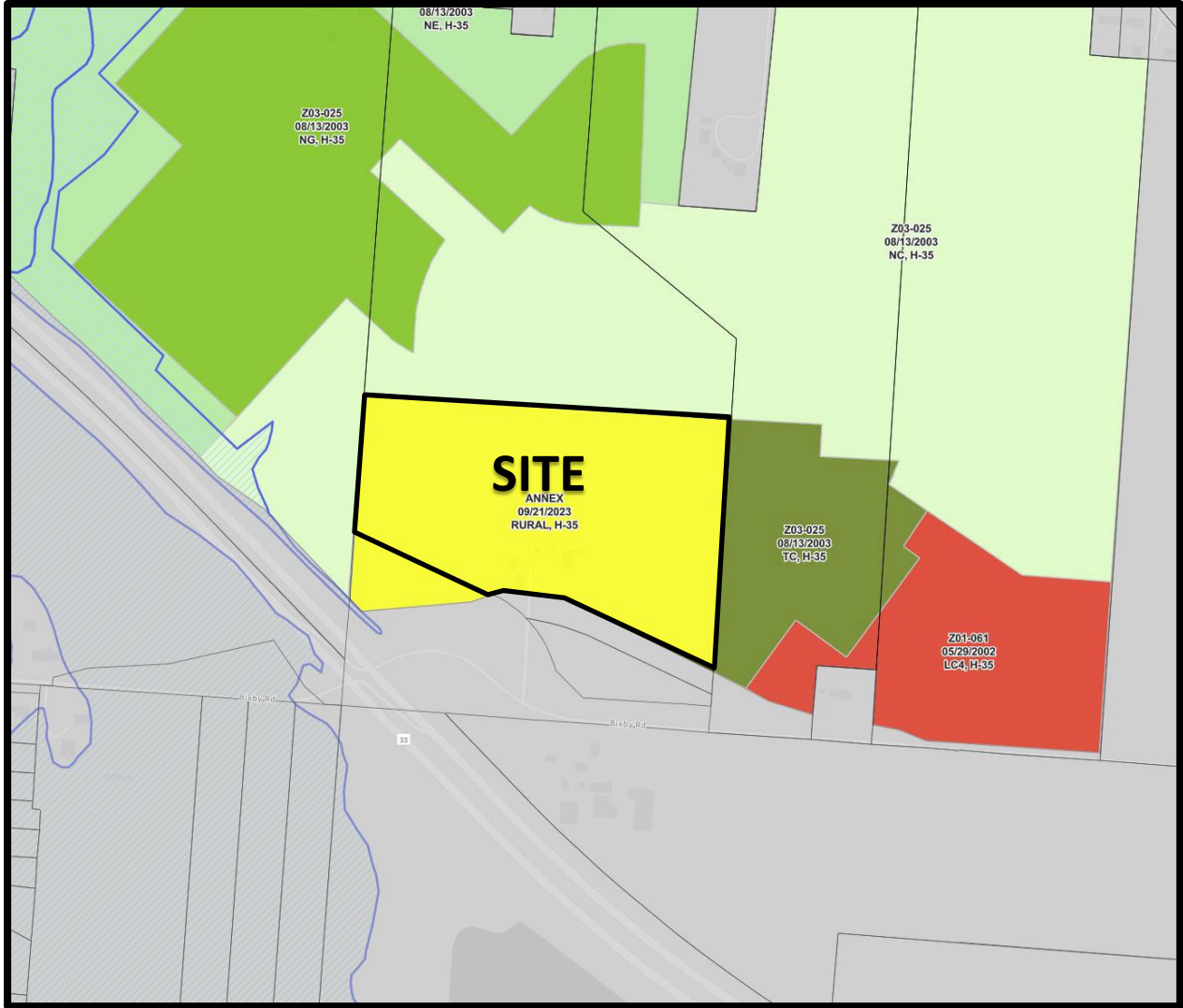
I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

section 3333.35 (G) Private garages. As explained above this request meets the criteria for a variance.

Signature of Applicant

Date

4/9/25



CV23-050
5656 Bixby Rd
Approximately 22.3 acres



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Approximately 22.3 acres

Standardized Recommendation Form

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

Case Number Z23-032 / CV23-050

Address 5656 BIXBY RD

Group Name GREATER SOUTH EAST AREA COMM.

Meeting Date 1/²³17/2024

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:

- 1) West turn lane off Route 33 to East
- 2) Drainage study results from QDOT
- 3) Installation of sidewalks around Corridor of Property.
- 4) Developer will report back to the Commission in person their results.

Vote 3 Yes, 2 No, 1 Abstention

Signature of Authorized Representative [Signature]

Recommending Group Title Commission

Daytime Phone Number 614 634 2726

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 #: CV23-050

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 65 Columbus based employees.	2. Michael P. Barr 5656 Bixby Road Canal Winchester, OH 43110 No Columbus based employees. <u>614 325-2809</u>
3.	4.

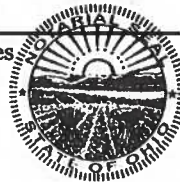
Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 9th day of January, in the year 2025

SIGNATURE OF NOTARY PUBLIC [Signature]

My Commission Expires 9/4/25 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.