

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):

pls see attached

Signature of Applicant _____

Date _____

6 28 22

COUNCIL VARIANCE STATEMENT OF HARDSHIP

Owners/Applicant: Havery Run LLC
 c/o Laura MacGregor Comek, Esq.
 17 S. High Street, Ste. 700
 Columbus, Ohio 43215
laura@comeklaw.com
 614.560.1488

Address: 5191 Riggins Rd.
 Acres: 16.47
 Parcel(s): 010-298469
 Zoning Districts: CPD
 Date: February 7, 2023

This Statement is provided as support of the Applicant's Companion Council Variance (CV) Application. These applications are intended to revise 16.47 +/- acres (the "Site") of the prior rezoning of 101.77 +/- acres (Z14-010; Ord. 23733-2015) located along Avery and Riggins Road. The larger development has progressed per the prior zoning, in phases, since Council approval in 2015. The Site was planned around a significant new regional improvement i.e., extension of proposed Hayden's Crossing Boulevard from Avery Road, through the development and connecting with Riggins Road in the City of Hilliard. As development of the residential components approach Riggins Road, a few minor design, and operational adjustments are needed to realize the plan of a true mixed-use community.

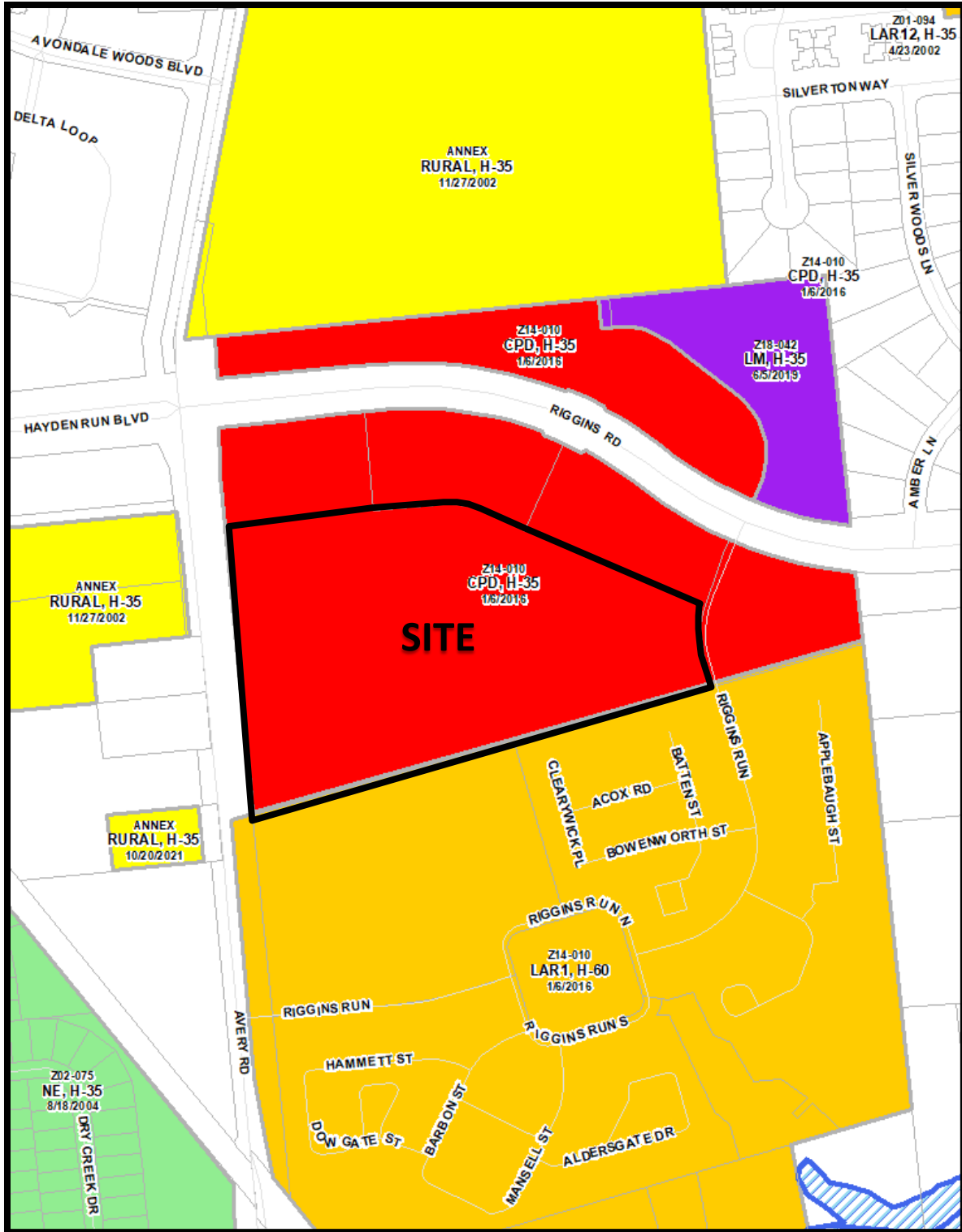
The Applicant seeks the following variances: C.C.C. §3356.03, §3361.02 to allow residential units on the first floor of commercial. These variances are not significant given that residential uses above commercial is already permitted. This request will allow for a creative site design that considers commercial and residential uses as they come together in this Site. The accompanying rezoning retains design standards and landscaping from the prior zoning – which include regional commercial overlay standards and practical considerations such as use of garages and mounding to visually create a useful aesthetic.

There are no adverse effects to adjacent landowners – the essential character of the area is intense commercial with both local and regional commercial retail. This action creates the 'mixed use' of those districts in this Site and within the entire development. The intensity of commercial use has been reduced by the current design, and by traffic analysis is proven to be a 'down-zoning.' The total development has created residential units that now create market demands and specifically benefits the adjacent properties and residents who are seeking local neighborhood retail and commercial uses.

There is no effect on the delivery of governmental services. The Applicant cannot feasibly obviate the use variance – which is a true mixed-use design. For these reasons, the Applicant respectfully requests approval of these variances.

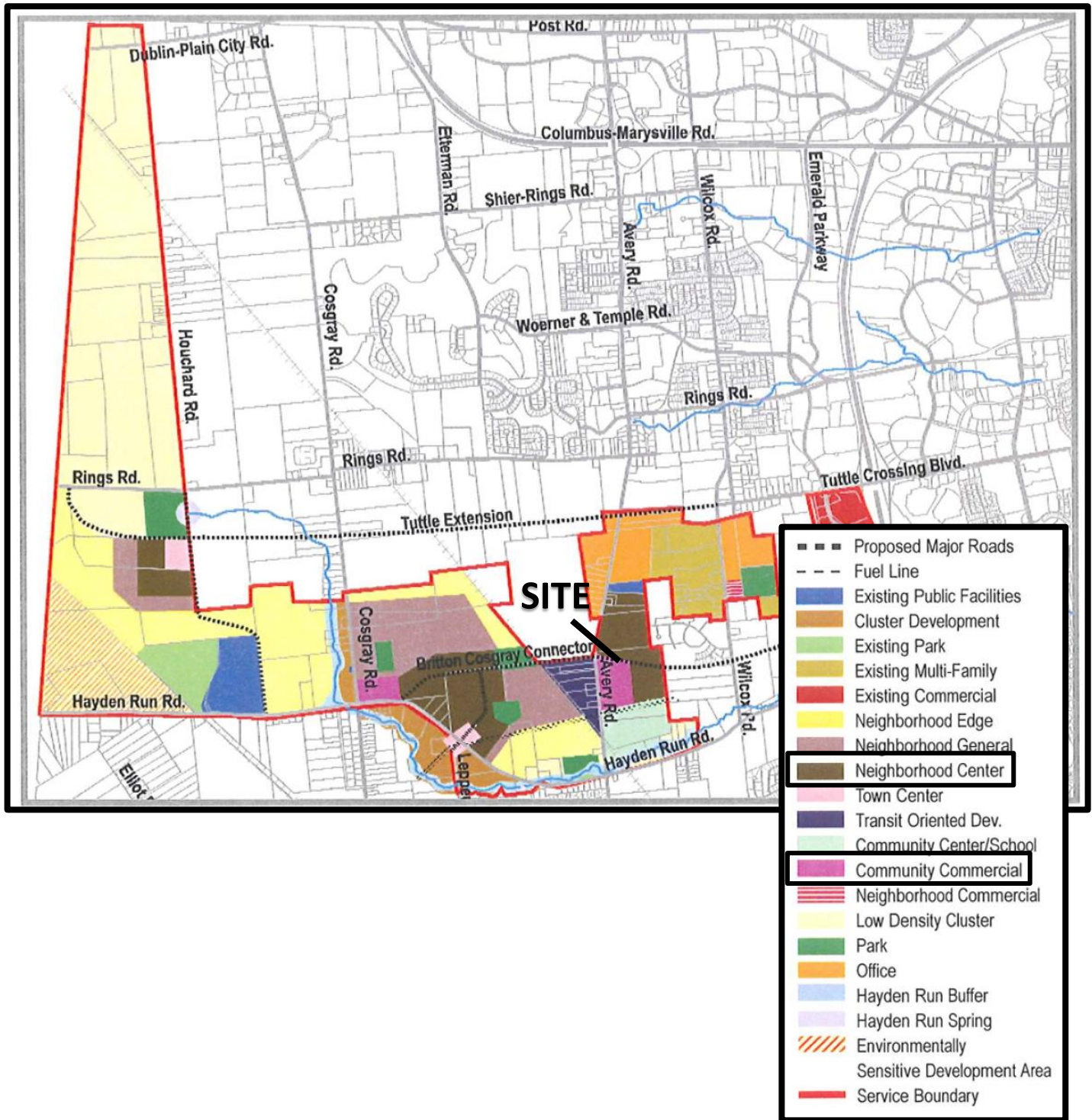
Respectfully submitted,
Laura MacGregor Comek, Esq.

Laura MacGregor Comek, Esq.
 17 S. High St., Ste 700
 Columbus, Ohio 43215
 Phone: 614.560.1488
Laura@comeklaw.com
 Counsel for Applicant



CV22-063
5191 Riggins Rd.
Approximately 16.47 acres

Interim Hayden Run Corridor Plan (2004)



CV22-063
5191 Riggins Rd.
Approximately 16.47 acres



CV22-063
5191 Riggins Rd.
Approximately 16.47 acres

Priebe, Kelsey R.

From: Mike Brown <mike-brown@columbus.rr.com>
Sent: Tuesday, February 14, 2023 4:48 PM
To: Priebe, Kelsey R.; Rebecca Obester; laura@comeklaw.com; Deeds, Rebecca
Subject: [EXTERNAL] 5191 Riggins Road - Council Variance Application

On July 29, 2022 the Hayden Run West Civic Association met to review council Variance number CV22-063 for location 5191 Riggins Road.

After reviewing the application, the HRWCA voted 2-0 to approve Z22-051 & CV22-063, 5191 Riggins Road.

Mike Brown
Hayden Run West Civic Association

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

Council Variance Application

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AND ZONING SERVICES

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: Z22-051 &
CV22-063

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) L.M. Comeh, Esq
of (COMPLETE ADDRESS) 17. S. High St., Ste 700 Cols, Oh 43215
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)

1. <u>Haverly Run LLC</u> <u>485 Metro Place, Suite 350</u> <u>Dublin, Oh 43017</u> \emptyset	2. <u>David C. Ruma</u> <u>485 Metro Place, Suite 350</u> <u>Dublin, Oh 43017</u> \emptyset / NA
3. <u>Charles J. Ruma</u> <u>3075 Paragon Dr.</u> <u>Columbus, Ohio 43228</u> \emptyset / NA	4. <u>Wango Ltd.</u> <u>10 N. High St. Suite 401</u> <u>Columbus, Ohio 43215</u> \emptyset

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT _____

Sworn to before me and signed in my presence this 10th day of February, in the year 2023

SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires _____

Notary Seal Here



Kristen Lee Sours, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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