

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.

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):

Please see Exhibit "B"

Signature of Applicant

Rebecca J. Mott, Attorney

Date

02/09/21

Exhibit “B”

**Use Variance and Area Variances Requested
999 Bonham Road, Columbus, Ohio**

The Property, the subject of this council use variance application, consists of real property totaling 10.858 acres, located north of Camden Avenue and the Norfolk Southern railroad track, south of Bonham Avenue, east of Cleveland Avenue, and west of Joyce Avenue (the “Property”). The Property is currently zoned M, Manufacturing. The companion re-zoning application (Z20-100) filed on the Property proposes a re-zoning on the Property to L-AR-1 zoning district, with limitation text. The Property is surrounded on all sides by multi-family residential uses (predominant uses) and manufacturing-zoned properties.

The Applicant proposes to develop a multi-family residential (apartment complex) with two hundred and four (204) dwelling units and also commits to providing a total of 4,000 square feet of commercial space (which may include general retail and/or restaurant), as shown on the site plan dated 04/20/2021 (the “Site Plan”).

Use Variance

The proposed uses as (i) multi-family residential (204 dwelling units proposed in nine (9) buildings), and (ii) no more than 4,000 square feet of commercial uses (general retail and/or restaurant) will not adversely affect the surrounding property or surrounding neighborhood, which is developed, but changing, and consists of mixed uses, such as multi-family residential and manufacturing-zoned properties.

To the south of the Property, established uses are vacant manufacturing-zoned land and a railroad track; to the north/northwest of the Property, established uses are a mix of residentially-zoned (predominant) and manufacturing-zoned properties; to the northeast of the Property, established uses are multi-family residential; to the east of the Property, established uses are industrial; and, to the west of the Property, established uses – across from Cleveland Avenue are manufacturing-zoned properties. The South Linden Area Commission, at the date of this application, is generally receptive of the proposed development, as depicted on the Site Plan, and requested the commercial component of the project. The Applicant granted the neighborhood group’s request and also added a three (3) foot landscaped mound on the eastern property line and northeastern property line to screen and buffer the use from the industrial use to the east, and to adequately screen for headlights to the multi-family residential property to the northeast of the Property. In addition, the South Linden Area Commission supports, according to its planning goals and guidelines, the development of mixed uses in the neighborhood (including diverse housing stock and commercial (retail and restaurant uses along Cleveland Avenue) to provide for a connected, pedestrian-friendly environment for persons who live in the general area to walk to the nearby offices for work, conduct business at the general retail establishments, and to enjoy restaurants, stores, and shops for consumption of goods and services.

In addition, the One Linden Plan seeks to respect long-term residents, improve the condition of housing, create options for multiple income levels, and improve tenant-landlord relationships. Applicant proposes to construct a mixed-use, multi-family residential dominated development that will increase the housing stock in the community and expand the type of housing in the area. The One Linden Plan states that the built environment is typical of suburban tree-lined streets with small homes. The primary structure is the single-family house of around 1,000 square feet with a significant number of duplexes. 98% of existing dwellings within the Linden Community Plan Area consist of single-family or two-family dwellings. Applicant

proposes to add a multi-family residential development with 204 units and 4,000 square feet of commercial space over 9 buildings. The multi-family units will be affordable and be marketable to the younger singles & childless couples that dominate the potential new residents listed in the One Linden Plan.

The South Linden Land Use Plan, on page 26, recommends industrial and warehouse uses on the Property. Applicant proposes a mixed-use development with less objectionable uses and public nuisances (i.e. noise, odor, truck traffic) than the current zoning permits. The proposed 4,000 square feet of commercial development at the northwest corner of the property is in-line with the City's desire for mixed-use development at or near Cleveland Avenue.

It is clear that Applicant will suffer a hardship or difficulty that warrants a use variance from the strict compliance with, and adherence to, the Zoning Code for the development of a portion of the Property into commercial uses (general retail and/or restaurant), as requested by the neighborhood group. The use variance is necessary in order to develop and construct any portion of the Property, if re-zoned to the L-AR-1 zoning district under companion re-zoning application Z20-100. This use variance, if approved, would not impair, or alter in any way, the adequate supply of light and air to the adjacent properties or unreasonably increase the congestion of public streets; increase the danger of fires; endanger the public safety; or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus. Again, the South Linden Area Commission is generally receptive of the revised Site Plan and development, and Applicant is waiting on the final, formal recommendation from the neighborhood group.

Applicant respectfully requests approval of this use variance by Columbus City Council to allow no more than 4,000 square feet of general retail and/or restaurant uses, as integrated into the multi-family residential project.

Area Variances

Below are the area variances that Applicant is seeking:

1.) Section 3333.255 – Perimeter Yard: Applicant seeks a variance from the strict application of the perimeter yard being the width of ten (10) percent of the average lot width, but shall not exceed 25 feet” on all sides. The average lot width is three hundred and forty-nine (349) feet; the perimeter yard required shall be at a width of ten (10) percent of the average lot width, which would be 34.9 feet, but is not required to exceed twenty-five (25) feet. Although Applicant can meet the requisite width of perimeter yard of 25 feet on the west property line, north property line, and east property line, the southern boundary line perimeter yard width is, at its closest point to the boundary line is approximately seven (7) feet, and does not meet the code requirement. However, the Applicant is proposing a three (3) foot landscaped mound within the perimeter yard along the eastern boundary line to screen and buffer the noise of the industrial use to the east of the Property, and along the northeastern boundary line to screen the Property's parking areas and headlights to the property to the northeast. The northern perimeter yard, western perimeter yard, and eastern perimeter yard shall be landscaped as shown on the Site Plan. A six (6) to eight (8) foot opaque fence shall be installed along the southern property line and eastern property line to offer additional screening and buffering to the properties to the south and east, also as shown on the Site Plan. In addition, the perimeter yard along the southern boundary line shall have multiple garage structures (accessory buildings) constructed for tenants and guests of the apartment complex, which also acts as a buffer and screen from the properties to the south.

2.) Section 3312.49(C) - Number of Parking Spaces Required: Applicant seeks a variance from the requirement to provide three hundred and fifty (350) total parking spaces. The multi-family residential component of the Property requires three hundred and six (306) parking spaces; the 4,000 square foot commercial component (broken down, for illustration purposes only, between general retail and/or restaurant), requires forty-four (44) total parking spaces. The variance request is for a deviation – due to adding the commercial component into the project at South Linden Area Commission’s request – of twenty-nine (29) parking spaces.

Area Variances – Test of Practical Difficulties

1. Whether property will yield reasonable return or whether there can be any beneficial use of property without the variance.

In an urban infill development, the perimeter yard setback and parking space variances are warranted and compatible with the general character of the neighborhood. Applicant is proposing to provide an aesthetically pleasing product for workforce, affordable housing within the South Linden neighborhood, with ample yard space/green space, community center, pool, gazebo, dog park, and other amenities. The landscaped mound and fencing proposed will help screen and buffer the use from other surrounding properties and buffer the apartment complex community from other more intense uses on the properties zoned for manufacturing. The product will be a nice offering in the neighborhood, with a mix of multi-family residential and commercial uses, and will help to increase property values for properties in the neighborhood.

2. Whether the variance is substantial.

These requests for variances are not substantial. The variances requested are the most minimal deviations necessary in order to offer an attractive development that will provide ample living space and outdoor and indoor recreational amenities for the residents of each unit. The neighborhood group requested the commercial component, which necessitates the need for the parking variance. In addition, the perimeter yard requirement is achieved along three (3) boundary lines for the Property, with included opaque fencing on two (2) sides, and three (3) foot landscaped mound along the eastern property line and northeastern property line. The perimeter yard deviation is in connection with only the width of the perimeter yard along the southern property line; provided, however, the Applicant shall provide for garage units, landscaping in between the garage units, and the opaque six (6) to eight (8) foot in height fencing along that boundary line.

3. Whether the essential character of neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of variance.

The variances requested provide for standards that comport with, and would not substantially alter, the essential character of the neighborhood. There would be no substantial detriment to adjoining properties if the variances were approved. The requested variances are standard for this type of development in an urban core. In addition, the South Linden Area Commission requested, and support, the inclusion of the commercial component to further benefit and support the neighborhood, existing residents, and the tenants and guests of the proposed apartment complex community.

4. Whether variance would adversely affect delivery of governmental services.

There will be no adverse affect on the delivery of governmental services to the Property if these variance requests are approved. There are adequate public services and facilities, as well as utilities to the Property, and fire and police safety responders and vehicles will have adequate ingress-egress and maneuverability in and out of the Property.

5. Whether property owner purchased property with knowledge of zoning restrictions.

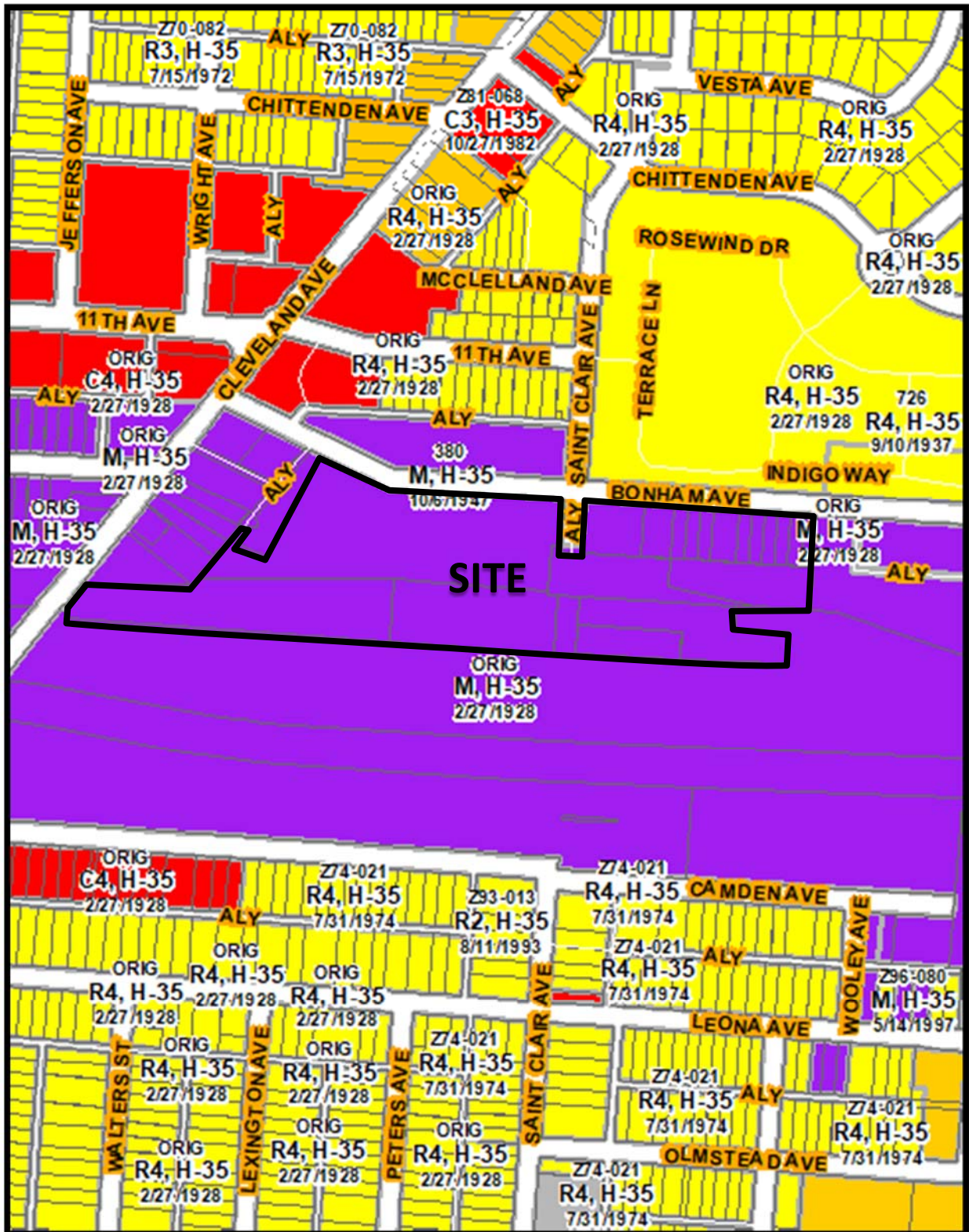
The Applicant is aware of the zoning restrictions and has diligently worked both with the Building and Zoning staff and the neighborhood group to design the project in accord with zoning restrictions. These variances are minimal and technical in nature.

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

In order to develop the Property in conformance with essential character of the neighborhood and adhere to best practices for urban infill development, the variances are necessary.

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

The spirit and intent behind the zoning requirements and substantial justice may be done by granting the requested variance.



CV21-013
999 Bonham Ave.
Approximately 10.8* acres



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Nothing new to report. At the March 3rd Zoning & Code Enforcement Committee meeting, Commissioners decided to uphold the "*Recommendation of Disapproval*" – #† upon by the full Area Commission at

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While Commissioners were appreciative that the Ascent proposal revisions presented on February 3rd were more responsive to concerns, there was a strong consensus that the property under consideration would best serve the community needs as a future 'business site' versus a 'housing site'. Some alternative sites suggested that might be pursued for the 204 unit multi-family community were:

- Joyce Avenue and 17th Avenue -- northeast corner lot
- Joyce Avenue -- several lots traveling south of 17th Avenue
- 2170 Howey Road--former Ohio National Guard training facility that has been closed for 20+ years

Thanks for your diligence in listening and wanting to be
Perhaps, our paths will cross again on a future project ...

Respectfully,

Peggy A. Williams, Secretary [MsPeg☺]
SLAC Zoning & Code Enforcement Committee Chair
South Linden Area Commission (SLAC)
slaczoning@gmail.com
(614) [TEXT Preferred; Voice Message Accepted]

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-013

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) Rebecca J. Mott, Plank Law Firm, LPA

of (COMPLETE ADDRESS) 411 East Town Street, Floor 2, Columbus, Ohio 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. KCG-Ascent Ventrues, LLC (Mike Rodriguez 317-964-1302) 9333 N. Meridan Street, Suite 230, Indianapolis IN 46260 Columbus based employees: 0 | 2. |
| 3. | 4. |

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Rebecca J. Mott

Sworn to before me and signed in my presence this 9th day of February, in the year 2021

[Signature]
SIGNATURE OF NOTARY PUBLIC

Never
My Commission Expires Notary Seal Here



Craig J. Moncrief, Attorney At Law
NOTARY PUBLIC-STATE OF OHIO
My Commission has no expiration date
Sec 147.03 R.C.
Project Disclosure Statement expires six (6) months after date of notarization.