

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

APPLICATION: CV23-142
Location: 229 E. 11TH AVE. (43201), being 0.10± acres located on the south side of East 11th Avenue, 75± feet west of Hamlet Street (010-005201; University Area Commission & University Impact District Review Board).
Existing Zoning: C-4, Commercial District.
Proposed Use: Rooming house.
Applicant(s): Babu Dahya and Martha McFerran Dahya; 43 Fallis Road; Columbus, OH 43214.
Owner(s): The Applicant.
Planner: Joe Rose; 614-645-3526; jmrose@columbus.gov

BACKGROUND:

- The site consists of one parcel developed with a rooming house in the C-4, Commercial District and is subject to the University District Zoning Overlay (UDZO). The requested Council variance will legitimize the existing use.
- A variance is necessary because the C-4 district only allows residential uses when located above certain commercial uses.
- To the east, west, and south, are single-unit dwellings in the C-4, Commercial and R-4, Residential districts. To the north are commercial uses in the C-4, Commercial District.
- The site is located within the planning boundaries of the *University Area Plan* (2015), which recommends “Neighborhood Mixed Use” land uses at this location.
- The site is located within the boundaries of both the University Area Commission, and the University Impact District Review Board, whose recommendations are both for approval.
- Practical difficulties were not considered since the request only contains a use variance.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested Council variance will legitimize the existing rooming house at this location. Staff is supportive as the request is consistent with the Plan’s “Neighborhood Mixed Use” recommendation which includes residential components, and does not introduce an incompatible use to the neighborhood.

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 property currently has 4 bedrooms which we have rented in the past to a group of students under one lease.

2. Whether the variance is substantial.

☐ Yes ☒ No

We are not adding to or remodelling the property; we are continuing to use it as it has been.

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

This area currently has mixed commercial and residential use. A variance for the purpose of a rooming house will maintain the integrity and character of the area.

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

☐ Yes ☒ No

The variance would not affect the delivery of governmental services.

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

☐ Yes ☒ No

The city added a rooming house designation.

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

☐ Yes ☒ No

The variance would bring the property inline with city requirements.

The property has a two-car garage which meets the .5 ratio of parking spaces required per room.

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

☒ Yes ☐ No

The impact to the neighborhood will remain the same, as the house has been rented as a 4 bedroom property. This is not a change in the actual use of the property. The variance brings the property inline with city requirements.

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):

Signature of Applicant

B. D. Ryan *Martha McTear*

Date

9/11/2025

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):

This is an updated Hardship Application in response to the Zoning Staff Review Meeting

We are applying for a zoning variance of use for the property situated at 229 E 11th Ave.

This is Section 3356.03

This house has (and under our ownership has always had) four bedrooms and four inhabitants.

This property has a garage with parking spaces for two vehicles, which equates to .5 parking spaces per bedroom. Two parking spaces meet the requirement for a four-bedroom house.

The parking residential use code is Section 3325.281

We are not adding to or remodeling the property; we are continuing to use it as it has been. As this area currently has mixed commercial and residential use, a variance for the purpose of a rooming house will maintain the integrity and character of the area.

The property has a finished attic with a bathroom and bedroom. These features were already there when we purchased the property. In terms of parking, the property has a two-car garage. This meets the .5 ratio of parking spaces per room as required by the city.

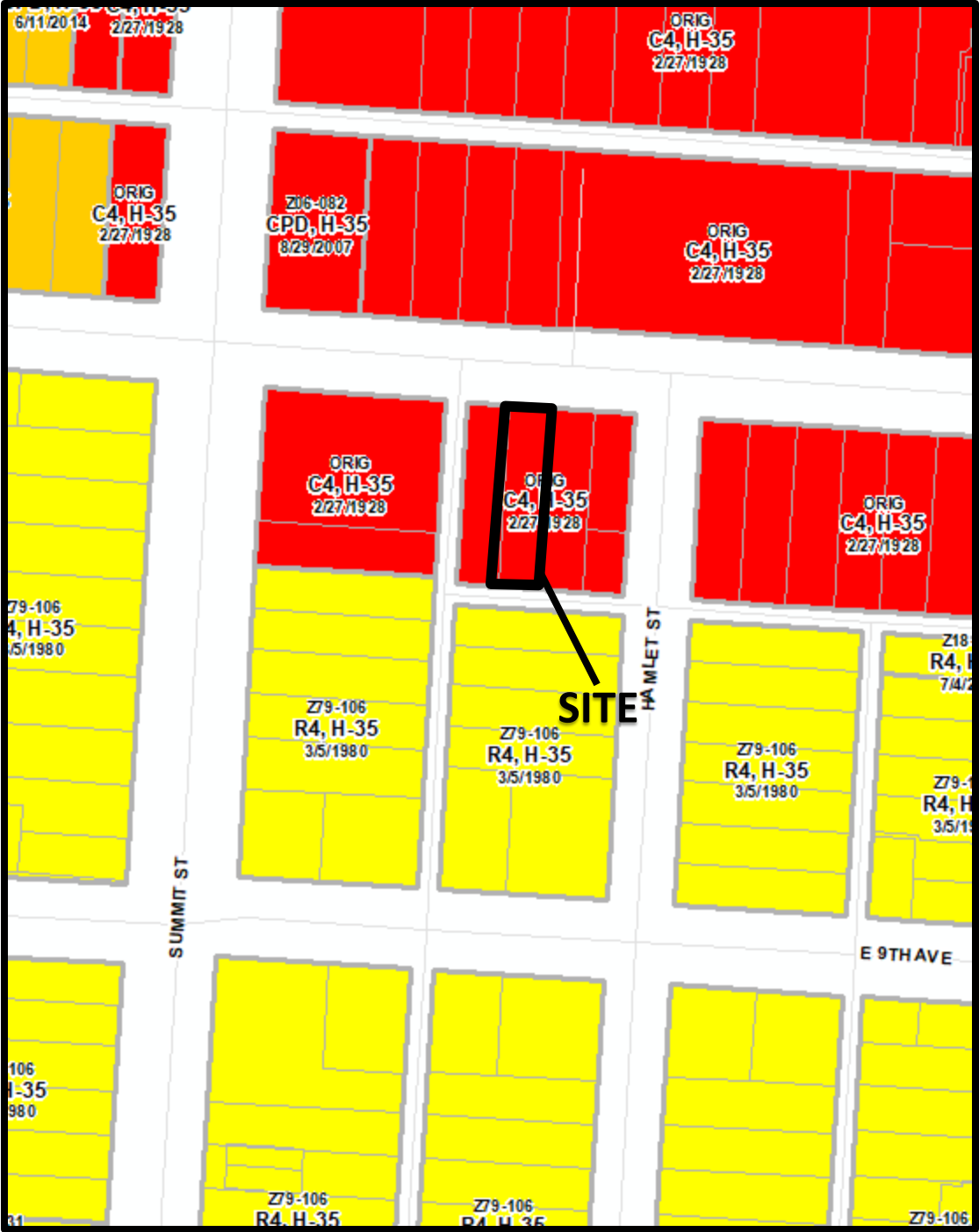
The impact to the neighborhood will remain the same as the house has been rented as a four-bedroom property. This is not a change in the actual use of the property. The variance brings the property in line with city requirements.

We are attending the University Area Commission meeting tonight (1/2/2024) at 6:30 PM.

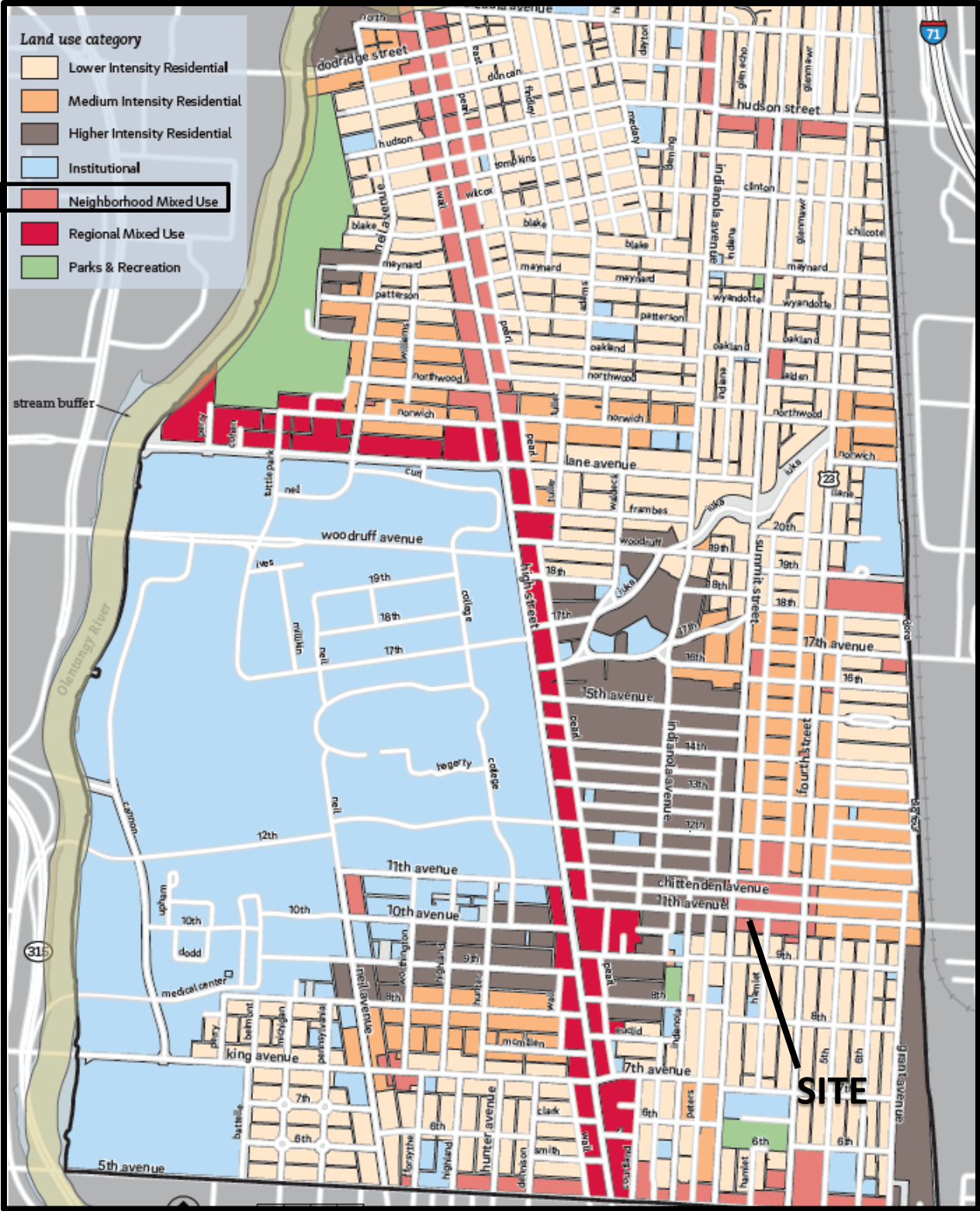
We have applied for a Certificate of Appropriateness from the University Impact District Review Board which will meet later in January 2024.

Throughout this process we conferred with Mr. Timothy Dietrich. We would like to thank Mr Dietrich for his assistance.

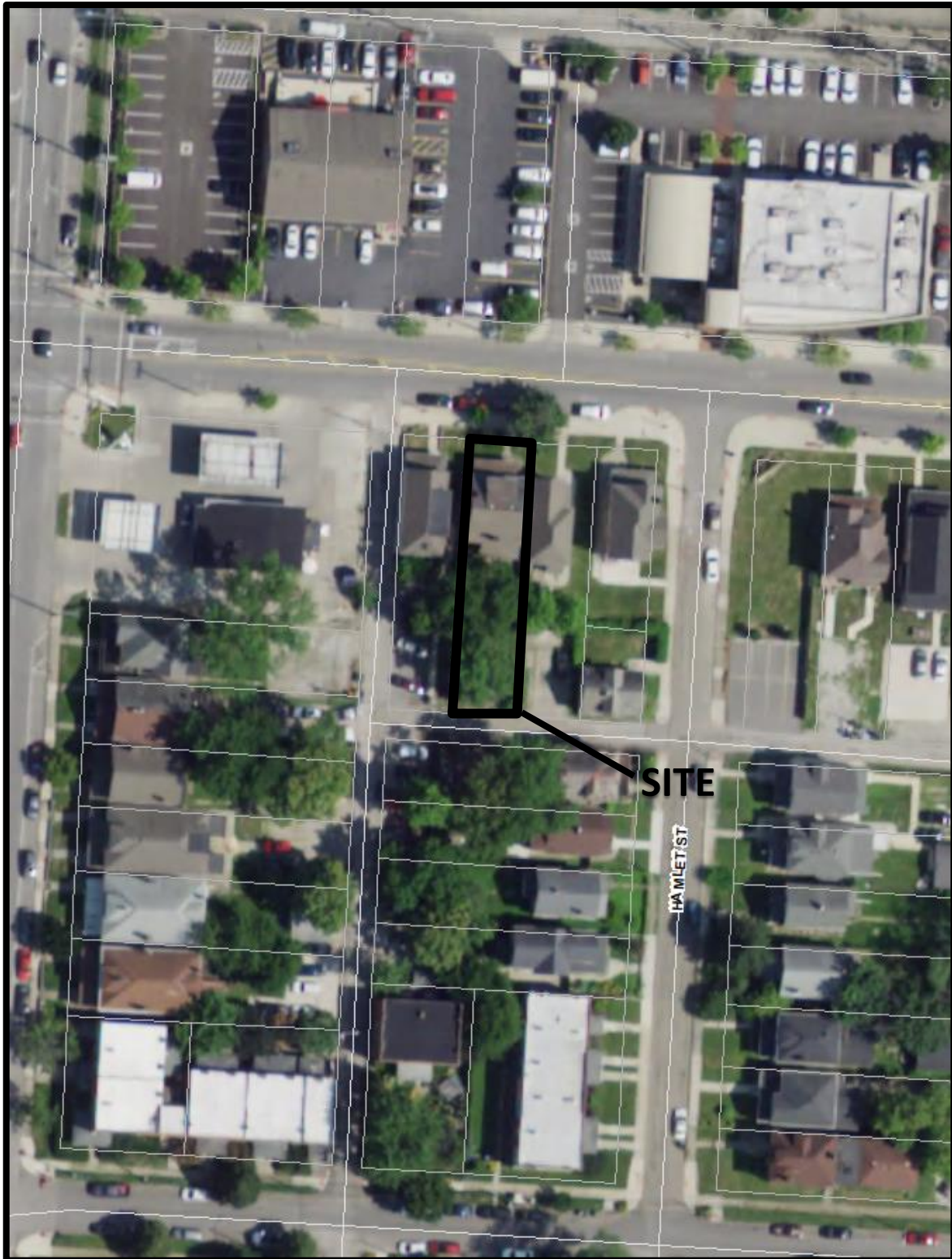
Signature of Applicants B. Mon. Dohya. Date 1/2/2024.
Martha Mitman Date 1/2/2024



CV23-142
229 E. 11th Ave.
Approximately 0.10 Acres



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Approximately 0.10 Acres

UNIVERSITY IMPACT DISTRICT REVIEW BOARD

111 North Front Street, Third Floor
Columbus, Ohio 43215
(614) 645-8062

DEPARTMENT OF
DEVELOPMENT

	RECOMMENDATION
UIDRB case no.	UID-24-01-005
Zoning/Variance case no.	CV23-142
Property address	229 E. 11 th Ave.
UIDRB Hearing date	January 25, 2024
Applicant	Babu Dahya
Issue date	January 29, 2024

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 Department of Development. 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

- | | |
|---|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Graphics |
| <input type="checkbox"/> Parking Variance | <input type="checkbox"/> Special permit |
| <input checked="" type="checkbox"/> Change of Use | <input type="checkbox"/> Setbacks |
| <input type="checkbox"/> Lot Split | <input type="checkbox"/> Other |

TYPE(S) OF ACTION(S) REQUESTED:

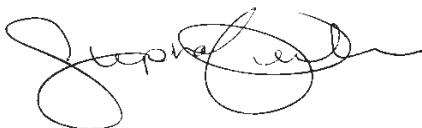
Variances to:

3356.03- c-4 permitted uses; to allow for a rooming house in a C-4 commercial district

RECOMMENDATION:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> SUPPORT REQUESTED
VARIANCES OR ZONING
CHANGE | <input type="checkbox"/> DO NOT SUPPORT
REQUESTED VARIANCE OR
ZONING CHANGE | <input type="checkbox"/> NO ACTION TAKEN |
|--|---|--|

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



Stephanie N. Kensler
University Impact District Review Board, Staff

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

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

Case Number CV 23 - 142
Address 229 E. 11th Ave
Group Name Babu Dahya + Martha McFarren
Meeting Date Jan 17 2024 Dahya
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:

*Voted to Approve Rooming
House in a C-4 Commercial
District*

Vote 11-Yes 0-No
Signature of Authorized Representative Seth B Golding
Recommending Group Title University Area Commission
Daytime Phone Number 614 375-0892 Seth B Golding
Zoning Chair

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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Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV23-142

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) Babu Dahya Martha McFerran
of (COMPLETE ADDRESS) 43 Fallis Road Columbus Ohio, 43214

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. Babu Dahya 43 Fallis Road, Columbus, Ohio, 43214 cell 614 286 6685	2. No Columbus-based employees
3. Martha McFerran 43 Fallis Road Columbus, Ohio, 43214 cell 614 378 2904	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT B. Dahya Martha McFerran

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

Michael D. Juhola
SIGNATURE OF NOTARY PUBLIC

No expiration date
My Commission Expires

Notary Seal Here



MICHAEL D. JUHOLA, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date.
Section 147.03 R.C.

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