



DEPARTMENT OF BUILDING AND ZONING SERVICES

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements...
B. Permit a use of the property not permitted by the Zoning District...
Before authorizing any variance from the Zoning Code...
In granting a variance pursuant to this section...

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 requested as detailed below:

See attached

Multiple horizontal lines for text entry.

Signature of Applicant [Handwritten Signature]

Date 8/12/15

CV15-059

PLEASE NOTE: Incomplete information will result in the rejection of this submittal. Applications must be submitted by appointment. Call 614-645-4522 to schedule. Please make checks payable to the Columbus City Treasurer

**Poindexter Phase IIA – Council Variance Application
Live/Work Units
Statement of Hardship**

The site is to be developed with a 10,250± square-foot mixed-use building in the [ARLD], Residential District, and is subject to Ordinance No. Ord. 998-90; Ord. No. 0239-2010, § 2, 4-5-2010 to allow a specified range of commercial uses and to conform to existing conditions. A concurrent Board of Zoning Adjustment application (application Number 15-058) has been submitted and approved for variances to building lines, height district, parking, landscaping, and perimeter yard. The requested Council Variance will add limited commercial uses to the list of permitted uses. The site is located within the planning area of the Near East Area Plan (2005), which recommends higher-density residential and mixed-use development for this location. The site is adjacent to the Mt. Vernon Urban Commercial Overlay. The development includes three “live-work” apartments that are designed to support both residential and small scale commercial uses; however, the tenant may use the space solely for residential use, solely for approved commercial uses, or for both residential and commercial (i.e., “live-work”, home-based business). The underlying zoning of the site is ARLD, 3333.02. A variance is necessary because the [ARLD] District prohibits commercial uses, which is one of the potential uses for these units. The potential for up to three spaces with commercial uses within the new mixed-use building is consistent with the area plan’s land use recommendations, and with the traditional and established development pattern along Mt. Vernon Avenue. Approval of this request will not add new or incompatible uses to the area.

There are three 800 +/- square-foot live-work units planned for Poindexter Phase IIA. All three will be located in the ground floor of a 27-unit apartment mixed-use building located along a traditional neighborhood retail corridor, Mt. Vernon Avenue that will also house the management and leasing offices, community space, and fitness center for the apartment complex. The live-work units and the mixed-use character of this building are designed to re-establish the historic neighborhood fabric of mixed-use buildings along Mt. Vernon Avenue by re-introducing ground floor commercial activities, and to provide space for neighborhood entrepreneurs to operate their businesses. The live-work units have been designed with open, flexible floor plans to accommodate a variety of uses, and include large, storefront-type glazing facing Mt. Vernon.

The apartment complex property management company will screen and approve occupants of the live-work units. Prior to execution of the lease, applicants will be required to provide the property management company with a copy of their business license and plan, including a detailed description of the business activities, hours of operation, and anticipated number of employees. The business activities must be confined to the interior of the dwelling unit; no outside display of merchandise will be permitted. Tenants will not be allowed to make alterations to the interior or exterior of the dwelling unit to accommodate the business occupation.

Permitted Uses include the following occupations:

- Dressmakers, seamstresses, tailors
- Painters, sculptors, composers, writers and similar artistic occupations.
- Telephone answering
- Computer programming
- Professional practices – architects, engineers, landscape architects, graphic artists, designers, lawyers, insurance agents, brokers, consultants and members of similar professions
- Tutoring
- Online and catalog sales where goods, products or materials are not warehoused on the premises

- Wholesale or manufacturer's representative's sales transactions where goods, products or materials are not warehoused on the premises.
- Retail sales where limited goods, products or materials are on display within the live/work unit, and large amounts of goods are not warehoused on the premises.

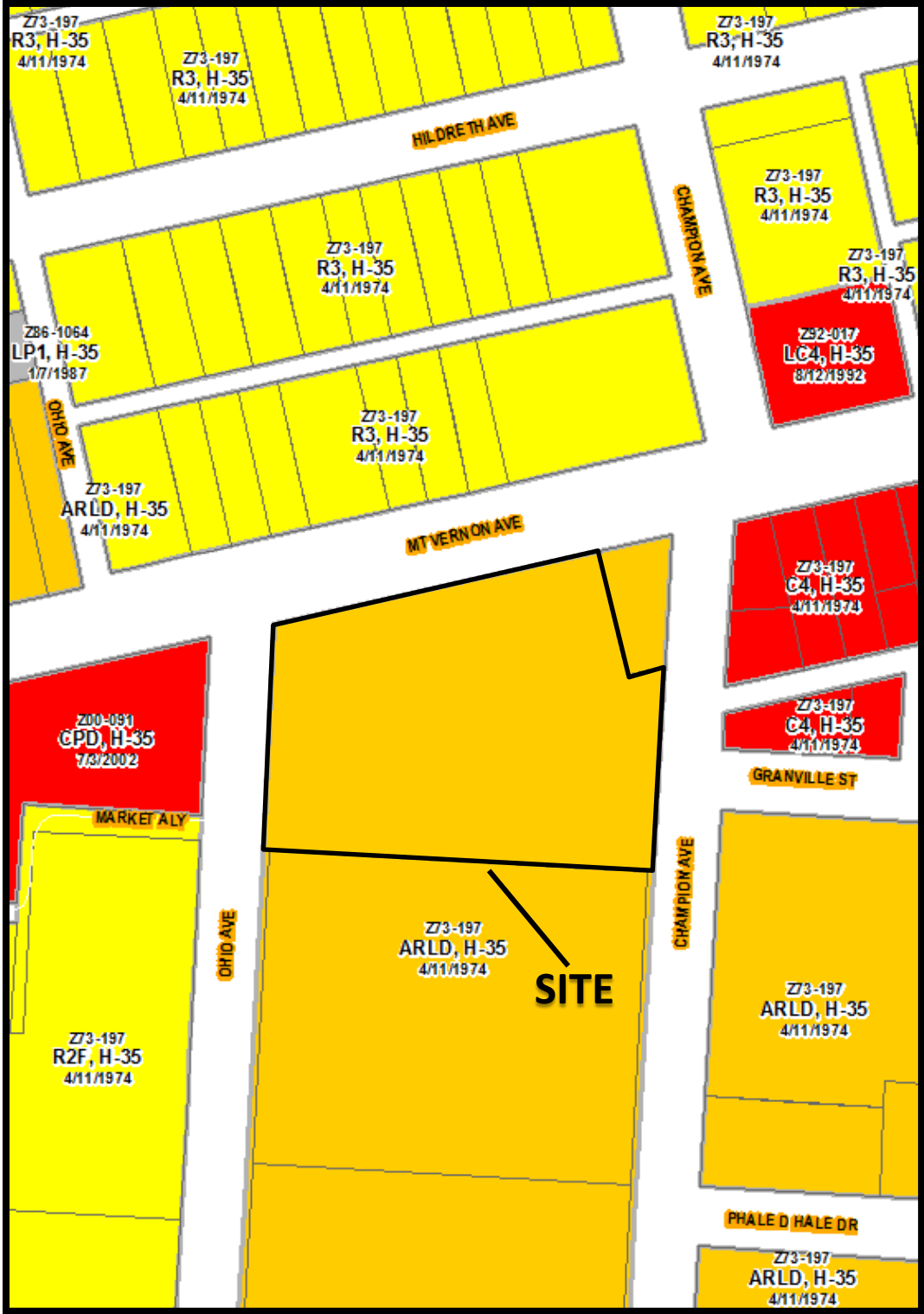
The purpose of Section 3333.34 (Home Occupation) of the Columbus Zoning Code "is to permit a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as not to have an adverse effect upon the average neighbor under normal circumstances; to set standards by which to judge the operation of such use; and to prohibit uses which are incompatible with permissible uses in apartment districts." The Applicant requests approval to vary from the following standards of Section 3333.34:

1. The underlying zoning of the site is ARLD, 3333.02. A variance is necessary because the [ARLD] District prohibits commercial uses, which is one of the potential uses for these units. The potential for up to three spaces with commercial uses within the new mixed-use building is consistent with the area plan's land use recommendations, and with the traditional and established development pattern along Mt. Vernon Avenue. Approval of this request will not add new or incompatible uses to the area.
2. The Applicant wishes to vary Section 3333.34(A) of the City of Columbus Zoning Code, which requires any home occupation to be incidental and subordinate to the primary residential use, to allow the live-work units to be used either as a home occupation incidental to the residential use, or as a primary commercial use by a tenant that will not occupy the unit as a residence. The Applicant believes that flexibility in allowing the unit to be used for either a home-based occupation or as a primarily commercial occupancy will broaden the range of potential tenants and will encourage development of the desired mixed use character along Mt. Vernon.
3. The Applicant wishes to vary Section 3333.34(D) of the City of Columbus Zoning Code, which limits the percentage of livable area of any residence to be used for home occupation from 20% to 45% for a tenant occupying the unit as a primary residence, and 100% for a tenant occupying the unit as a commercial tenant. Rather than accommodating a home occupation in a typical apartment or townhouse residence, the live-work units included in this apartment complex are specifically designed to provide flexible open floor plans which can be used in a variety of ways for either home occupation with a portion of the unit utilized for residential use or as primarily commercial space. Consequently, a greater percentage of the total livable area is available for a home occupancy or commercial use than would otherwise be available in a more traditional apartment or townhouse. The Applicant believes that increasing the percentage of livable area available for use as a home-based occupation or commercial use is necessary to encourage development of the desired mixed use character along Mt. Vernon Avenue.
4. In conjunction with Number 2 above, the applicant wishes to vary Section 3312.49(D), which states the minimum number of parking spaces required. As residential units, the three units would require 5 parking spaces, whereas if the units are utilized as 100% for commercial uses they would require 10 parking spaces. The applicant requests to vary from the Code to permit the commercial uses with the parking calculation based on the underlying zoning of 5 spaces rather than a commercial zoning of 10 spaces.
5. The Applicant wishes to vary Section 3333.34(E) of the City of Columbus Zoning Code, which limits the assistance of supportive personnel to be employed, but not residing in the residence, from one (1) to the equivalent of five (5) full-time employees. In addition, the Applicant wishes to expand the types of home occupations allowed to employ supportive personnel to include any

home-based occupation or commercial use that will not result in noise or traffic volume unreasonably greater than would otherwise normally occur in the apartment neighborhood in which the Applicant's property is located. The Applicant believes that increasing the number of allowable supportive employees will provide the opportunity for growth of home-based occupations without forcing relocation of the business solely due to limitations on the number of allowable employees. The intent would be that these additional supportive employees are residents of the neighborhood. The Applicant also believes that broadening the types of businesses which may employ supportive workers beyond the service professions stated in the Zoning Code will encourage a wider range of home occupations or commercial uses which are beneficial to the immediate neighborhood, and which may provide employment opportunities to neighborhood residents.

6. The Applicant wishes to vary Section 3333.34(J) of the City of Columbus Zoning Code, which prohibits wholesale or retail home occupation uses. The applicant proposes the range of uses above which will encourage development of the desired mixed use character along Mt. Vernon Avenue.

All other provisions within Section 3333.34 of the City of Columbus Zoning Code will be met.



CV15-059
1233 Mt. Vernon Avenue
Approximately 1.5 acres

DEVELOPMENT STRATEGY

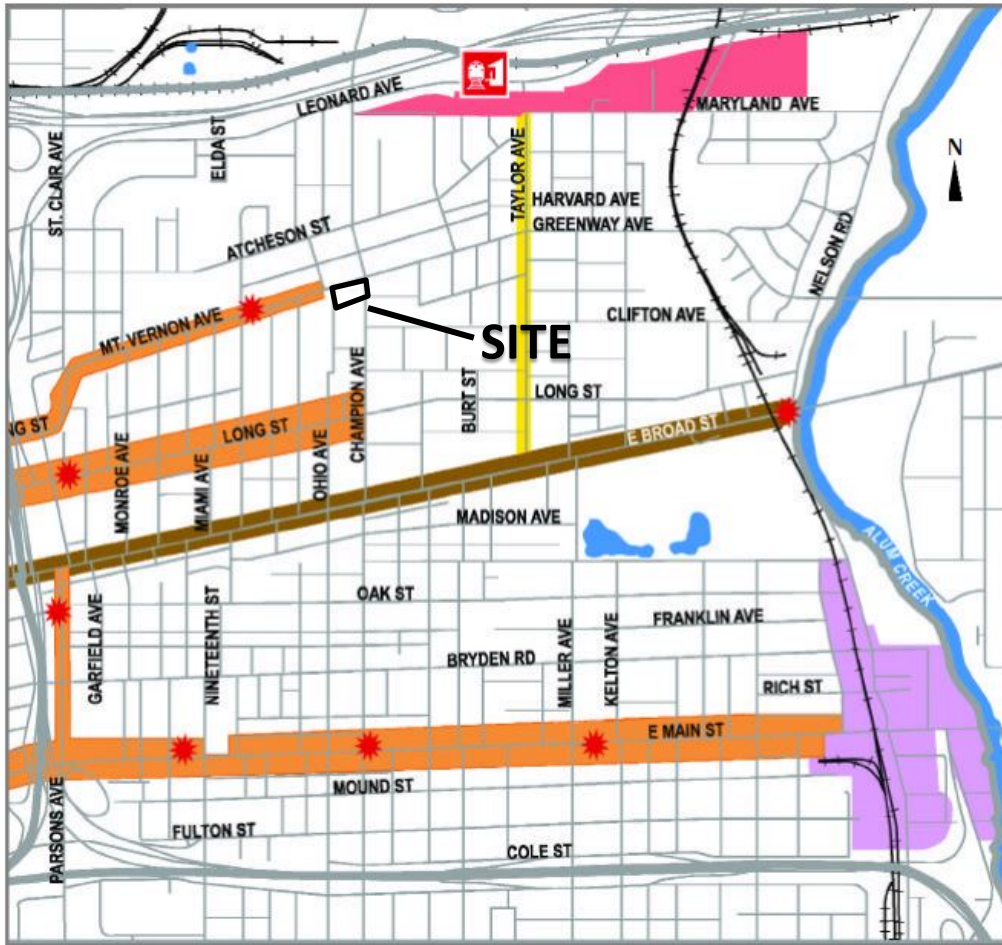


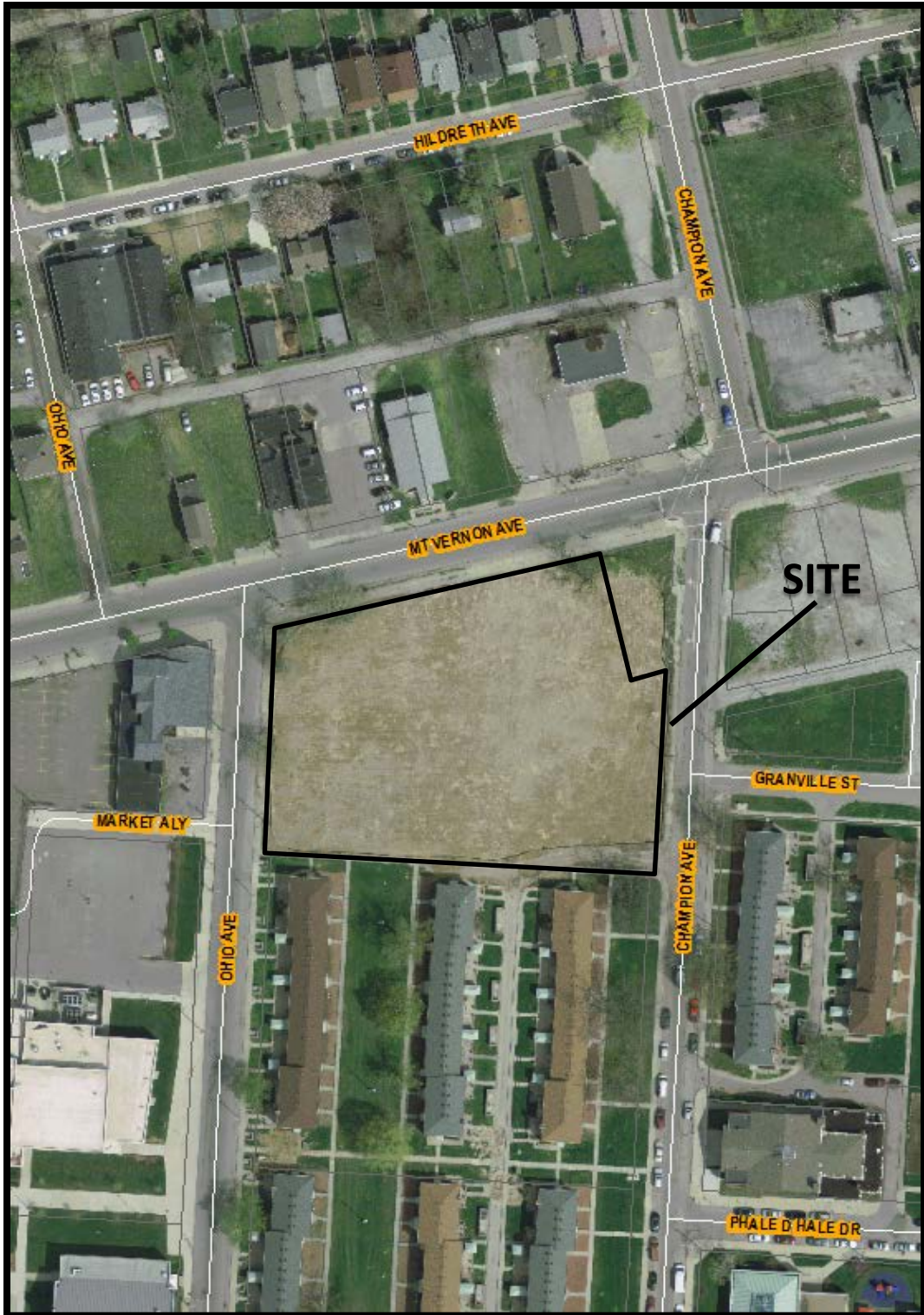
Figure 5

►► **Light Industrial/Commercial:** This area consists largely of light industrial development. Future development should reinforce this land use. Development standards should be utilized to ensure high quality development.

►► **Potential Light Rail Station:** A site in this area should be reserved for a potential light rail station. COTA's Vision 2020 plan anticipates the development of light rail within this corridor and this area could provide a convenient rail station and spur/accommodate commercial and higher density residential development.

- Lower and Medium Density Residential
- East Broad Street:
- Higher Density Residential/
Mixed Use Development:
- Commercial District Nodes
- Office/Light Industrial/Mixed Uses
- Light Industrial/Commercial
- 1 Potential Light Rail Station

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 1233 Mt. Vernon Avenue
 Approximately 1.5 acres



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1233 Mt. Vernon Avenue
Approximately 1.5 acres

Pine, Shannon L.

From: Kathleen Bailey [<mailto:kathleendbailey@hotmail.com>]
Sent: Sunday, November 2, 2015 9:51 PM
To: Pine, Shannon L.
Subject: FW: Poindexter IIA - Live-Work Units Variance, Full NEAC Meeting

The Near East Area Commission (NEAC) fully supported the following:

CV15-059 was for Poindexter Place II. Variances for live-work units for 1233, 1237, and 1241 Mt. Vernon Avenue. This variance was passed 11-0-0.

The vote occurred at the October 8th 2015 General Business meeting.

Please contact me with any questions or concerns.

614-582-3053

Council Variance Application

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AND ZONING SERVICES

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PROJECT DISCLOSURE STATEMENT

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.

APPLICATION # CV15-059

STATE OF OHIO
COUNTY OF FRANKLIN

Michael Duffy

Being first duly cautioned and sworn (NAME) _____
of (COMPLETE ADDRESS) 720 Olive Street, Suite 2500, St. Louis, MO 63101

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:

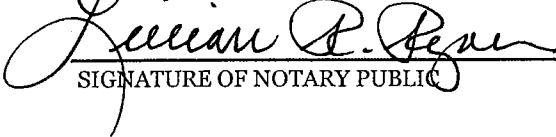
Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

<p>1. McCormack Baron Salazar Development Inc. 720 Olive Suite 2500 St. Louis, MO 63101</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 12th day of August, in the year 2015


SIGNATURE OF NOTARY PUBLIC

2-21-2016
My Commission Expires

Notary Seal Here

LILLIAN R. RYAN
Notary Public-Notary Seal
State of Missouri, St Louis County
Commission # 12505624
My Commission Expires Feb 21, 2016

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

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