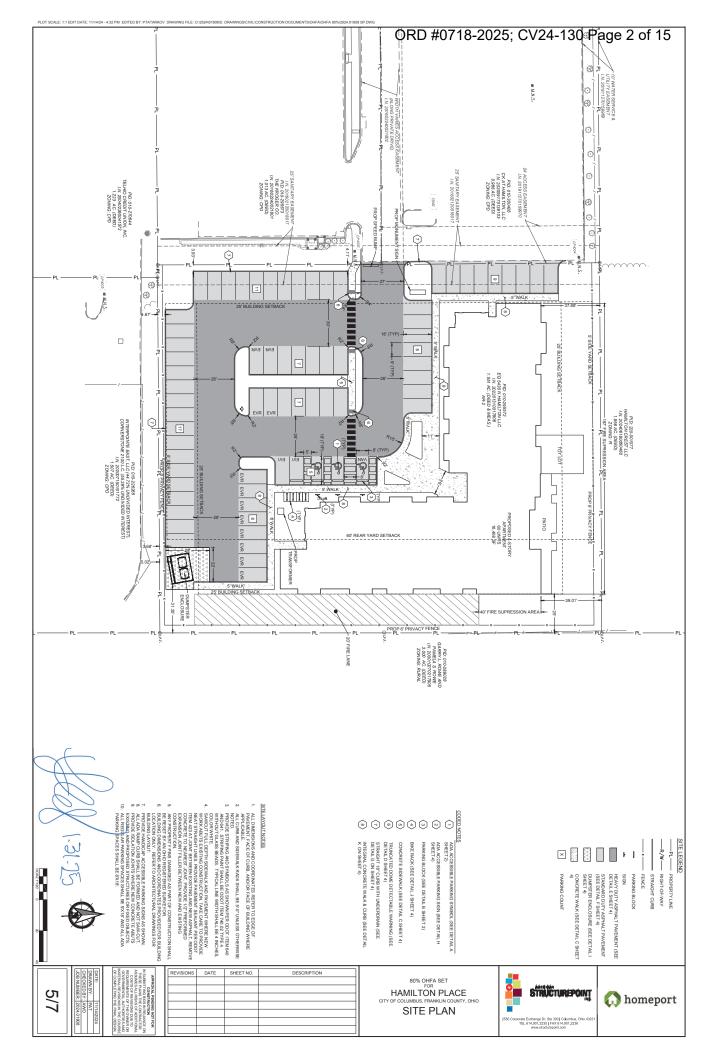
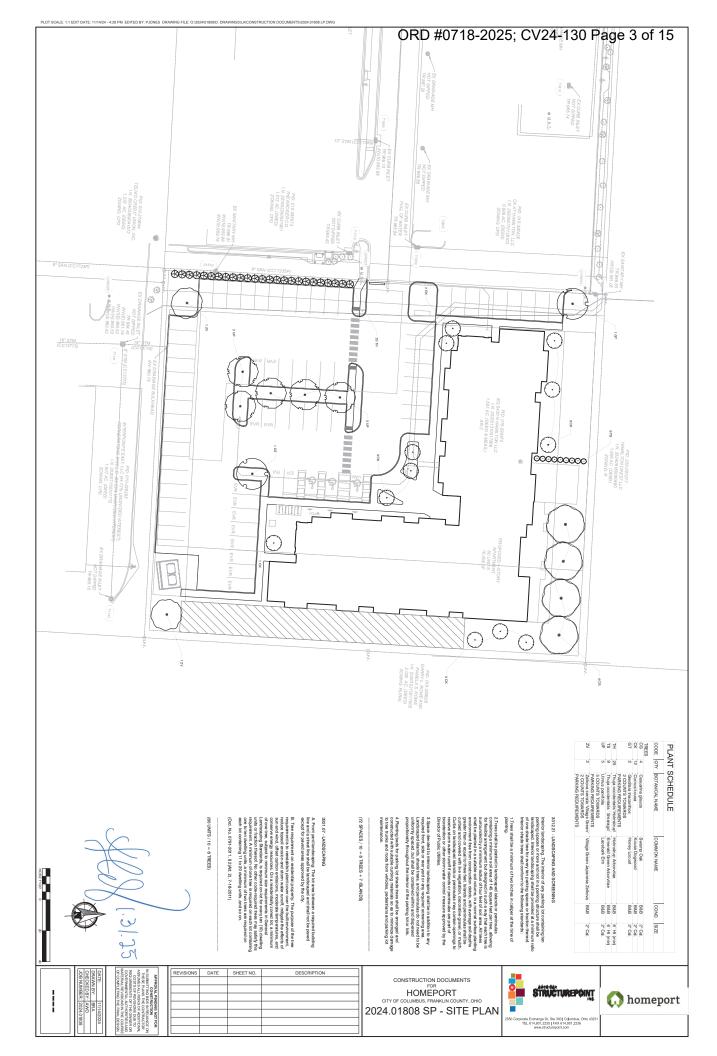
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CITY COUNCIL – ZONING COMMITTEE STAFF REPORT COUNCIL VARIANCE

APPLICATION: CV24-130

Location: 5438 N. HAMILTON RD. (43054), being 1.55± acres located

300± feet east of North Hamilton Road, and 760± feet north of Thompson Road (010-295572; Northland Community Council).

Pending Zoning: AR-2, Apartment Residential District.

Proposed Use: Apartment building.

Applicant(s): Hamilton Place Homes LLC; c/o Laura M. Comek, Atty.; Comek

Law; 17 S. High St., Suite 100; Columbus, OH 43026.

Property Owner(s): Hamilton Place Homes LLC; c/o Laura M. Comek, Atty.; Comek

Law; 17 S. High St., Suite 100; Columbus, OH 43026.

Planner: Alyssa Saltzman; 614-645-9625; ADSaltzman@columbus.gov

BACKGROUND:

 The 1.55± acre site consists of one undeveloped parcel in the CPD, Commercial Planned Development District. The site is pending zoning to the the AR-2, Apartment Residential District to allow a multi-unit residential development.

- The requested Council variance will allow reduced development standards for a 60-unit affordable apartment building. Variances include increased building height from 35 to 50 feet, reduced parking lot trees which will instead be planted in the perimeter, reduced maneuvering area, reduced required parking from 90 to 72 spaces, no frontage on a public street, and reduced side and rear yards.
- To the north is a single-unit dwelling in Plain Township. To the east is a single-unit dwelling in the R, Rural District. To the south is commercial development in the CPD, Commercial Planned Development District. To the west is a bank and a gas station in the CPD, Commercial Planned Development District.
- The site is located within the planning area of the Northland Plan Volume II (2002), which recommends "Preserve District" land uses at this location.
- The site is located within the boundaries of the Northland Community Council, whose recommendation is for disapproval.
- The Columbus Multimodal Thoroughfare Plan (2018) identifies this portion of North Hamilton Road as a Suburban Commuter Corridor requiring 120 feet of right-of-way.
- Staff recognizes that there are practical difficulties with variances included in the request.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested variances reflect the existing building patterns of the area and provide quality site design. Additionally, the *Northland Plan – Volume II* recommends that in smaller lots, trees may be on the periphery of the lot. Doing so has also mitigated the setback reduction and loss of parking lot shade trees.



Council Variance Application

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

STATEMENT OF HARDSHIP

DEPARTMENT OF BUILDING AND ZONING SERVICES

5432

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.
To date, location, access of "remnant" type of parcel has been difficult to develop within the own code standards.
tupe of parcel has been difficult to develop
within the own code standards.
2. Whether the variance is substantial.
Yes No
This application is consistent with others for
multi-family residential. Also, given the
unique location of surroundings, these variances
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining bet
proper acts would state a substantial detrinient as a result of the variance.
This project is Planning 101, and reflects an laborost academic transition of
The profes is samuely for and regular
Intensity of use from commercial to
Mich Sug of the Committee of
the adjacent Residential areas.
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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

	Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse ser No effects to seweres
	Thether the property owner purchased the property with knowledge of the zoning restriction. Yes, Hus Site's challenges were also known.
1 1 1	Whether the property owner's predicament feasibly can be obviated through some method other than a variant No.
7. V	The Sife is odd in location, layout, snc. The variances sought are intended to MINIMUM Other yanances of give priority Thether the spirit and intentibehind the zoning requirement would be observed and substantial justice done.
g	ranting the variance. Yes No Alesolutely. Planning 101. Community levelognosest of the Northland Plan encourse
NOT	all sections of code to be varied and explain your reasoning as to why this request should be granted. E: It is the applicant's responsibility to identify all variances required for the project. If any necessary unces are not included, a new application (and applicable fees) will be required.
I hav	re read the foregoing and believe my application for relief from the requirements of the Zoning Code alns the necessary hardship, will not adversely affect surrounding property owners, and will comply the variance(s) requested as detailed below (use separate page if needed or desired): See Statement atlanded.
$\frac{1}{2}$	see statement an acrea.

COUNCIL VARIANCE STATEMENT OF HARDSHIP

Applicant: Hamilton Place Homes, LLC

c/o Laura MacGregor Comek, Esq.

17 S. High Street, Ste. 700 Columbus, Ohio 43215 laura@comeklaw.com

614.560.1488

Owner: Hamilton Place Homes, LLC Address: 5432 N Hamilton Rd.

Parcel Nos.: 010-295572

Current Zoning: CPD, Commercial Planned District

Proposed Zoning: AR2, Apartment Residential District

Date: January 31, 2025 Case No.: CV24 - 130

This Statement is submitted in support of the Applicant's Council Variance Application (CV24-130) and companion Rezoning Application (Z24-002).

The Site is 1.55 +/- acres and being Franklin County Auditor Tax Parcel 010-295572 located on the east side of Hamilton Road, north of Morse Road, in the City's northeast side. The Site is currently zoned CPD, Commercial Planned Development (Ordinance 1800-2022, eff. August 22, 2022, Z21-106) and has been undeveloped as yet.

The Site is uniquely situated for a traditional "step down" location with a transition of uses and intensity. To the west is the North Hamilton Road commercial corridor, to the east is a densely wooded lot (more than 100 feet in width), and further to the east is a single family subdivision. The Applicant proposes affordable multifamily housing in this location. This multi-family residential use would provide the transition from intense commercial activity to the single family to the east.

The Applicant has completed STEP ONE of the city's zoning process for affordable housing proposals. The Applicant obtained a prior CV for a maximum 60 units and reduction in the parking requirements from 1.5 spaces per unit, to 1 space per unit (60 spaces).

Because this proposal provides much needed affordable housing within a booming market rate environment, the application was awarded funding. The Applicant now seeks STEP TWO of the process, which is a rezoning to the AR2, Apartment Residential District and companion Council Variance for the development standards.

The following approvals/variances are requested, individually and in the aggregate:

From CCC 3312.49 - to reduce required parking for apartment residential developments from 1.5 spaces per unit to 1.2 spaces per unit.

From CCC 3312.25 – to allow parking spaces within the maneuvering setback/reduce setback for maneuvering and parking to zero (0).

From CCC 3312.21(A) - to eliminate interior parking lot trees and islands to zero. The 8 required trees to be redistributed throughout the perimeter of the Site.

From CCC 3333.16 Fronting. The building (lot) does not front on a public street.

From CCC 3333.24 - To reduce the rear yard from 25% of the lot area to 10% of the lot area.

From CCC 3333.23(D) – to reduce the Minimum side yard permitted from ($1/6 \times 49 \text{ ft} = \pm 8.2 \text{ ft}$) 8.2 feet to 5 feet for the side yard from the south property line. 3309.14 - to increase building height to fifty feet, the current building height being at or about 48' 3 5/8" +/-.

The variances sought are not significant given the intensity of current commercial use already permitted and surrounding the Site, as compared to the infill multifamily housing as proposed. Furthermore, the Site location, surrounding areas, as well as the significant existing buffers and screening that occur naturally serve to more easily allow variances to City minimum standards.

The Northland II plan supports this request, with recommendations toward use compatibilities and continuation of residential east of Hamilton Road and South of Old SR 161. To the extent that larger tract developments are encouraged toward mixed use developments, this CV accomplishes that goal, as the final lot within two existing commercial lots from this planned development.

There are no adverse effects to adjacent landowners – if anything the development of a Site that has sat vacant for many years since being zoned meets a significant housing need in the area. There are significant amenities within a one mile radius for residents. There is no effect on the delivery of governmental services. The Site has excellent access to major roadways/freeways and local job centers.

For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted,

/s/ 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

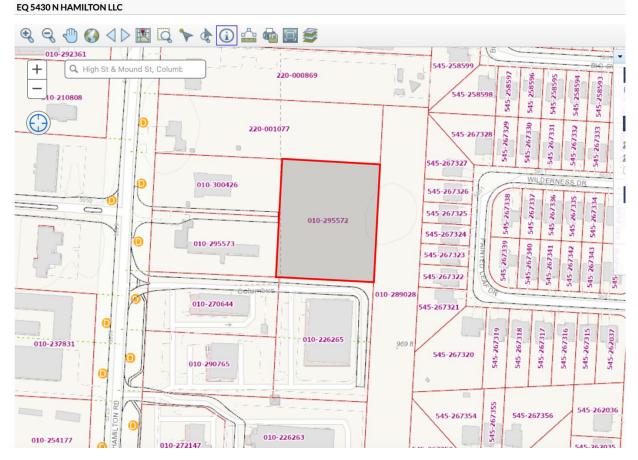
Enclosures: City Zoning Map Auditor map

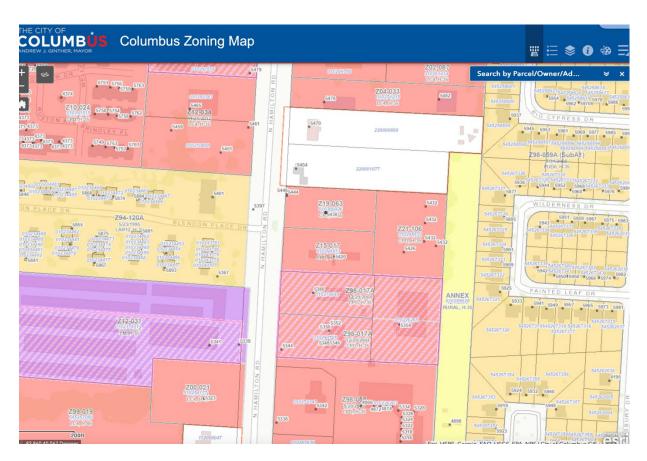
The following approvals/variances are requested, individually and in the aggregate:

- 1. 3309.14 to increase building height to fifty feet, the current building height being at or about 48' 3.5/8" +/-.
- 2. 3312.21(A) to eliminate interior parking lot trees and islands to zero. The 8 required trees to be redistributed throughout the perimeter of the Site.
- 3. 3312.25 to allow parking spaces within the maneuvering setback/reduce setback for maneuvering and parking to zero (0).
- 4. 3312.49 to reduce required parking for apartment residential developments from 1.5 spaces per unit to 1.2 spaces per unit
- 5. 3333.16 Fronting. The building (lot) does not front on a public street.
- 6. 3333.23(D) to reduce the Minimum side yard permitted from (1/6 x 49 ft = ± 8.2 ft) 8.2 feet to 5 feet for the side yard from the south property line.
- 7. 3333.24 To reduce the rear yard from 25% of the lot area to 10% of the lot area.

Map Ro

Parcel ID: 010-295572-00







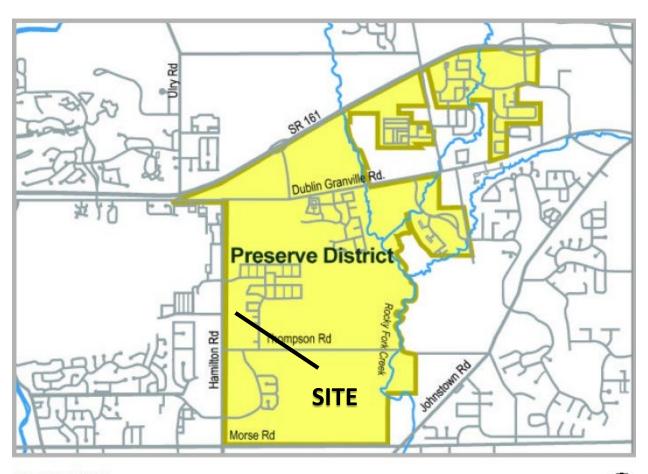
Z24-002 & CV24-130 5438 N. Hamilton Rd. Approximately 1.55 acres CPD to AR-2

Preserve District

This district is located east of Hamilton Road, north of Morse Road and follows the Columbus city limits east to the village of New Albany. A significant portion of this district is undeveloped, however, almost the entire district has previously been annexed and zoned in the city of Columbus.

The largest single zoning in the district is the Preserve Master Plan, a nearly 1,000-acre development east of Hamilton Road. This plan will incorporate single and multi-family residences, provisions for open space, portions of a golf course, and some commercial uses. Hamilton Road will eventually be extended in the northwest corner of this district. There is commercial and multi-family zoning in place where this road will be located.

Zoning on several parcels near SR-161, north of Dublin-Granville Road, ranges from LM2, limited manufacturing, to LC4, limited commercial. Preliminary private sector plans for these parcels call for a mixed-use development with retail, single and multi-family residential, and office uses.



Preserve District



Z24-002 & CV24-130 5438 N. Hamilton Rd. Approximately 1.55 acres CPD to AR-2



Z24-002 & CV24-130 5438 N. Hamilton Rd. Approximately 1.55 acres CPD to AR-2



Northland Community Council Development Committee

Report

October 30, 2024 6:00 PM Columbus Metropolitan Library 5590 Karl Road (43229)

Meeting Called to Order: 6:00 pm by co-chairs Dave Paul and Bill Logan

Members represented:

Voting: (16): Albany Park (APHA), Blendon Chase (BCCA), Clinton Estates (CECA), Devonshire (DCA), Elevate Northland (EN), Forest Park (FPCA), Karmel/Woodward Park (KWPCA), Lee/Ulry (LUCA), Maize Morse Tri-Area (MMTACA), North Village (NVHA), Northland Alliance (NA), Northland Area Business Association (NABA), Preston Commons (PCHA), Salem (SCA), Sharon Woods (SWCA), Westerwood (WRA).

Case #1

Application #Z24-042 (Rezone 19.80 AC± from LC-4 to L-AR-1 to construct an apartment complex ("The Langham at Chestnut Hill") consisting of 23 2-and 3-story buildings containing a total of 368 units and accessory uses with a planned density of 18.58 du/AC and a 45' mean building height in a 60' height district; Look-see September 2024)

Ashear

Sean Mentel/Kooperman Mentel & Matt Canterbury/The Daimler Group *representing* The Daimler Group, Inc. (applicant)/Lurie Family LP (owner) 5295 N Hamilton Rd, 43230 (PID 545-257080)

- The Committee approved (16-0) a motion (by APHA, second by NVHA) to RECOMMEND APPROVAL WITH ONE (1) CONDITION:
 - o That the applicant will attempt to engage with a majority of the adjacent residential property owners along the west perimeter of the site to explore mutually-agreeable options to install a fence, both for screening and to limit pedestrian traffic on to and off of the site via those properties; said engagement to be facilitated by and/or with the Asbury Ridge of New Albany HOA.

Case #2

Application #Z24-043 (Rezone 10.8 AC± from LC-4 to L-ARLD to construct an apartment complex ("Langham at Chestnut Hill Annex") consisting of 17 2- and 3-story buildings containing a total of 188 units and accessory uses with a planned density of 17.4 du/AC and a 45' mean building height in a 60' height district; *Look-see September 2024*)

Saltzman

Sean Mentel/Kooperman Mentel & Matt Canterbury/The Daimler Group *representing* The Daimler Group, Inc. (applicant)/C Krisiewicz, Trustee (owner) 5097 N Hamilton Rd, 43230 (PID 600-298791, 545-187777)

• The Committee approved (16-0) a motion (by APHA, second by PCHA) to **RECOMMEND APPROVAL** of the application.

Case #3

Application #Z24-002/CV24-130 (Rezone 1.55± AC from CPD to AR2 to construct up to 60 multifamily affordable housing units in a 4-story building at a density of 38.7 du/AC and a 50' height district; concurrent CV to vary from §3312.49 (parking reduction to 1 space/du), 3312.25 (reduce parking setback to 0; §3312.21(A) (eliminate parking lot island/tree requirements); §3333.24 and 3333.255 (reduce side and rear yard setbacks; reduce perimeter yard to 0); §3333.26 increase mean building height to 50'); The Committee *did not support CV23-131 in December 2023 prior to OHFA funding*)

Saltzman

Laura M. Comek/Comek Law $\ and$ Aaron Wasserman/Homeport $\ representing$

Homeport

5432 N Hamilton Rd, 43230 (PID 010-295572)

 The Committee approved (15-0 w/1 abstention) a motion (by NVHA, second by PCHA) to RECOMMEND DISAPPROVAL of the application.¹

Case #4

Application #BZA24-132 (Public presentation concerning the proposed operation of an Adult-Use Cannabis retail dispensary under the Ohio Medical Marijuana Control Program (OMMCP) as required under §3389.151 to qualify for a BZA special permit for such operation)

Friese

Jacob Hicks/Tenax Strategies and Daniel Kessler/RC Retail 2 representing

RC Retail 2/Riviera Creek

(West Albany Crossing Lot 2) 6500-6550 N Hamilton Rd, 43081 (PID 010-298433)

• The applicant provided a presentation to the Committee and guests that fulfilled the requirements of §3389.151.²

Executive Session Meeting Adjourned

8:20 pm

8:40 pm

¹ While the Committee recognized improvements to the current application and site plan versus those presented for CV23.131 (of which it recommended disapproval), particularly with regard to parking, and recognized the need for affordable/attainable housing in the area, the Committee felt that the proposed density of this project at 38.7 du/AC was still much too high to be compatible with this parcel and its location.

² The Committee's primary concerns about this application pertained not to the use, but to traffic impact and issues connected with the roundabout planned to be constructed on North Hamilton Road immediately adjacent to the site. The applicant acknowledged their understanding of this and confirmed that they continue to discuss with the City.



Council Variance Application Page 15 of 15

DEPARTMENT OF BUILDING

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

PRO	IECT	DISCI	OSLIRE	STA	TEMENT
		DIOCL	COURE		

APPLICATION #: CV24-130

Parties having a 5% or more interest in the project that is the subject of this application.

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STATE OF OHIO COUNTY OF FRANKLIN	
The state of the s	
Cor Bus	me of Business or individual ntact name and number siness or individual's address; City, State, Zip Code mber of Columbus-based employees
1. Hamilton Place Homes LLC 3443 Agree Rd Cols., On 43219 Ø eees	2. Homeport 3443 Agler Rd Cols, On 43219 35 ees
3.	4.
Check here if listing additional parties on a separate page. SIGNATURE OF AFFIANT	
Sworn to before me and signed in my presence this	of Feburas, in the year 707 S Notary Seal Here Notary Seal Here Notary Seal Here
This Project Disclosure Statement expires	s six (6) months after date of notarization.