

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). AR-2, Apartment Residential District.
Pending Zoning: Apartment building.
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.



DEPARTMENT OF BUILDING
AND ZONING SERVICES

Council Variance Application

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

STATEMENT OF HARDSHIP

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.

Yes No

To date, location, access of "remnant" type of parcel has been difficult to develop within the given code standards.

2. Whether the variance is substantial.

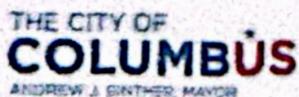
Yes No

This application is consistent with others for multi-family residential. Also, given the unique location & surroundings, these variances make the project better!

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 project is Planning 101, and reflects an almost academic transition of intensity of use from commercial to the adjacent residential areas.



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

Yes No

No effects to services

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

Yes No

Yes, this site's challenges were also known.

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

Yes No

The Site is odd in location, layout, size.
The variances sought are intended to
minimize other variances & give priority
to other important items.

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

Yes No

Absolutely). Planning 101. Community
development of the Northland Plan encourage
these efforts.

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):

See Statement attached.)

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 x 49 ft = ±8.2 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

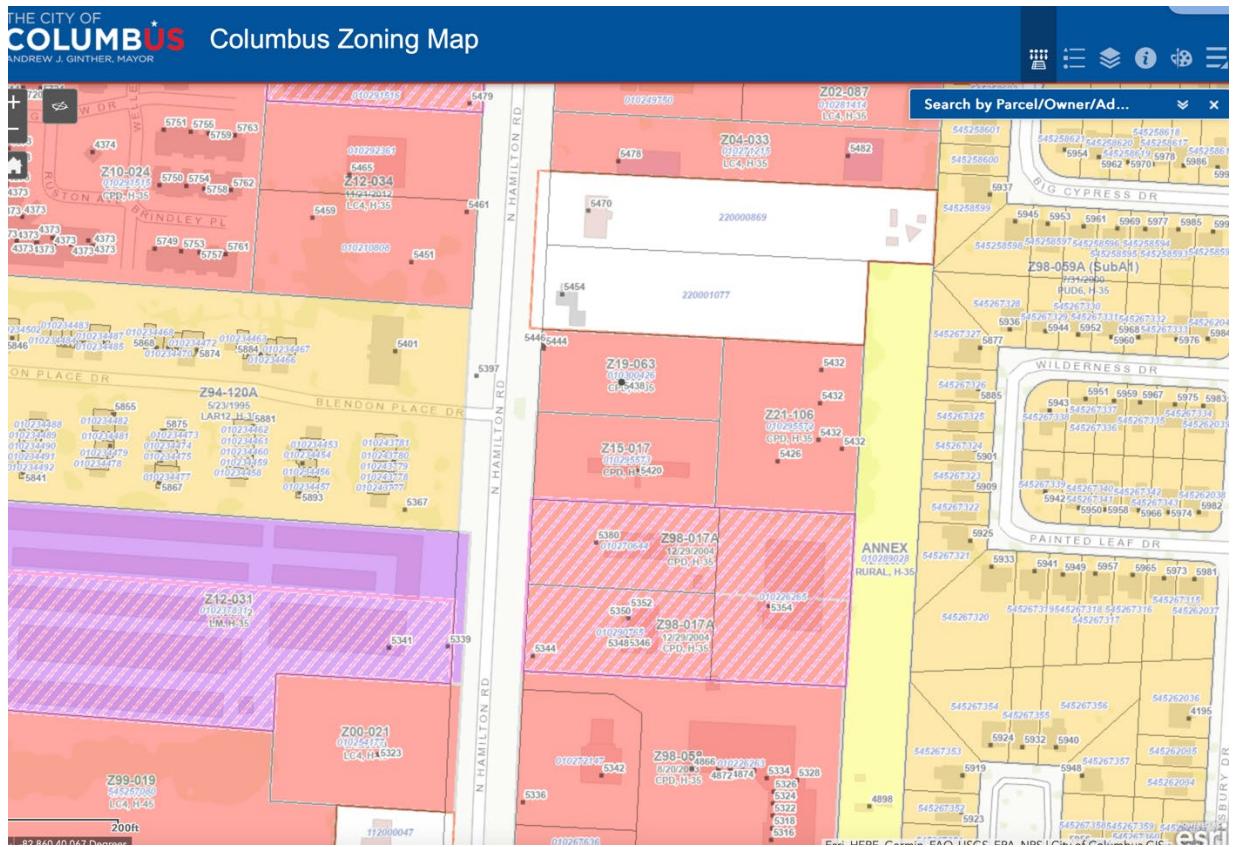
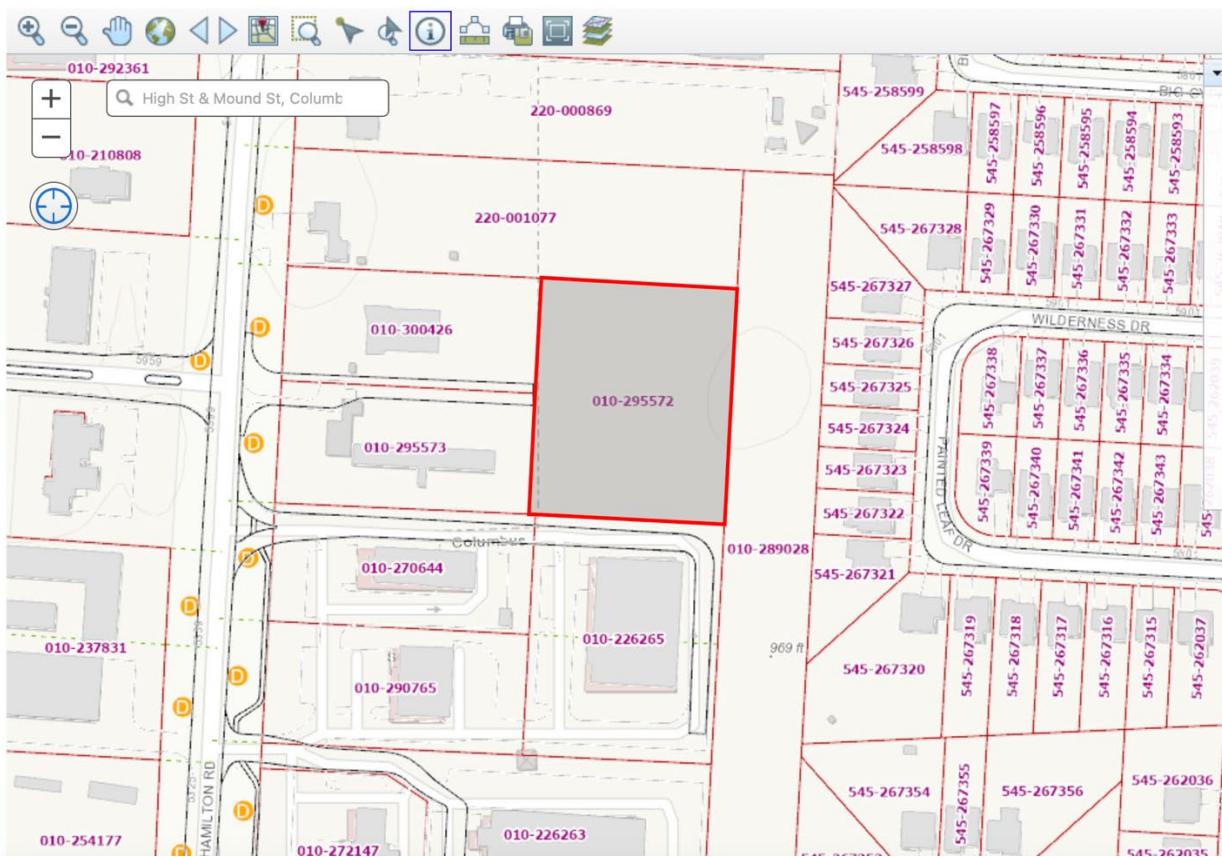
Enclosures:

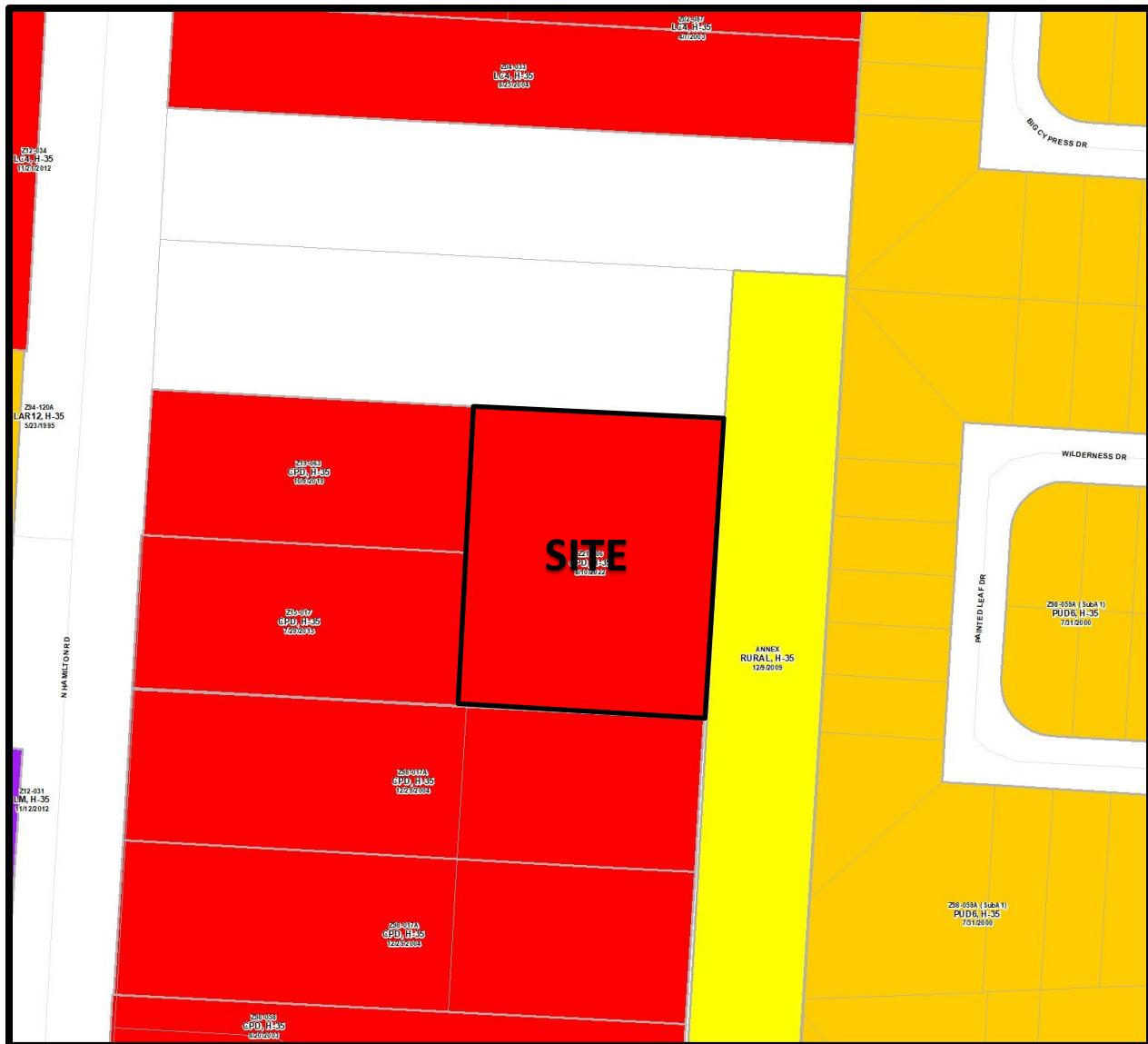
City Zoning Map

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.





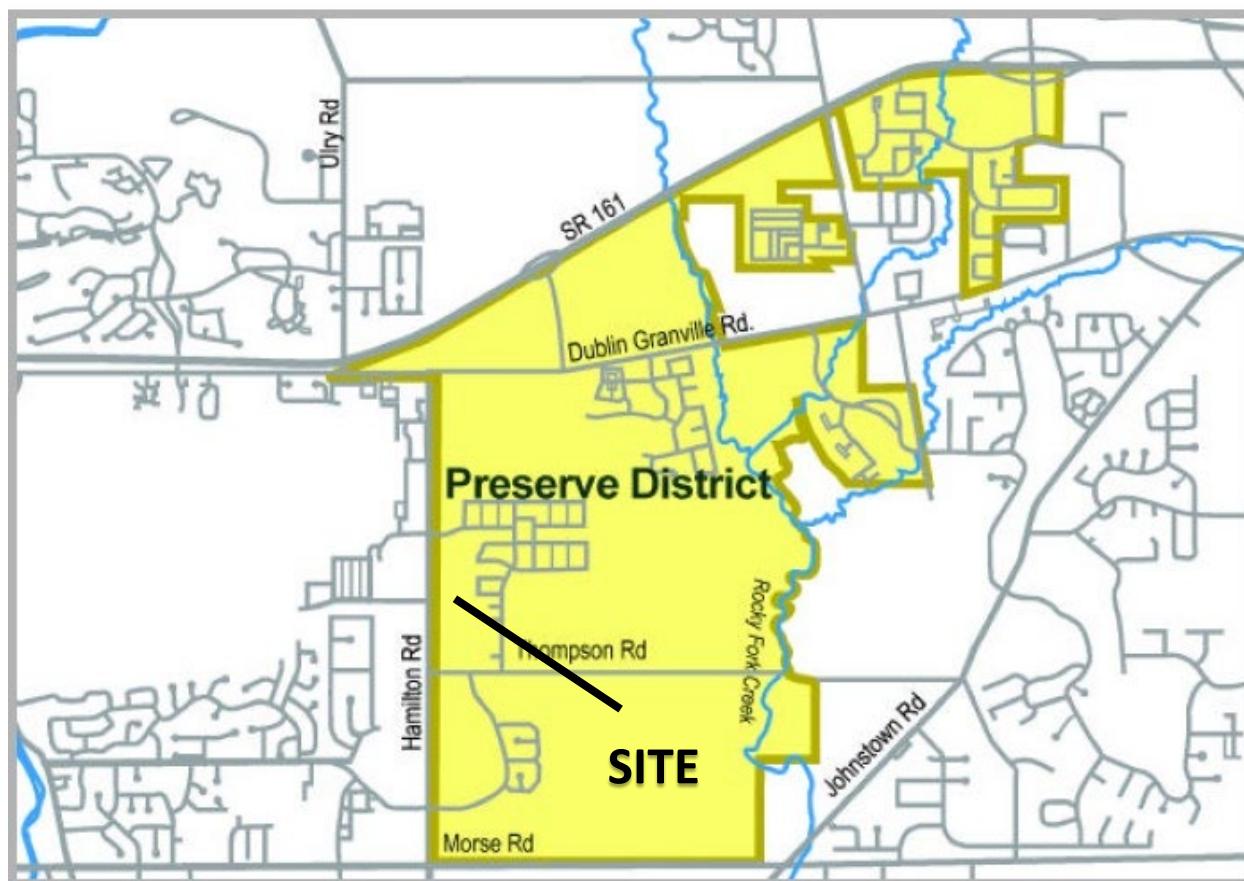
Z24-002 & CV24-130
5438 N. Hamilton Rd.
Approximately 1.55 acres
CPD to AR-2

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	<p>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; <i>Look-see September 2024</i>)</p> <p style="text-align: right;">Ashear</p> <p>Sean Mentel/Kooperman Mentel & Matt Canterbury/The Daimler Group <i>representing</i> The Daimler Group, Inc. (applicant)/Lurie Family LP (owner) 5295 N Hamilton Rd, 43230 (PID 545-257080)</p> <ul style="list-style-type: none"> • <i>The Committee approved (16-0) a motion (by APHA, second by NVHA) to RECOMMEND APPROVAL WITH ONE (1) CONDITION:</i> <ul style="list-style-type: none"> ○ 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	<p>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; <i>Look-see September 2024</i>)</p> <p style="text-align: right;">Saltzman</p> <p>Sean Mentel/Kooperman Mentel & Matt Canterbury/The Daimler Group <i>representing</i> The Daimler Group, Inc. (applicant)/C Krisiewicz, Trustee (owner) 5097 N Hamilton Rd, 43230 (PID 600-298791, 545-187777)</p> <ul style="list-style-type: none"> • <i>The Committee approved (16-0) a motion (by APHA, second by PCHA) to RECOMMEND APPROVAL of the application.</i>

Next and final meeting of 2024: *Wednesday, December 4, 2024*

First meeting of 2025: *Wednesday, January 29, 2025*

Case #3	<p>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 <i>did not support CV23-131 in December 2023 prior to OHFA funding</i>)</p>	Saltzman
	<p>Laura M. Comek/Comek Law <i>and</i> Aaron Wasserman/Homeport <i>representing</i> Homeport</p>	
	5432 N Hamilton Rd, 43230 (PID 010-295572)	
	<ul style="list-style-type: none"> <i>The Committee approved (15-0 w/ 1 abstention) a motion (by NVHA, second by PCHA) to RECOMMEND DISAPPROVAL of the application.</i>¹ 	
Case #4	<p>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)</p>	Friese
	<p>Jacob Hicks/Tenax Strategies <i>and</i> Daniel Kessler/RC Retail 2 <i>representing</i></p>	
	<p>RC Retail 2/Riviera Creek (West Albany Crossing Lot 2) 6500-6550 N Hamilton Rd, 43081 (PID 010-298433)</p>	
	<ul style="list-style-type: none"> <i>The applicant provided a presentation to the Committee and guests that fulfilled the requirements of §3389.151.</i>² 	

Executive Session

8:20 pm

Meeting Adjourned

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.

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-130

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) Laura MacGregor Comek, Esq
of (COMPLETE ADDRESS) 17 S. High St., Ste 780 Columbus, OH 43215
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. Hamilton Place Homes LLC 3443 Agler Rd Columbus, OH 43219	2. Homeport 3443 Agler Rd Columbus, OH 43219
3.	4.

Check here if listing additional parties on a separate page.

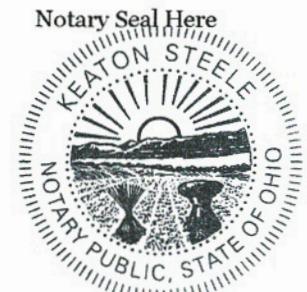
SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 7th day of February, in the year 2025


SIGNATURE OF NOTARY PUBLIC

4/08/2025
My Commission Expires

Notary Seal Here



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