

# 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

## 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 Attached.*

Signature of Applicant \_\_\_\_\_



Date \_\_\_\_\_

*10.23.23*

COUNCIL VARIANCE STATEMENT OF HARDSHIP

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Applicant: Homeport  
 c/o Laura MacGregor Comek, Esq.  
 17 S. High Street, Ste. 700  
 Columbus, Ohio 43215  
[laura@comeklaw.com](mailto:laura@comeklaw.com)  
 614.560.1488

Owner: EQ 5430 N HAMILTON LLC

Address: 5432 N Hamilton Rd.  
 Parcel Nos.: 010-295572  
 Current Zoning: CPD, Commercial Planned District  
 Date: December 13, 2023  
 CV23-131

This Statement is submitted in support of the Applicant's Council Variance Application (CV23-131).

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 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.

In this STEP ONE zoning process, the Applicant seeks a CV for a maximum 60 units. The Applicant is also seeking a reduction in the parking requirements from 1.5 spaces per unit, to 1 space per unit. This request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets (already planned for a dense commercial development and within a growth commercial corridor, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing.

The Applicant seeks the following approvals/variances, individually and in the aggregate:

From CCC Section 3361.02 - to allow multi-family residential uses on the ground floor of building(s) in the Commercial Planned Development District

From CCC Section 3361.03 – to allow development in the Commercial Planned Development District that does not follow a Development Plan

From CCC Section 3361.07 - to allow for development of not more than 60 multifamily units, with a 25 foot perimeter yard to the east and south, and without regard to the approved CPD or CPD Site Plan of Ord. 1800-2022

From CCC Section 3312.49 - to reduce required parking for apartment residential developments from 1.5 spaces per unit to 1 space per unit .

From CCC Section 3309.14 - to increase the height of buildings from 35 to 36 feet.

From CCC Section 3312.21 (A) - to eliminate internal parking lot islands and landscaping and redistribute 6 parking lot trees within the landscaped areas.

The use and standards variances 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.

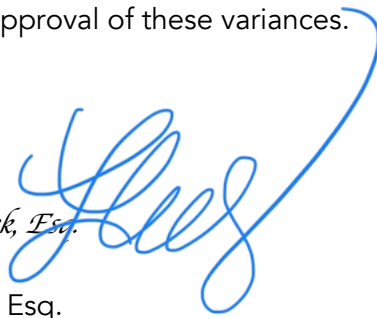
The Northland II plan supports this request, with recommendations toward use compatibilities and continuation of residential east of Hamilton Road and South of Old SR 161. To the extent that larger tract developments are encouraged toward mixed use developments, this CV accomplishes that goal, as the 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.

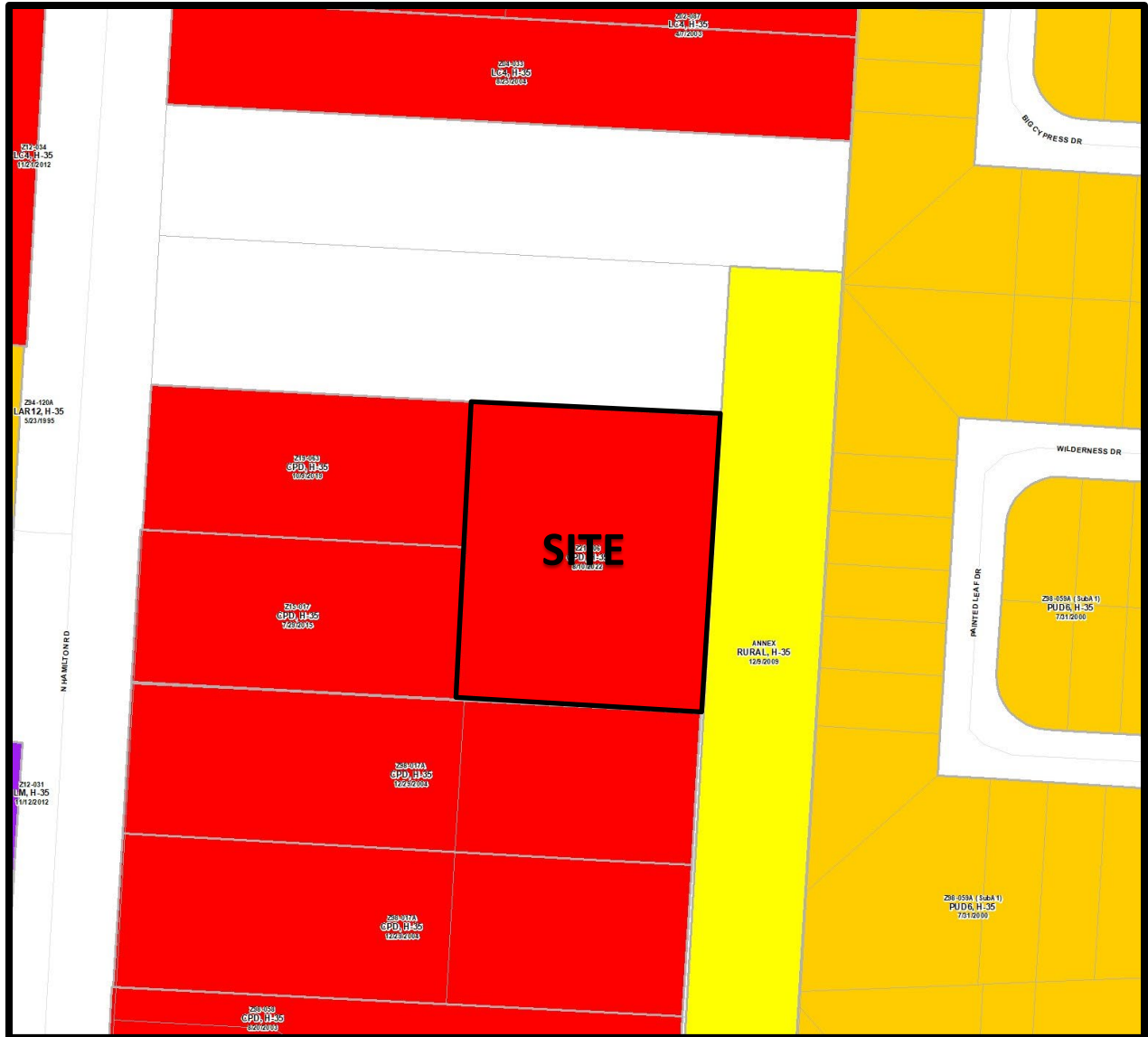
Respectfully submitted,

*/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](mailto:Laura@comeklaw.com)  
Counsel for Applicant

Enclosures:  
City Zoning Map  
Auditor map



CV23-131  
5438 N. Hamilton Rd.  
Approximately 1.55 acres

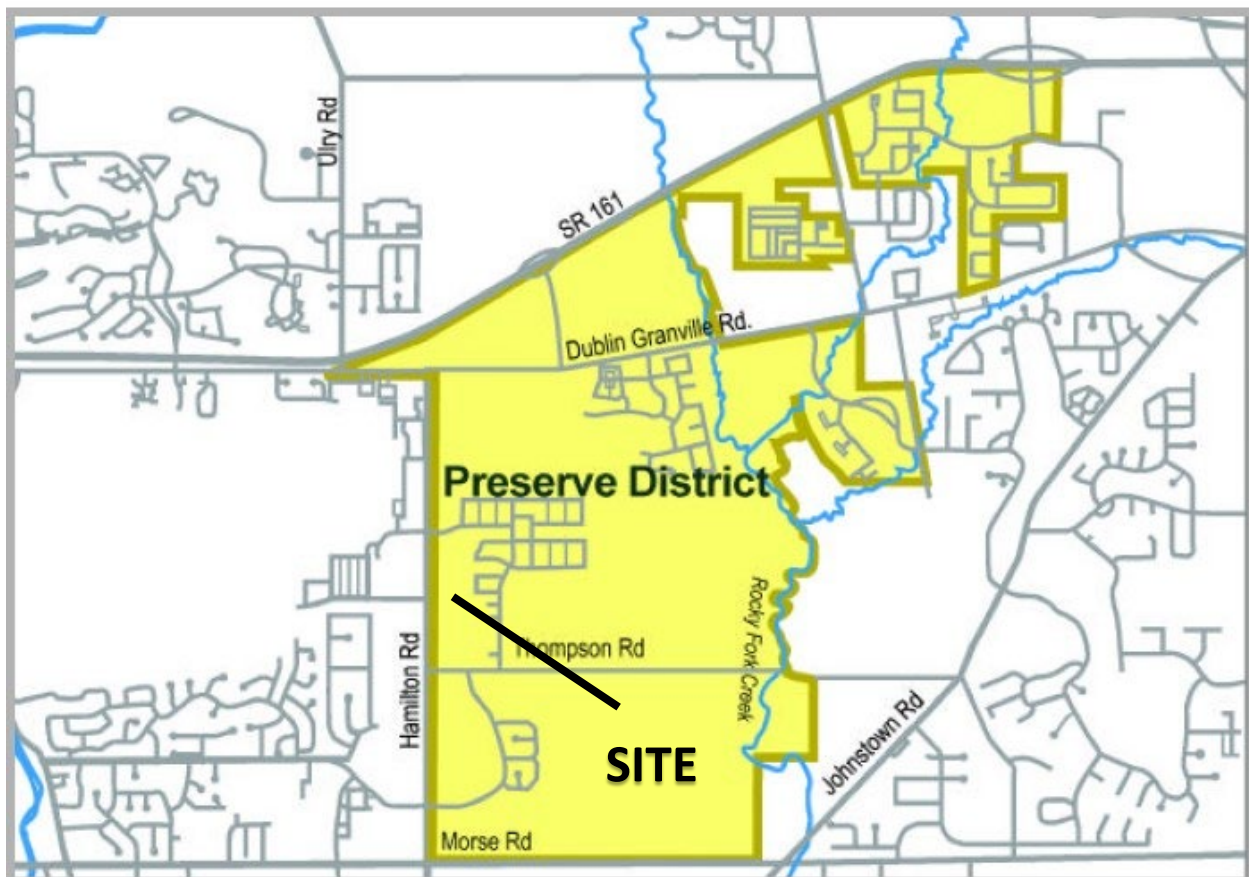


## Preserve District

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*

CV23-131  
 5438 N. Hamilton Rd.  
 Approximately 1.55 acres





CV23-131  
5438 N. Hamilton Rd.  
Approximately 1.55 acres



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

Members represented:

*Voting: (19):* Albany Park (APHA), Asherton Grove (AGCA), Blendon Chase (BCCA), Devonshire (DCA), Elevate Northland (EN), Forest Park (FPCA), Karmel Woodward Park (KWPCA), Lee/Ulry (LUCA), Little Turtle (LTCA), Maize Morse Tri-Area (MMTACA), Minerva Park (MP), North Village (NVHA), Northland Alliance (NA), Northland Area Business Association (NABA), Preston Commons (PCHA), Rolling Ridge (RRSHA), Salem (SCA), Sharon Woods (SWCA), Westerwood (WRA).

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**Case #1**      Application #CV23-093 (Council variance from §3333.02 to permit use of a 0.58 AC± property zoned AR-12 and existing structure for a shared living facility)  
 Ugo Nwoke/Aurtec Design LLC *representing*  
 Next Step Recovery Center LLC  
 2433 Teakwood Dr, 43229 (PID 010-196518) Rose

- *The Committee approved (17-0 w/ 2 abstentions) a motion (by SCA, second by RRSHA) to **TABLE** the application as agreed with the applicant.*

**Case #2**      Application #CV23-131 (Council variances from §3361.02 and §3356.03 to permit use of a 1.55 AC± property zoned CPD for up to 60 residential units (an AR-2 district use) as part of an affordable housing project at 38.7 du/AC with a 25 foot perimeter yard to the east and south, without regard to the approved CPD or CPD site plan; from §3312.49 to permit a reduction in required parking from 1.5 to 1 space per du; and from §3309.14 to permit one or more buildings with a height of 36 feet in a 35 foot height district)  
 Laura Comek/Comek Law & Aaron Wasserman/Homeport *representing*  
 Homeport  
 5432 N Hamilton Rd, 43230 (PID 010-295572) Rose

- *The Committee approved (19-0) a motion (by NVHA, second by PCHA) to **RECOMMEND DISAPPROVAL** of the application.<sup>1</sup>*

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**Executive Session** 8:00 pm

**Meeting Adjourned** 8:30 pm

<sup>1</sup> Concerns expressed by Committee members and neighbors included the inability of the applicant to provide any parking for guests, service providers, and other non-residents within the current site plan; excessive density compared to surrounding residential districts; access to/from Hamilton Road requiring use of an access easement that includes the bank drive-through; traffic impact at the uncontrolled Hamilton Road intersection; and lack of nearby COTA transit service other than the Park & Ride at 5050 N Hamilton.

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**PROJECT DISCLOSURE STATEMENT**

APPLICATION #: 131

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) L.M. Comek, Esq  
of (COMPLETE ADDRESS) 17 S. High St., Ste 700 Cols., OH 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. <u>Columbus Housing Partnership dba Homeport 3443 Agler Rd. Cols. OH 43219 ~ 35 ees</u>	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 6<sup>th</sup> day of November, in the year 2023

[Signature]  
SIGNATURE OF NOTARY PUBLIC

[Signature]  
My Commission Expires



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