

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

APPLICATION: CV24-103

**Location:** 897 E. MOUND ST. (43205), being 1.06± acres located on the

south side of Mound Street, 90± feet east of Andrew Street (010045527, 010057084, part of 010057080, and part of 010-

010517; Near East Area Commission).

**Pending Zoning:** AR-2, Apartment Residential District.

**Proposed Use:** Apartment building.

Applicant(s): Community Housing Network, c/o Dave Perry, Agent; David

Perry Company, Inc.; 411 East Town Street, First Floor;

Columbus, OH 43215, and Donald Plank, Atty.; 411 East Town

Street, Second Floor; Columbus, OH 43215.

**Property Owner(s):** City of Columbus – Land Bank, c/o John Turner; 845 Parsons

Avenue, Columbus, OH 43206.

Planner: Alyssa Saltzman; 614-645-9625; <a href="mailto:ADSaltzman@columbus.gov">ADSaltzman@columbus.gov</a>

#### **BACKGROUND:**

- The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3320-2024; Z23-070) to the AR-2, Apartment Residential District. The requested Council Variance will allow the development of a 50-unit apartment building as shown on the submitted site plan. Variances to building height, parking lot screening, building lines and reduced parking from 75 to 25 spaces are included in the request.
- North, south, east, and west of the site there are a mix of single, double, and multi-unit dwellings, all in the R-2F, Residential District.
- The site is within the planning boundaries of the Near East Area Plan (2005), which does not have a specific land use at this location, but contains design recommendations for residential projects.
- The site is located within the boundaries of the Near East Area Commission whose recommendation is for approval.
- Staff recognizes that there are practical difficulties for the variances included in the request.

#### **CITY DEPARTMENTS' RECOMMENDATION:** Approval.

The requested Council Variance will allow the development of a 50-unit apartment building, providing needed affordable housing. While the Near East Area Plan does not have a recommended land use for this location, staff recognizes the site's proximity to Nationwide Children's Hospital, a major employment center, and East Main Street, a transit oriented mixed-use corridor, as reasons to support the proposed parking reduction at this location. The request is also consistent with the Plan's design guidelines, and the applicant's statements in support of the project are acknowledged, the proposal as presented.

Exhibit B, page 1 ORD #3321-2024; CV24-103, Page 3 of 9

THE CITY OF COLUMBUS
ANDREW J. GINTHER MAYOR

## **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.

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:

| <ol> <li>Whether the property in question will yield a reasonable return or whether there can be any beneficial use of<br/>the property without a variance.</li> <li>Yes No</li> </ol>          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CV23-117 (Ord. 0062-2024, passed 01/08/2024) permits the proposed development (56 DU). With                                                                                                     |
| final design, the project has been reduced to 50 DU. Applicant has secured Ohio Housing Finance                                                                                                 |
| Agency (OHFA) funding for the project, Rezoning Z23-070 is pending to rezone the site to AR-2.                                                                                                  |
| 2. Whether the variance is substantial.  ☐ Yes ✓ No                                                                                                                                             |
| Variance CV23-117, Ord. 0062-2024, passed 01/08/2024 is approved. Applicant has secured OHFA                                                                                                    |
| funding for the project (50 DU), Rezoning app. Z23-070 is pending to rezone the site to AR-2 and this                                                                                           |
| variance app submitted for variance in accordance with City process policy for affoerdable housing.                                                                                             |
| 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 |
| The essential character of the neighborhood won't be altered. The NEAC area has many types/forms                                                                                                |
| of housing. An apartment building is permitted by CV23-117, Ord. 0062-2024, Rezoning Z23-070 and                                                                                                |
| this variance are submitted in accordance with City process for affordable housing.                                                                                                             |

THE CITY OF

ORD #3321-2024; CV24-103, Page 4 of 9 **Council Variance Application** 

DEPARTMENT OF BUILDING AND ZONING SERVICES

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| 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).  Yes No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|
| There will be no effect on the delivery of governmental services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |  |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |  |  |
| 5. Whether the property owner purchased the property with knowledge of the zoning restriction.  ☐ Yes ☑ No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |  |
| The applicant (Community Housing Network) hasn't purchased the property. A variance (CV23-117,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |  |  |
| Ord. 0062-2024, passed 01/08/2024) for the development has been approved by Columbus City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |  |  |
| Council. While applicant was aware of variance requried in the R-2F, that variance has been approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |  |  |  |
| 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.  ☐ Yes ☑ No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |
| The rezoning and follow-up variance is consistent with City of Columbus policy for processing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |  |  |  |
| affordable housing developments by variance pending funding (OHFA or other sources) and then                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |  |  |  |
| processing rezoning app and second variance app, as applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |  |  |  |
| 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.  ✓ Yes ☐ No  The spirit and intent of the zoning requirement is maintained with the approved variance, follow-up rezoning/variance in accordance with City policy for funded affordable housing projects and City of                                                                                                                                                                                                                                                                    |  |  |  |  |
| Columbus policy in support of affordable housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |  |  |  |
| 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 Exhibit B, page 3. Rezoning application Z23-070 is pending to rezone the site to the AR-2 district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |  |  |  |
| This application (CV24- ) is submitted as a companion application to Z23-070 for applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |
| variances. Both applications are follow-up applications to CV23-117, Ord. 0062-2024, passed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |  |  |  |
| 01/08/2024, in accordance with City of Columbus policy for funded affordable housing developments.  The variances are comparable to CV23-117. Applicant is an affordable housing builder providing                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |  |  |
| housing for residents with up to 60% Area Median Income (AMI).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |  |  |
| - The sale had a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |  |  |  |
| Signature of Applicant bond Blein Agent Date 8-14-2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |  |  |  |
| Signature of Attorney Date 2/14/24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |  |  |  |

CV24-103 897 E Mound Street, Columbus, OH 43205 Exhibit B (page 3) Variances: 11/22/2024

- 1). Section 3309.14, Height Districts, to increase permitted height from 35' to 40' for a three (3) story apartment building in the H-35 Height District.
- 2). Section 3312.21(B)(3)(D)(1)(b), Landscaping and Screening, to not provide parking lot screening on the east side of the driveway from E. Mound Street and the north side of a parking lot aisle and to reduce the south parking setback from the south property line for the west 25' of the south row of parking from 4' to 3', and to reduce the north parking setback from 4' to 2' for approximately 35' +/- along the dumpster and part of the adjacent aisle, as depicted on the Site Plan.
- 3). Section 3312.49, Required Parking, to reduce required car parking from 75 spaces for 50 dwelling units to 25 spaces.
- 4). Section 3333.18(E), Building Lines, to reduce the E Mound Street building setback from 14.5' (calculated) to 10'.
- 5). Section 3333.23, Minimum Side Yard Required, to reduce the north and east side yard setback for a dumpster box from 5' to 3' and 2', respectively.



Z23-070 & CV24-103 R-2F to AR-2 897 East Mound Street Approximately 1.059 acres



Z23-070 & CV24-103 R-2F to AR-2 897 East Mound Street Approximately 1.059 acres



## **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)

| (PLEASE PRINT)                     |                                                         |                     |        |      |   |
|------------------------------------|---------------------------------------------------------|---------------------|--------|------|---|
| Case Number                        | Z23-070 & CV24-1                                        | .03                 |        |      |   |
| Address                            | 897 EAST MOUNI                                          | D STREET            |        |      |   |
| Group Name                         | NEAR EAST AREA                                          | A COMMISSION        |        |      |   |
| <b>Meeting Date</b>                | 10/0/                                                   | 2024                |        |      |   |
| Specify Case Type                  | BZA Variance / S                                        |                     |        |      |   |
|                                    | <ul><li>✓ Council Variance</li><li>✓ Rezoning</li></ul> |                     |        |      | 1 |
|                                    | ☐ Graphics Varian                                       | ce / Plan / Special | Permit |      |   |
| Recommendation<br>(Check only one) | Approval  Disapproval                                   |                     |        |      |   |
| LIST BASIS FOR RECO                | OMMENDATION:                                            |                     |        |      | , |
|                                    |                                                         |                     |        |      | , |
|                                    |                                                         |                     |        |      |   |
|                                    |                                                         |                     |        |      |   |
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|                                    |                                                         |                     |        |      |   |
|                                    |                                                         |                     |        |      |   |
|                                    |                                                         |                     |        |      | : |
|                                    |                                                         |                     |        |      |   |
| Vote                               | _                                                       | 9/9                 | 12     |      |   |
| Signature of Authori               | zed Representative                                      |                     |        |      |   |
| Recommending Grou                  | ıp Title                                                | cha                 |        |      |   |
| Daytime Phone Num                  | ber _                                                   | 4                   | - 403- | 2225 |   |

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.



# ORD #3321-2024; CV24-103, Page 9 of 9 **Council Variance Application**

**DEPARTMENT OF BUILDING** AND ZONING SERVICES

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| PROJECT DISCLOSURE STATEMENT                                    | APPLICATION #: CV24-103                                                    |
|-----------------------------------------------------------------|----------------------------------------------------------------------------|
| Parties having a 5% or more interest in the project that is the | e subject of this application.                                             |
|                                                                 | AND NOTARIZED. Do not indicate 'NONE' in the space provided.               |
| THE THE DISTORT BETTELLY A                                      | NOTARIZED. Do not indicate NONE in the space provided.                     |
| COUNTY OF FRANKLIN                                              |                                                                            |
| Being first duly cautioned and sworn (NAME) Donald              | Plank                                                                      |
| of (COMPLETE ADDRESS) Plank Law Firm, 411 Ea                    | ast Town Street, Floor 2, Columbus, OH 43215                               |
| leposes and states that they are the APPLICANT AGENT O          | P. DIJLY AUTHORIZED ATTORNEY FOR SAME and the following is a               |
| ist of all persons, other partnerships, corporations or entitie | s having a 5% or more interest in the project which is the subject of this |
| application in the following format:                            |                                                                            |
| a.                                                              |                                                                            |
| 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. City of Columbus - Land Bank                                 | 2. Community Housing Network                                               |
| 845 Parsons Avenue, Columbus, OH 43206                          | 1680 Watermark Drive, Columbus, OH 43215                                   |
| Number of Columbus-based employees: 10,000+                     | Number of Columbus-based employees: 114                                    |
| Contact: John Turner, (614) 645-2551                            | Contact: Doug Decker, (614) 327-0867                                       |
| 3.                                                              | 4.                                                                         |
|                                                                 |                                                                            |
|                                                                 |                                                                            |
| Check here if listing additional parties on a separate p        | age.                                                                       |
| 1) 2001 7                                                       | DC L                                                                       |
| SIGNATURE OF AFFIANT VIKALOK 1                                  | Mente                                                                      |
| Sworn to before me and signed in my presence this               | day of                                                                     |
| Marsalice Wolf                                                  | Notary Seal Here                                                           |
| SIGNATURE OF NOTARY PUBLIC                                      | My Commission Expires                                                      |
| MaryAlice Wolf                                                  |                                                                            |

Notary Public, State of Ohio My Commission Expires: October 24, 2028

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