

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

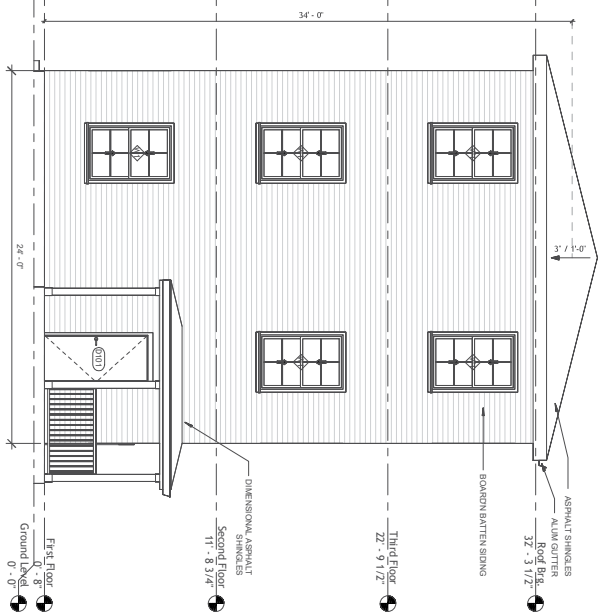
APPLICATION: CV24-117
Location: 1378 MT. VERNON AVE. (43203), being 0.09± acres on the north side of Mt. Vernon Avenue, 310± feet west of Graham Street (010-034776; Near East Area Commission).
Existing Zoning: R-3, Residential District.
Proposed Use: Three-unit dwelling.
Applicant(s): Pink Development and Construction LLC; P.O. Box 12128; Miami, FL 33101.
Property Owner(s): Kylan Hansard; c/o Tara Williams, Agent; 3075 Elmreeb Avenue; Columbus, OH 43219.
Planner: Joe Rose; 614-645-3526; jmrose@columbus.gov

BACKGROUND:

- The site consists of one undeveloped in the R-3, Residential District. A concurrent rezoning to the R-4, Residential District has been recommended for approval by the Development Commission and City Staff. The requested Council variance will allow reduced development standards for a three-unit dwelling at this location.
- The requested Council variance includes variance to lot width, lot area, side yards, and a reduction in the number of required parking spaces from six to three spaces.
- To the north, south, east and west are single-unit dwellings in the R-3, Residential District.
- The site is located within the planning boundaries of the *Near East Area Plan* (2005), which does not recommend a specific land use at this location.
- 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 with the reduction in required parking, reduced lot width, and reduced lot area, side yard variances included in the request.

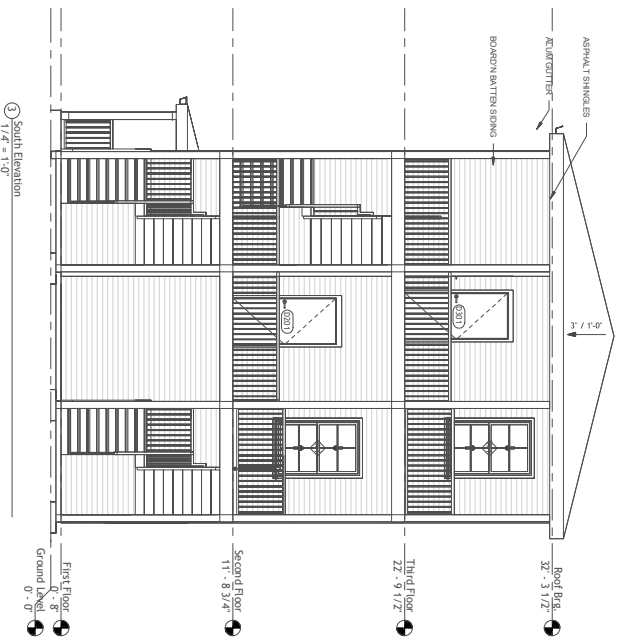
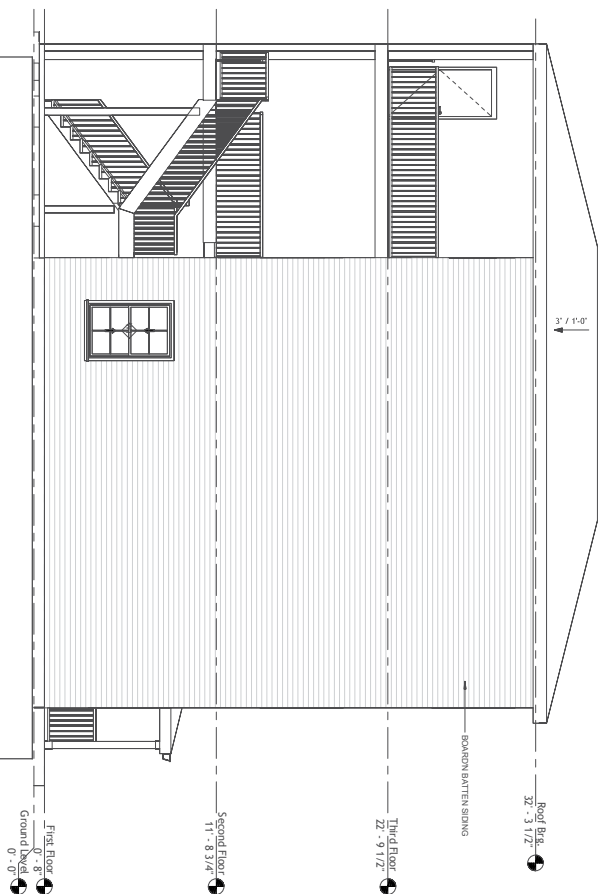
CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested Council variance will allow reduced development standards for a three-unit dwelling at this location. Staff support the request as the site plan and elevations are consistent with the *Near East Area Plan's* (2005) design guidelines and are reflective of the development pattern of the neighborhood.

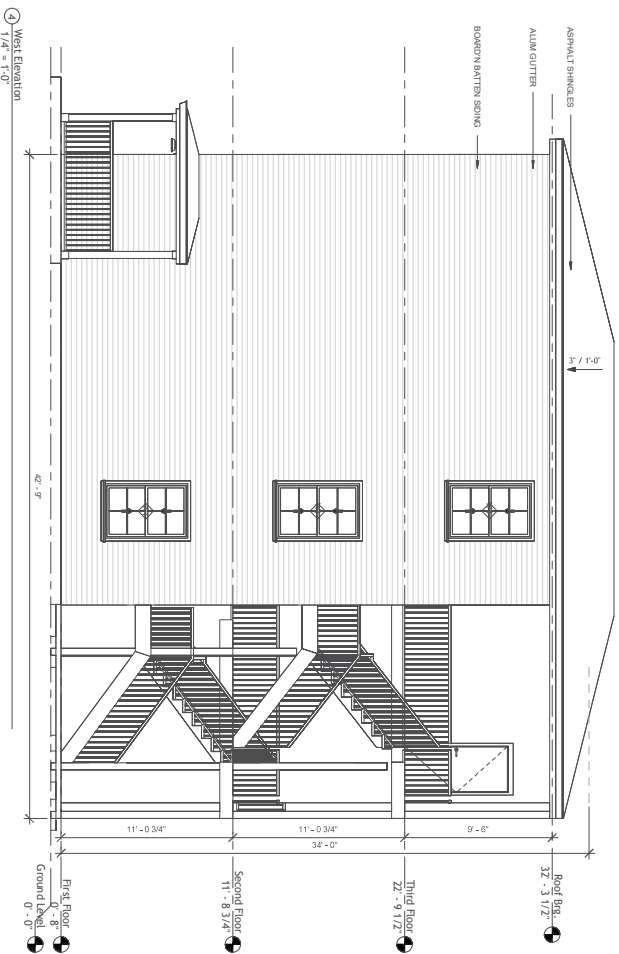


① North Elevation
1/4" = 1'-0"

② East Elev
1/4" = 1'



③ South Elevation
1/4" = 1'-0"



④ West Elevation
1/4" = 1'-0"

[illegible]

3 STORY
STACKED
TRIPLEX

ELEVATIONS

Project Number	00068
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Date 01/04/2025

Checked By

A-4.0

Scale 1" = 15'-0"

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:

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

The property in question lies in an R3 zoning district which has very difficult zoning to construct another use which is a triplex and only permits single family homes. The R4 zoning district allows for a triplex use or up to 4 units.

2. Whether the variance is substantial.

☐ Yes ☒ No

The variances we are requesting are very minor and common for council variances. We purchase infill lots with investors both local and out of state and construct a consistent residential triplex. We have looked at all zoning districts and R-4 is the most consistent and reduces the number of variances. There is only a few minor variances that are common and consistent in infill lots.

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

Multifamily properties 1-3 family are considered residential by building codes. The districts we are applying for are also residential zoning districts but apply to apartments and are less restrictive. The side yards we are proposing are consistent. The parking reductions are consistent. The height district is not being modified. We are providing ample parking where possible without stacking. We have developed a triplex design that is consistent with the residential blend of the neighborhood by having one door in the front it appears to look like a single family home. Multifamily has been a long part and consideration of the city of Columbus. Every street we look at lots has multifamily on it. Based on the above, we don't believe the neighborhood nor any neighbors or adjoining properties will ever suffer detriment. Most of these lots are infill lots that have been sitting vacant for years and on the market for years.

Council Variance Application

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111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

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

☐ Yes ☒ No

No, this is a residential building and we tie into existing stormwater based on the requirements. In addition, we have set aside refuse areas and the water and sewer taps that we use are shared taps that are sub metered at the house. One supply line for each with minimum capacity requirements permitted by the city. Governmental services are not detrimentally affected.

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

☒ Yes ☐ No

Yes, we are aware of the zoning when we purchase these properties. The majority of infill lots we purchase do not allow for the triplex use or require substantial variances to get them. In addition, with this knowledge we can't prove hardship so we also introduce rezoning application with each one of these concurrent council variances so both are considered at the same time. We do have knowledge of the zoning restriction, but the rezoning application is to allow for the use.

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

☐ Yes ☒ No

No, city council and the attorney recently stated: "As for the area variances that accompanied the use variance applications, those Council dismissed due to lacking jurisdiction to hear the requests following the denial of the use variances. If you still wish to pursue those area variances you would need to make application to the BZA." for CV24-022 and CV24-030. Based on this, the council variance process alone is not the correct pathway. There is no other way to permit the construction of these without rezoning as well as the concurrent council variance to accommodate both issues with infill lots. We believe this to be the most consistent process by which to achieve approval.

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

☒ Yes ☐ No

Yes we believe so because both the zoning code and development standard within the city of columbus along with the complexities of infill lots and irregular shaped lots make this process very cumbersome. The rezoning and concurrent council variance for this accommodates the remaining variances necessary to achieve triplex new construction approval. Both the rezoning and council variance are heard at the same time and are necessary to construct this triplex which is consistent throughout infill lots that we identify.

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):

3332.15 - to reduce the required lot size for a three family dwelling to 3782 sq ft lot (31' wide x 122' long = 3782 sq ft lot per auditor 3813 sq ft lot / 43560 sq ft per acre = 0.086 acre lot)

3332.05 - to reduce the required lot width from 50' to 31'

3312.49: to reduce required parking from 6 parking spaces to 3

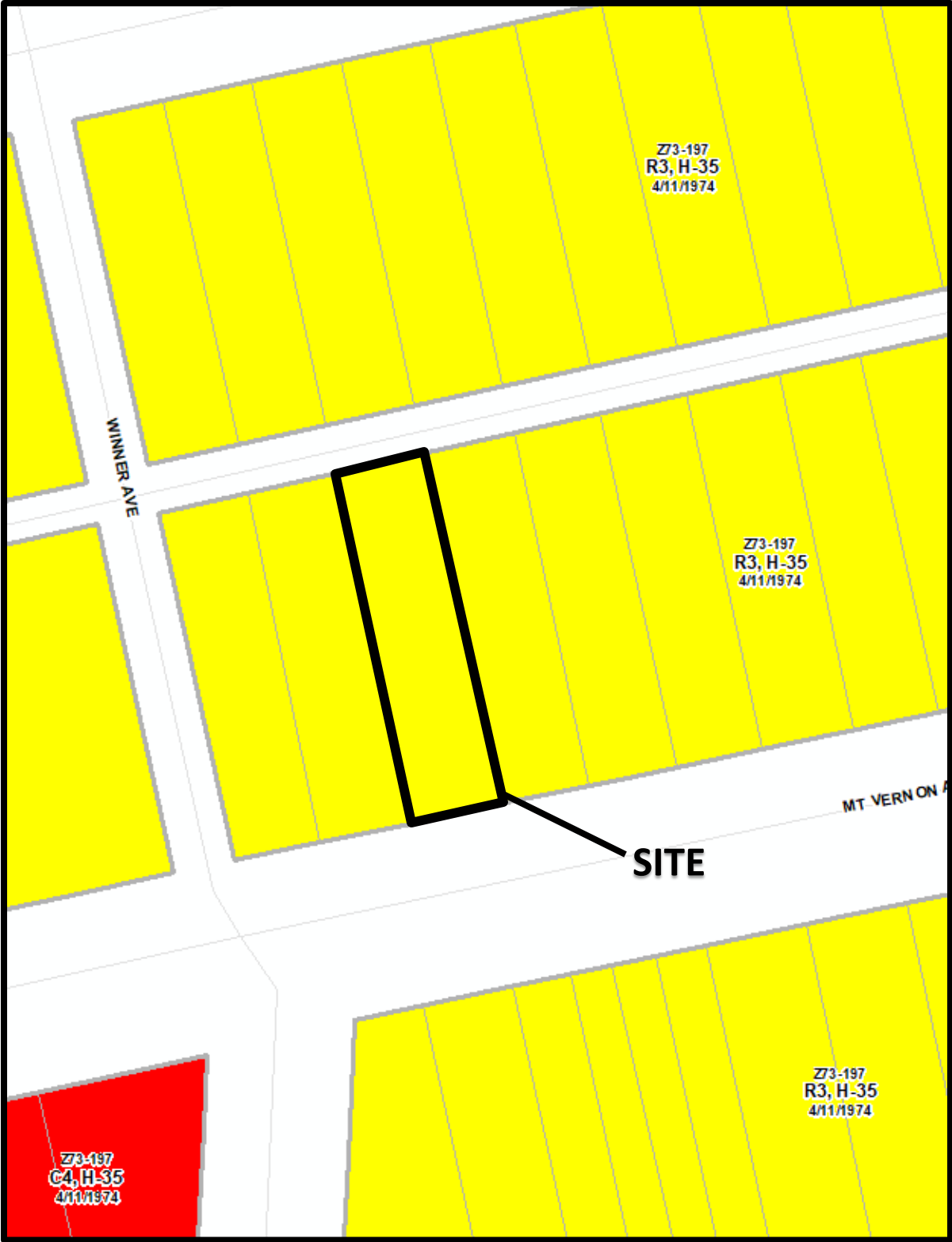
3332.26(F) - to reduce the required side yards from 5.79' to 3.5' on each side (34.75' tall * 1/6 height side yard = 5.79' side yard)

Signature of Applicant

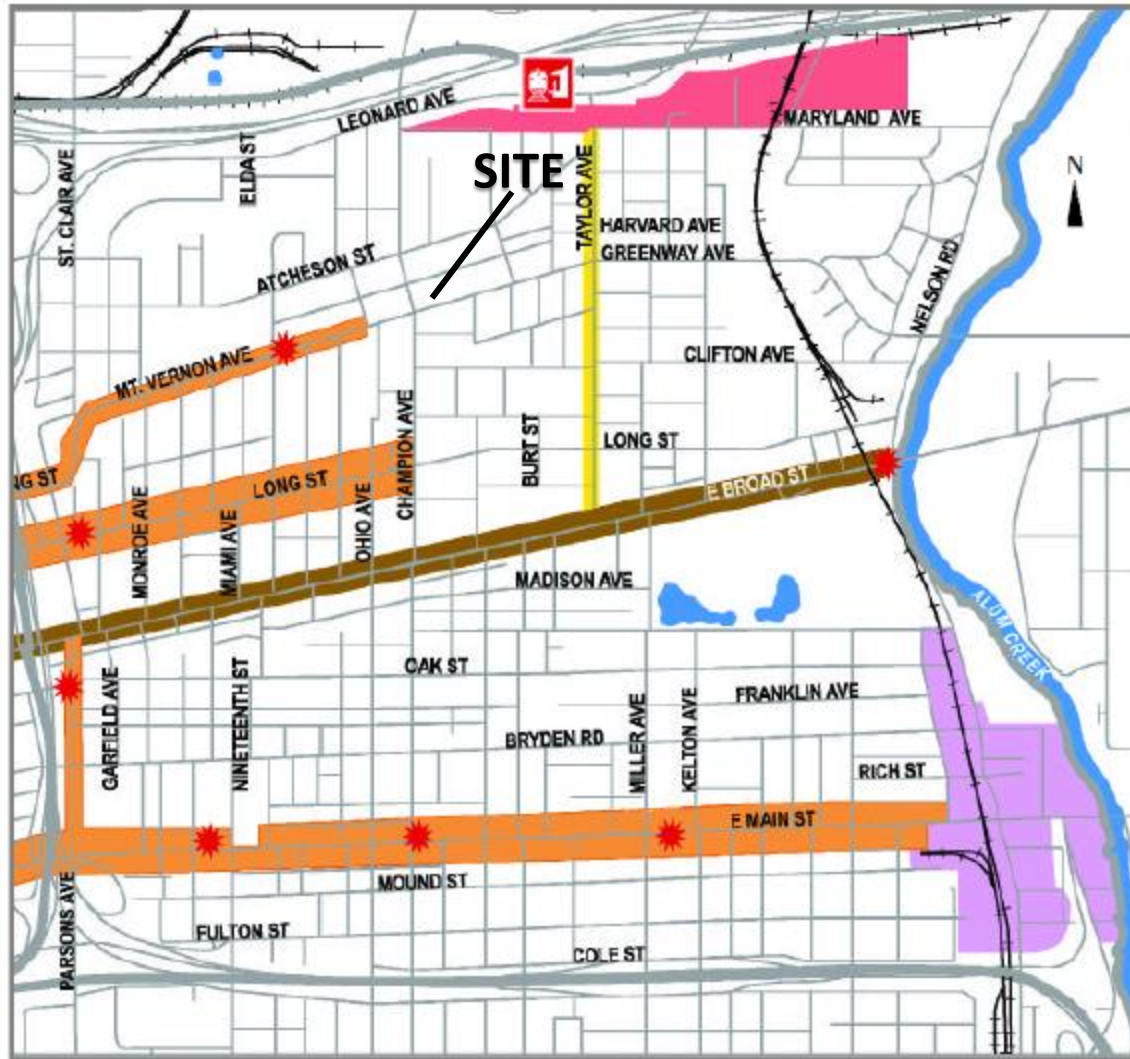
Robert Ellis as officer

dotloop verified
 11/20/24 1:21 PM EST
 8B7D-CFNP-26EJ-USRM

Date 09/24/2024



CV24-117
1378 Mt. Vernon Ave.
Approximately 0.09 acres



- 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

CV24-117
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Approximately 0.09 acres



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DEPARTMENT OF BUILDING
AND ZONING SERVICES

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FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number Z24-049 & CV24-117

Address 1378 MT. VERNON AVENUE

Group Name NEAR EAST AREA COMMISSION


Meeting Date 12/12/2024

Specify Case Type
☐ BZA Variance / Special Permit
☒ Council Variance
☒ Rezoning
☐ Graphics Variance / Plan / Special Permit

Recommendation
(Check only one) ☒ Approval
☐ Disapproval

LIST BASIS FOR RECOMMENDATION:

Vote 11-0-2

Signature of Authorized Representative 

Recommending Group Title Chair

Daytime Phone Number 614403 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.

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-117

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) Robert Ellis / Pink Development and Construction LLC
of (COMPLETE ADDRESS) PO Box 12128, Miami FL 33101

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. Pink Development and Construction LLC Attn: Robert Ellis 614-400-8762 PO Box 12128 Miami, FL 33101 0 columbus oh based employees	2. Seminole 33 Investments LLC Mr. Vegliante / (917) 497-2510 177A East Main Street Unit # 271 New Rochelle NY 10801 0 columbus oh employees
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Robert Ellis as member

Sworn to before me and signed in my presence this 23 day of September, in the year 2024

Bruce Toledo
Notarized online using audio-video communication
SIGNATURE OF NOTARY PUBLIC

9-26

Notary Seal Here

My Commission Expires



res six (6) months after date of notarization.