

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

APPLICATION: CV24-086
Location: 1876 N. 4TH ST. (43201), being 0.13± acres located on the east side of North 4th Street, 50± feet north of East 17th Avenue (010-021146; University Area Commission & University Impact District Review Board).
Existing Zoning: AR-4, Apartment Residential District.
Proposed Use: Medical office.
Applicant(s): Forward Health LLC; c/o Alex Medvec; 6020 Groveport Road; Groveport, OH 43125
Owner(s): The Applicant.
Planner: Brandon Carpenter; 614-645-1574; bmcarpenter@columbus.gov

BACKGROUND:

- The requested Council variance will allow a medical office use within an existing rooming house. Variances to required parking and lot width are also included in the request. The site is also subject to the University District Zoning Overlay (UDZO).
- A Council variance is required because the AR-4, Apartment Residential District does not allow medical office uses.
- North, south and west of the site are apartment buildings in the AR-4, Apartment Residential District. East of the site is a 2-unit dwelling in the R-4, Residential District.
- The site is within the planning area of the *University District Plan (2015)*, which recommends “Medium Intensity Residential” land use for this location.
- The site is located within the boundaries of the University Area Commission and the University Impact District Review Board, whose recommendations are both for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this proposed use.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

Staff notes that the proposal is generally consistent with Plan’s design guidelines and with the existing mixed-use character of this portion of the North 4th Street corridor. Additionally, the proposed use will preserve a contributing structure that will remain externally unchanged.

Council Variance Application

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:

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

See attached Statement of Hardship.

2. Whether the variance is substantial.

Yes No

See attached Statement of Hardship.

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

See attached Statement of Hardship.

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

Yes No

See attached Statement of Hardship.

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

Yes No

See attached Statement of Hardship.

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

Yes No

See attached Statement of Hardship.

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

Yes No

See attached Statement of Hardship.

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 attached Statement of Hardship.

Signature of Applicant



Date 7/22/24

STATEMENT OF HARDSHIP

Property Address: 1876 North Fourth Street, Columbus, Ohio 43201

Applicant: Forward Health LLC c/o Alex Medvec

The subject property is located along North Fourth Street south of East 18th Avenue and north of East 17th Avenue. The subject property is currently zoned in the AR-4 zoning district and is located within the University Area Commission. The applicant is proposing to utilize the property for office space for counseling services.

To the north and south are AR-4 zoning districts developed with existing residential units, to the west are existing residential units zoned in the AR-4 zoning district, and to the east are existing residential units zoned in the R4 zoning district. The University District Area Plan recommends Medium Intensity Residential uses for the subject property.

The applicant is requesting a council use variance from Section 3333.035 to permit office building or offices, including medical offices for counseling services.

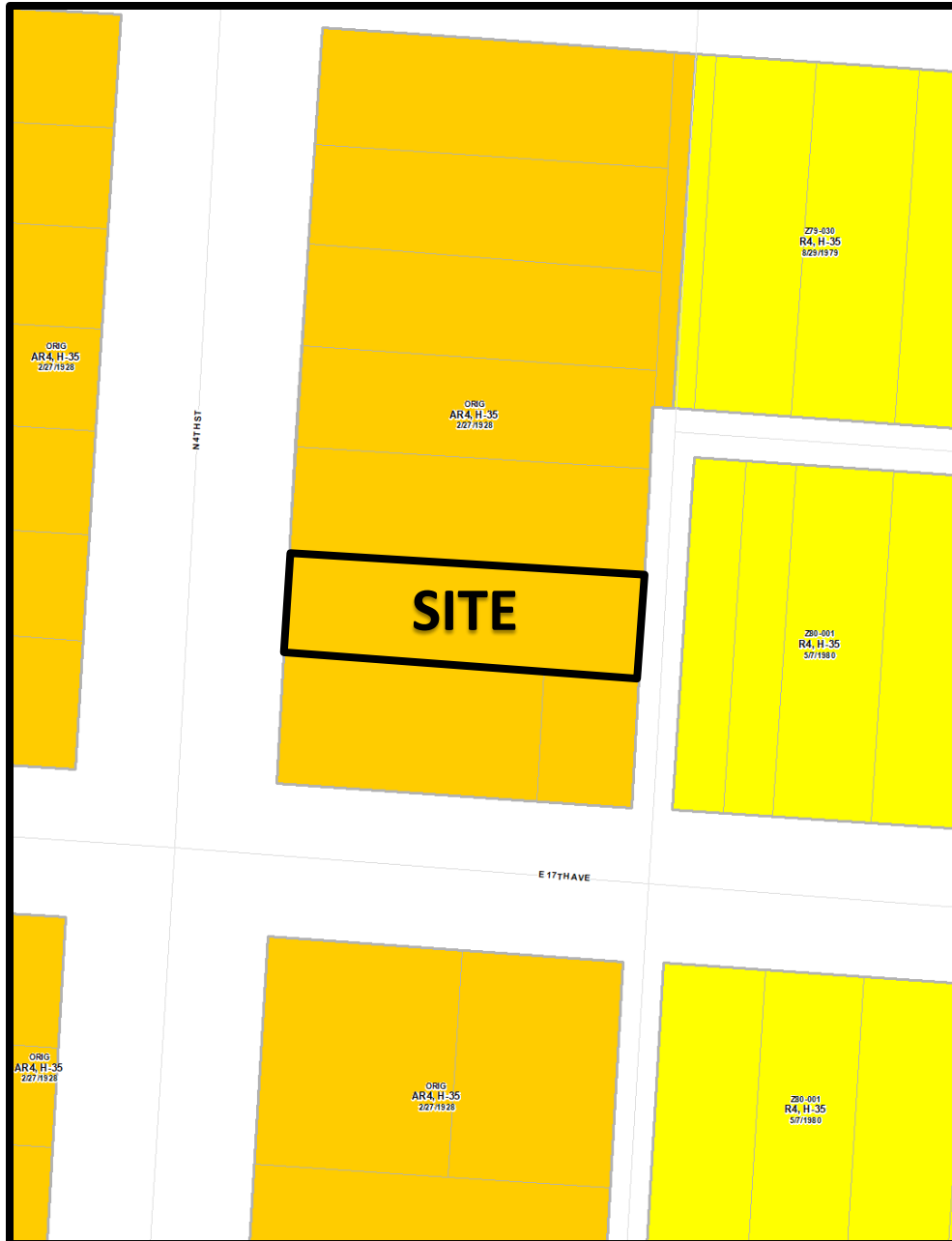
In addition to the use variance, the applicant is also requesting a variance from Section 3333.09 requiring a fifty (50) foot lot width to allow for the existing forty (40) foot lot width and a variance from Section 3312.49 requiring ten (10) parking spaces to allow for the existing eight (8) parking spaces.

Factors:

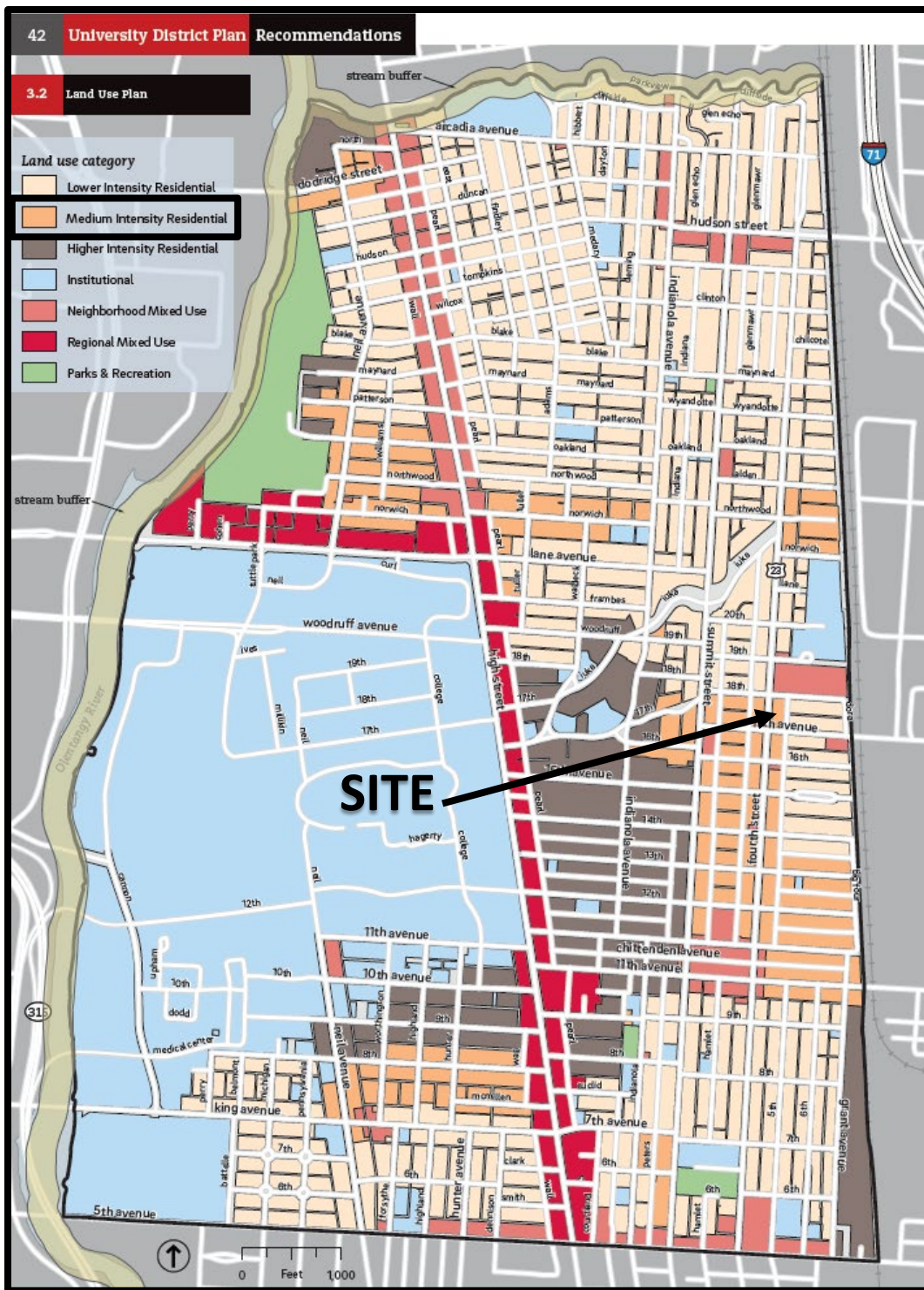
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 - a. The grant of the above variances will allow the subject property to be used for office space for counseling services.
2. Whether the variance is substantial.
 - a. The grant of the above variances are not substantial because allowing counseling services as a permitted use will not dramatically increase the use of the subject property, the lot width variance is only a variance of ten (10) feet, and the parking space variance is only for two (2) parking spaces.
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.
 - a. The grant of the above variances would not substantially alter the neighborhood or cause adjoining properties to suffer a substantial detriment because allowing counseling services at the subject property would not dramatically increase the use of the subject property beyond a multi-family residence for student housing, the lot width variance is only to address a prior nonconforming lot width which is consistent with adjoining properties which predate the current zoning code, and the parking variance would allow for the existing parking lot to be utilized without additional construction/modifications. Further, the applicant offers to have privacy fencing installed along the northerly side and southerly side of the parking area as well as have a wooden lattice panel privacy screen installed on the northerly side of the back deck.

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
 - a. The grant of the above variances will not adversely affect the delivery of governmental services as the use will not dramatically increase of the subject property beyond a multi-family residence for student housing and the lot width and parking variances will have no bearing on the delivery of government services.
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 - a. The property owner purchased the property with the knowledge of the zoning restrictions but wishes to obtain the above requested variances to provide counseling services to the Ohio State University community. The proximity of this property to student housing will allow students to have easy access to counseling services close to their homes making the counseling services more accessible which will help to serve a greater population.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 - a. The property owner's predicament cannot be obviated without a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 - a. The spirit and intent of the zoning requirement would be observed and substantial justice done by granting the variances because adding the use to provide counseling services to the Ohio State University community would be beneficial the community and the lot width variance allows a prior nonconforming lot width to become conforming via a variance. Further, providing ten (10) parking spaces that meet the minimum standards may not be possible given the layout and constraints of the existing lot. The parking variance would allow for the existing parking area layout to be utilized and to become conforming via a variance.

Jacob Schroeder, Esq.
Vorys, Sater, Seymour and Pease LLP



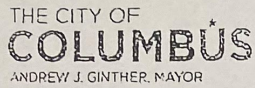
CV24-086
1876 N. 4th St.
Approximately 0.13 acres



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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)

Case Number CV24-086

Address 1876 N. 4th St.

Group Name Forward Health c/o Alex Medvec

Meeting Date 12-18-24

- 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:

3 Variances passed -

- 3333.035 AR4 apartment Res. dist. USC
- 3333.09 Area Requirements
- 3312.49 Parking

Vote 10 - yes 0 - No 2 - Abstain

Signature of Authorized Representative Seth Golding - Zoning Chair

Recommending Group Title University area Commission

Daytime Phone Number 614-375-0872 Seth Golding

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD

111 North Front Street, Third Floor
Columbus, Ohio 43215
(614) 645-8062

	RECOMMENDATION
UIDRB case no.	COA2400130
Zoning/ Variance case no.	CV24-086
Property address	1876 N. High St.
UIDRB Hearing date	August 22, 2024
Applicant	Jacob Schroeder
Issue date	August 26, 2024

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (614-645-4522 / 111 North Front Street, First Floor) and following all other applicable codes and ordinances of the City of Columbus.

The University Impact District Review Board hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the City of Columbus Planning Division within the Department of Development. The Board has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3325.115.

Variance or Zoning Change Request

- | | |
|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Graphics |
| <input checked="" type="checkbox"/> Parking Variance | <input type="checkbox"/> Special permit |
| <input checked="" type="checkbox"/> Change of Use | <input type="checkbox"/> Setbacks |
| <input type="checkbox"/> Lot Split | <input checked="" type="checkbox"/> Other |

TYPE(S) OF ACTION(S) REQUESTED:

Variances to:

- Section 3333.035 to permit office building or offices, including medical offices for counseling services.
- Section 3333.09 requiring a fifty (50) foot lot width to allow for the existing forty (40) foot lot width
- Section 3312.49 requiring ten (10) parking spaces to allow for the existing eight (8) parking spaces.

RECOMMENDATION:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> SUPPORT REQUESTED
VARIANCES OR ZONING
CHANGE | <input type="checkbox"/> DO NOT SUPPORT
REQUESTED VARIANCE OR
ZONING CHANGE | <input type="checkbox"/> NO ACTION TAKEN |
|--|---|--|

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.



Stephanie N. Kensler
University Impact District Review Board, Staff



Council Variance Application

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DEPARTMENT OF BUILDING
AND ZONING SERVICES

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-086

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) Jacob Schroeder
of (COMPLETE ADDRESS) 52 East Gay Street, Columbus, Ohio 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

<p>1. Forward Health LLC Alex Medvec 614-900-4262 6020 Groveport Road, Groveport, Ohio 43215 48 employees work in Groveport, Ohio with 11 looking to be relocated to Columbus.</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Jacob P. Schroeder

Sworn to before me and signed in my presence this 16th day of January, in the year 2025

Michelle L. Parmenter
SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



MICHELLE L. PARMENTER
Notary Public, State of Ohio
Commission #: 2017-RE-667580
My Commission Expires 10-16-2027

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