



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

**APPLICATION:** CV25-071  
**Location:** 2410 DEMOREST RD. (43123), 3639 GENDER RD. (43110), being 3.96± acres located on the west side of Gender Road, 200± feet south of Upperridge Drive (530-225024; Greater South East Area Commission).  
**Pending Zoning:** AR-3, Apartment Residential District (H-60).  
**Proposed Use:** Assisted living (rest home) development.  
**Applicant(s):** EREG Housing Preservation LLC, c/o Thaddeus M. Boggs, Atty.; 10 West Broad Street, Fl. 23; Columbus, OH 43215.  
**Property Owner(s):** T&R Development, Inc.; 3895 Stoneridge Lane; Dublin, OH 43017.  
**Planner:** Dane Kirk; 614-645-7973; [DEKirk@Columbus.gov](mailto:DEKirk@Columbus.gov)

**BACKGROUND:**

- The applicant has received a recommendation of approval from Staff and the Development Commission for the proposed AR-3, Apartment Residential District. The requested Council Variance will allow telecommunications antenna with a reduced setback from residentially zoned districts to remain in the AR-3 district, and reductions to parking minimum and rear yard for an assisted living (rest home) development.
- North of the site are single-unit dwellings in the SR, Suburban Residential District and a health clinic in the CPD, Commercial Planned Development District. South of the site are multi-unit dwellings in the L-AR-12, Limited Apartment Residential District and a Columbus Fire station in the CPD, Commercial Planned Development District. East of the site is a fuel station in the CPD, Commercial Planned Development District. West of the site are multi-unit dwellings in the L-AR-12, Limited Apartment Residential District.
- The site is within the planning boundaries of the South East Land Use Plan (2018), which recommends the “Mixed Use 1 (16-24 du/acre)” land use at this location. The site is also subject to complete adoption of Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018).
- The site is located within the boundaries of the Greater South East Area Commission whose recommendation is pending their September 23rd meeting.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving the proposed development.

**CITY DEPARTMENTS’ RECOMMENDATION:** Approval

The requested Council Variance will legitimize an existing telecommunications antenna that is screened with landscaping and the reductions of parking minimum and rear yard for an assisted living (rest home) development that is consistent with the surrounding development pattern and C2P2 Design Guidelines recommendations. Noting these consistencies, staff supports the requested variance.



DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • [ZoningInfo@columbus.gov](mailto:ZoningInfo@columbus.gov) • [www.columbus.gov/bzs](http://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

The requested variances are necessary to provide for location of the affordable assisted living that is the subject of rezoning application Z24-078. The lot is configured with an outlot at the NE corner and a telecommunications tower at the SE corner, leaving relatively less frontage along Gender Road. This requires the building to be set to the west to accommodate development of the property.

2. Whether the variance is substantial.

☐ Yes ☒ No

The variances are not substantial.

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

Nearby properties include single-family and townhome residential development. The site configuration is compatible with these uses and serves to buffer the use from the residential to the west.



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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).  
☐ Yes ☒ No

The variance would not adversely affect delivery of services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.  
☒ Yes ☐ No

The applicant has obtained a use variance and is proceeding with Z24-078 to rezone to accommodate this use.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.  
☐ Yes ☒ No

The configuration of the parcel and the nature of the use are such that the requested variances are necessary to resolve the predicament.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.  
☒ Yes ☐ No

The requested variances are minor and appropriate for the use. The variance for off-street parking retains the ability to park staff and visitors adequately at peak times while preserving the greatest amount of green space on the site. The variance to required rear yard area is insubstantial and rendered necessary by the shape of the lot relative to Gender Road and the existing lots and structures at the NE and SE of the site along Gender Road.

**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):**

CCC 3333.24 - Reduction in the required 25% rear yard as shown in Site Plan ( $\pm 23.4\%$ )

CCC 3312.49 - Reduction in the required 90 parking spaces for "Rest Home" use (73 provided as shown in Site Plan)

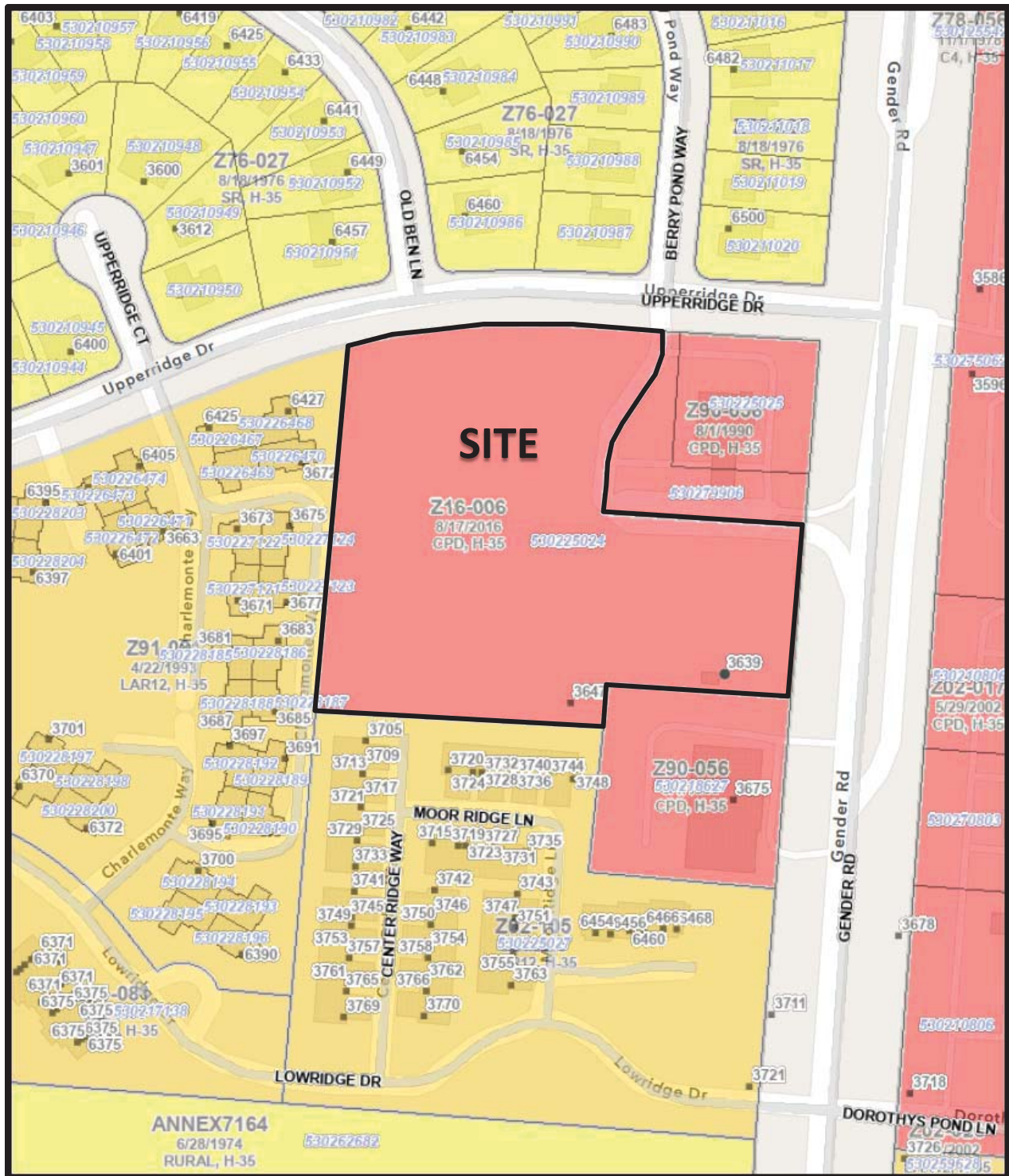
These variances are necessary to resolve practical difficulties in the use of the property that arise from its unique configuration.

CCC 3333.04 - to permit monopole telecommunication antenna, with associated structures, as a use on the site (variance to AR-3  
 CCC 3353.05(D)(4) - to permit the monopole telecommunication antenna, with associated structures, to be set back less than  
 200 percent of the total height of the antenna from all residentially-zoned districts (current height 135'; requested setback  
 0' from AR-3 district.

Signature of Applicant

Date July 23, 2025





Z24-078 & CV25-071  
 CPD to AR-3  
 3639 Gender Rd.  
 Approximately 3.96 acres





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CPD to AR-3  
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### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV25-071

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) THADDEUS M. BOGGS, FROST BROWN TODD

of (COMPLETE ADDRESS) 10 WEST BROAD ST., 23RD FL. 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. EREG HOUSING PRESERVATION LLC JARED ISENTHAL, 317-517-1498 566 WEST LAKE ST., #400, CHICAGO, IL 60661 COLUMBUS-BASED EMPLOYEES: 0	2.
3.	4.

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

SIGNATURE OF AFFIANT

*Thaddeus M. Boggs*

Sworn to before me and signed in my presence this 10<sup>th</sup> day of July, in the year 2025

*Jasmine Briana Smith*

SIGNATURE OF NOTARY PUBLIC

11-07-2026

My Commission Expires

Notary Seal Here



**JASMINE BRIANA SMITH**  
Notary Public, State of Ohio  
My Commission Expires 11-07-2026

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