

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

STATEMENT OF HARDSHIP

Application #: CV19-074

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

A. Permit a variance 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 or unusual hardships 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

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 discovered after your application is approved, a new application 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

7/19/19

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

STATEMENT OF HARDSHIP

Applicant: Bryden Management LLC
c/o Laura MacGregor Comek
501 S High St.
Columbus, Ohio 43215

Address: 1551 Bryden Rd.

Parcel Nos.: 010-066912
010-006620
010-028305
010-030262
010-031734
010-043330
010-291119
010-043797
010-013807

Zoning Districts: I, Institutional, P1 Parking

Date: November 5, 2019

This Statement is provided in support of the Applicant's request for a council variance to update the former (circa 1990) council variance (CV90-1063, Ord. 2901-90) to eliminate the requirement for the apartment units to be restricted to senior living (ie., 55+ years of age).

The 1990 council variance permitted the use of the former St. Ann's hospital for the multi-family residential use and ancillary commercial uses on this parcel. The former council variance also included variances for the existing non-conforming development standards.

At some point prior to 2014 when the current owner acquired the property (dated cannot be verified by current owner), the use/rental of the apartments as senior (55+) had been discontinued. Since then, the owner has operated the buildings as multi-family residential, without the required senior component.

While the current council variance seeks only to legitimize the existing use as multi-family (already permitted as varied to CCC Section 3349.03), without requirement for 55+ senior housing, and to allow the buildings/site as currently constructed at 55 feet. City staff has indicated that this council variance will replace the initial 1990 CV (to be repealed), and as such full list of variances (previously approved and now removal of senior requirement) must be included here.

Note – the federal restrictions on the senior 55+ use have been removed through separate regulatory process with the Department of Housing and Urban Development (HUD).

The following variances are hereby requested (renewed):

3349.03 Use – to legitimize the current use of up to 165 units as multi-family use without senior living restrictions.

3349.03 Use - To permit commercial uses and storage use for on-site units. Commercial uses limited to office uses unrelated to the apartment units and not otherwise permitted, storage area as principal use for an aggregate area of 25,000 sq.ft. with commercial and storage permitted on first floor only and being specifically a barber shop, beauty salon, financial institution office or automatic teller machine, pharmacy, dry cleaner (depot only) storage space for hospital, medical clinic and office uses.

3371.01 (f)(1) and (2) Landscape buffer - To eliminate landscape buffer between site lots, eliminate required landscaping for internal and external property lines. Existing conditions to remain, including fencing.

3371.02 To reduce building lines for internal lots to zero.

3371.02 (c)(2) Building Lines - To allow 10-foot building and parking setback for 226 feet of Rich Street frontage. To reduce front yard setbacks from 50 feet to 35 feet for Bryden Road frontage and reduced parking and building setback to 10 feet for the Kelton Avenue frontage. This variance also eliminates side and rear yard setbacks as between lots.

3349.04 - to eliminate the required 50-foot rear yard requirement (existing conditions).

3349.04 - to reduce the side yard requirements to reflect existing conditions from 20 feet to 10 feet along Bryden Road, zero (0) feet for the east setback (vacated alley) and Tiffin St. and to 20 feet along the Kelton Avenue frontages.

In additional to the variances (from those already provided in the 1990 council action) are requested only to reconcile current code requirements to the existing legal non-conforming building/site as developed: CCC 3349.04 (a) to allow the existing building height to remain at approximately 55 ft which exceeds the 35 ft height limit; (b) to increase lot coverage from 60% required by code to the approximate 80% that exists; (c) to reduce the front yard setbacks from 50 ft to 37 ft for Bryden Road and 10 feet for Kelton Avenue, and to eliminate side and rear yard setbacks (all conditions as is).

The prior Council Variance approved a parking space variance (now in CCC Section 3312.49) of 8 spaces for the main site, with an aggregate not less than 137 from off premise parking lots (from 224 required at that time). Because variances run with the land, no new variance is needed. Rather, this application seeks to affirms the existing variance, now codified by CCC Section 3312.49. Currently there are 8 on site spaces and not less than 137 parking spaces aggregated among the parcels subject of this request (248 required by current code for residential units and up to 100 spaces for commercial).

There is no "actual" change to the look or character of the building or the area. The variances on standards actually reflect conditions that exist throughout the area currently. The essential character of this area was (and remains) a mix of residential uses and densities. Adjacent properties are mostly zoned R3 Residential, plus this site's adjacent areas zoned P1 and I, and all of which have historically defined this block/2-3 block area of Bryden Road and Kelton Avenue.

The request is in keeping with the general character of the area, has no effect on the delivery of governmental services. Seeing as how this request is a preservation of the status quo, there do

not appear to be any negative effects to the adjacent neighbors or the area generally. The request is small and concise – no new development is planned to occur with this request.

For these reasons, the Applicants respectfully request approval of these variances.

Respectfully submitted,

____/s/ *Laura MacGregor Comek* ____

Laura MacGregor Comek, Esq.

501 S High Street

Columbus, Ohio 43215

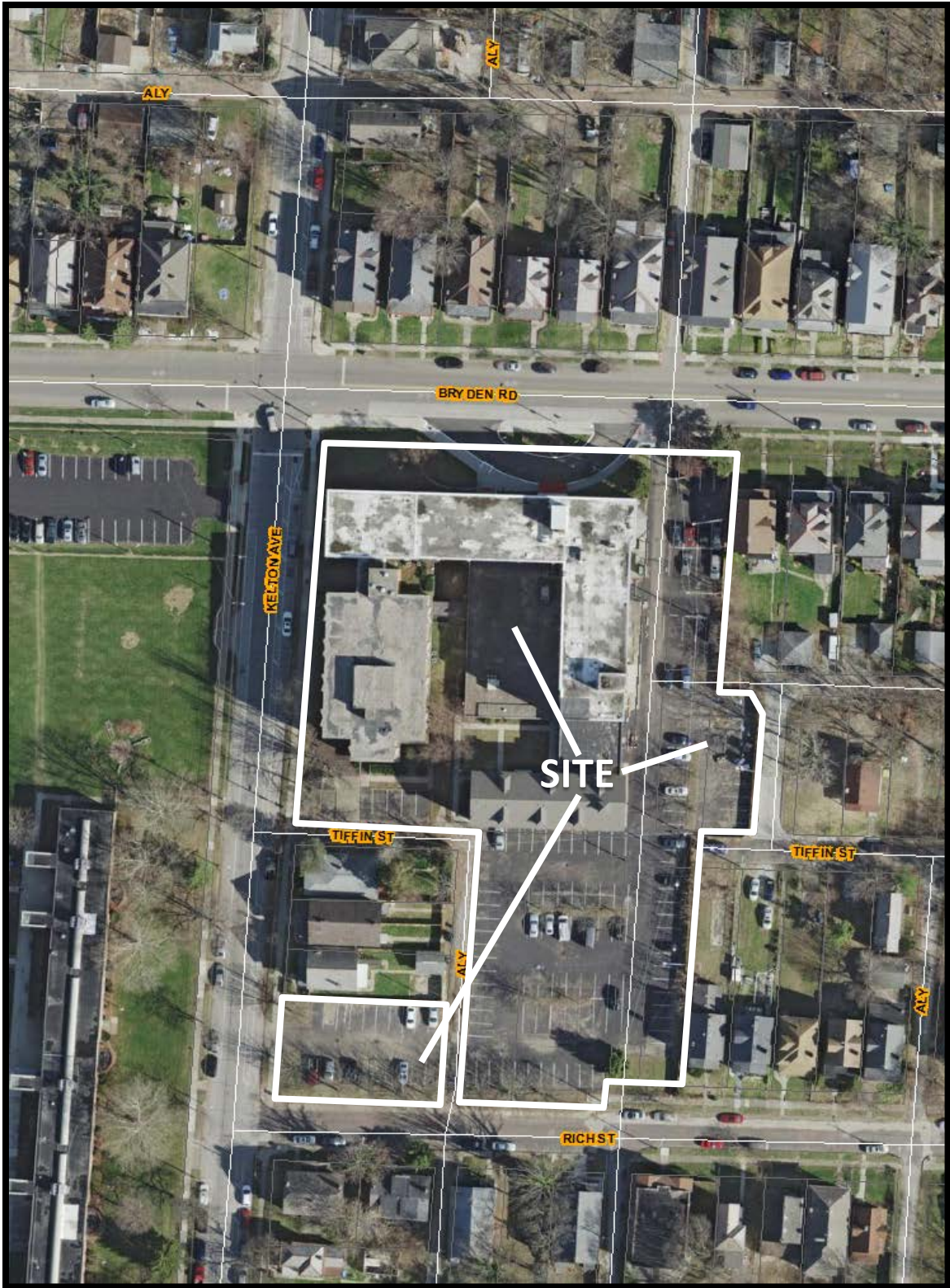
Phone: 614.560.1488

Laura@comeklaw.com

Counsel for Owner/Applicant



CV19-074
1551 Bryden Rd.
Approximately 2.56 acres



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Approximately 2.56 acres

PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV19-074

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Laura Macgregor Comek, Esq.
of (COMPLETE ADDRESS) 501 S. High St. Col., 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
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. <u>Bryden Management LLC</u> <u>PO Box 66</u> <u>HACKENSACK, NJ 07602</u> <u>c/o LAURA MACGREGOR COMEK</u>	2. <u>614 560 1488</u>
3. <u>0</u>	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 14th day of July, in the year 2019

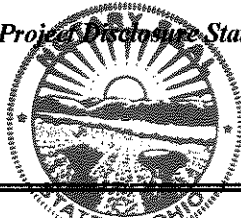
SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

4.16.21

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

Notary Seal Here



STEPHANIE HUMENAY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 4/16/2021


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6. 3349.04 - to reduce the side yard requirements to reflect existing conditions from 20 feet to 10 feet along Bryden Road, zero (0) feet for the east setback (vacated alley) and Tiffin St. and to 20 feet along the Kelton Avenue frontages.
7. In addition to the variances (from those already provided in the 1990 council action) are requested only to reconcile current code requirements to the existing legal non-conforming building/site as developed:
 - CCC 3349.04 (a) to allow the existing building height to remain at approximately 55 ft which exceeds the 35 ft height limit;
 - (b) to increase lot coverage from 60% required by code to the approximate 80% that exists;
 - (c) to reduce the front yard setbacks from 50 ft to 37 ft for Bryden Road and 10 feet for Kelton Avenue, and to eliminate side and rear yard setbacks (all conditions as is).
8. The prior Council Variance approved a parking space variance (now in CCC Section 3312.49) of 8 spaces for the main site, with an aggregate not less than 137 from off premise parking lots (from 224 required at that time). Because variances run with the land, no new variance is needed. Rather, this application seeks to affirm the existing variance, now codified by
 - CCC Section 3312.49. Currently there are 8 on site spaces and not less than 137 parking spaces aggregated among the parcels subject of this request (248 required by current code for residential units and up to 100 spaces for commercial).

RECOMMENDATION:

RECOMMEND APPROVAL RECOMMEND DENIAL NO ACTION TAKEN

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


James A. Goodman, M.S.
Historic Preservation Officer

cet

Dietrich, Timothy E.

From: Kathleen Bailey <kathleendbailey@hotmail.com>
Sent: Saturday, November 30, 2019 10:10 PM
To: Laura MacGregor Comek; Annie J
Cc: Dietrich, Timothy E.
Subject: Re: 1551 Bryden

Importance: High

Hello Laura -

Yes the Near East Area Commission (NEAC) voted to support removal of the seniors only restriction. There is normally an approval form we sign at the meeting, but I did not have one for you. The vote was unanimous.

From: Laura MacGregor Comek <laura@comeklaw.com>
Sent: Friday, November 29, 2019 11:11 AM
To: Kathleen Bailey <kathleendbailey@hotmail.com>; Annie J <awd44@aol.com>
Cc: Timothy E. Dietrich <TEDietrich@columbus.gov>
Subject: Re: 1551 Bryden

Good morning.

Sorry to bug you, ... I thought you might be getting 1000 shopping emails like me, ... didn't want mine to get missed.

Just wondered if you can reply here to Tim, just to let him know if the NEAC approval.

Thank you !
Regards,

Laura MacGregor Comek, Esq.

p. 614.560.1488
laura@comeklaw.com

On Nov 26, 2019, at 10:33 AM, Laura Comek <laura@comeklaw.com> wrote:

Good morning Ms. Bailey and Ms. Womack.

I apologize for the repeat emails.

City staff needs the NEAC approval for 1551 Bryden.