

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.

CV20-128

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.

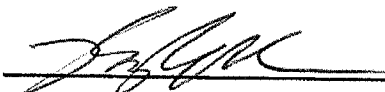
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**PLEASE NOTE:** It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are 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

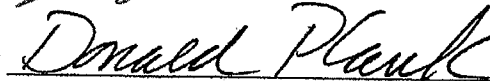
Signature of Applicant



Date

8/9/21

Signature of Attorney



Date

8/9/21

## **Exhibit B**

### **Statement of Hardship**

#### **CV20-128, 457 Cleveland Avenue Columbus, OH 43215**

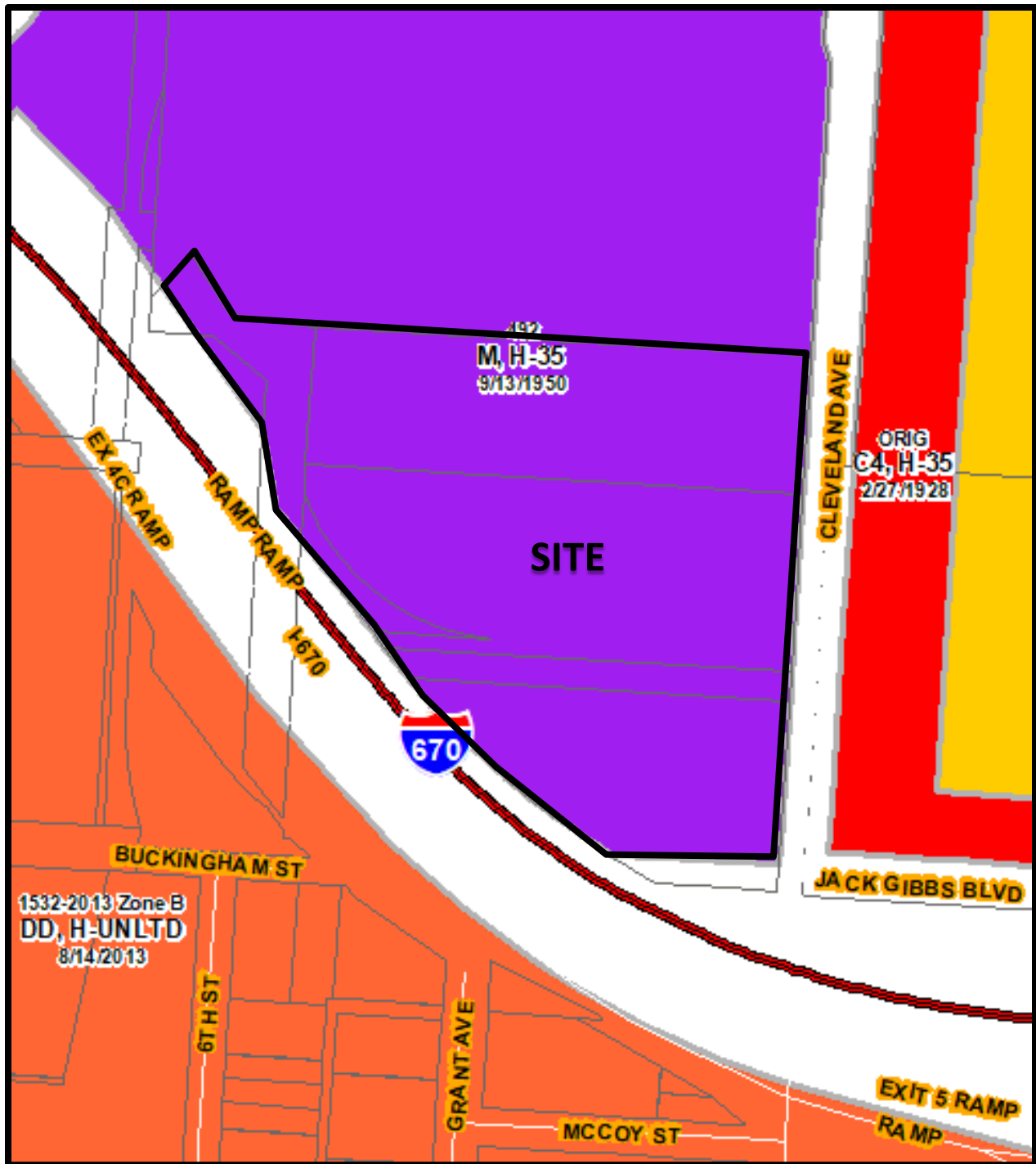
The site is 9.3 +/- acres (Franklin County Auditor Tax Parcels 010-036573, 010-008646, 010-064942, 010-015761, 010-065075, and 010-006173) located on the west side of Cleveland Avenue, at the intersection of Cleveland Avenue and Jack Gibbs Boulevard. The site is zoned M, Manufacturing and is developed with the former Kroger Bakery. The Kroger Company closed the manufacturing facility and sold the property in 2019. Rezoning application Z20-114 is pending to rezone the site to the CPD, Commercial Planned Development District (CPD) for use of the site with commercial office, restaurant, retail and multi-family uses. The existing Kroger North and Kroger South buildings will be preserved and new buildings are proposed, all as depicted on the CPD site plan titled "CPD Site Plan", hereafter "Site Plan" dated November 10, 2021. The Kroger South building is listed on the local and national historic building registers. All proposed uses will be permitted by the CPD zoning except ground level residential use. This variance application is submitted for companion legislation with rezoning application Z20-114 to permit ground level residential use as depicted on the Site Plan.

The site and area are appropriate for the proposed mixed-use development. Mixed-use redevelopment and residential redevelopment is occurring in many areas of the urban core of Columbus. The Board of Education property on the east side of Cleveland Avenue is zoned both C-4, Commercial and AR-1, Apartment Residential.

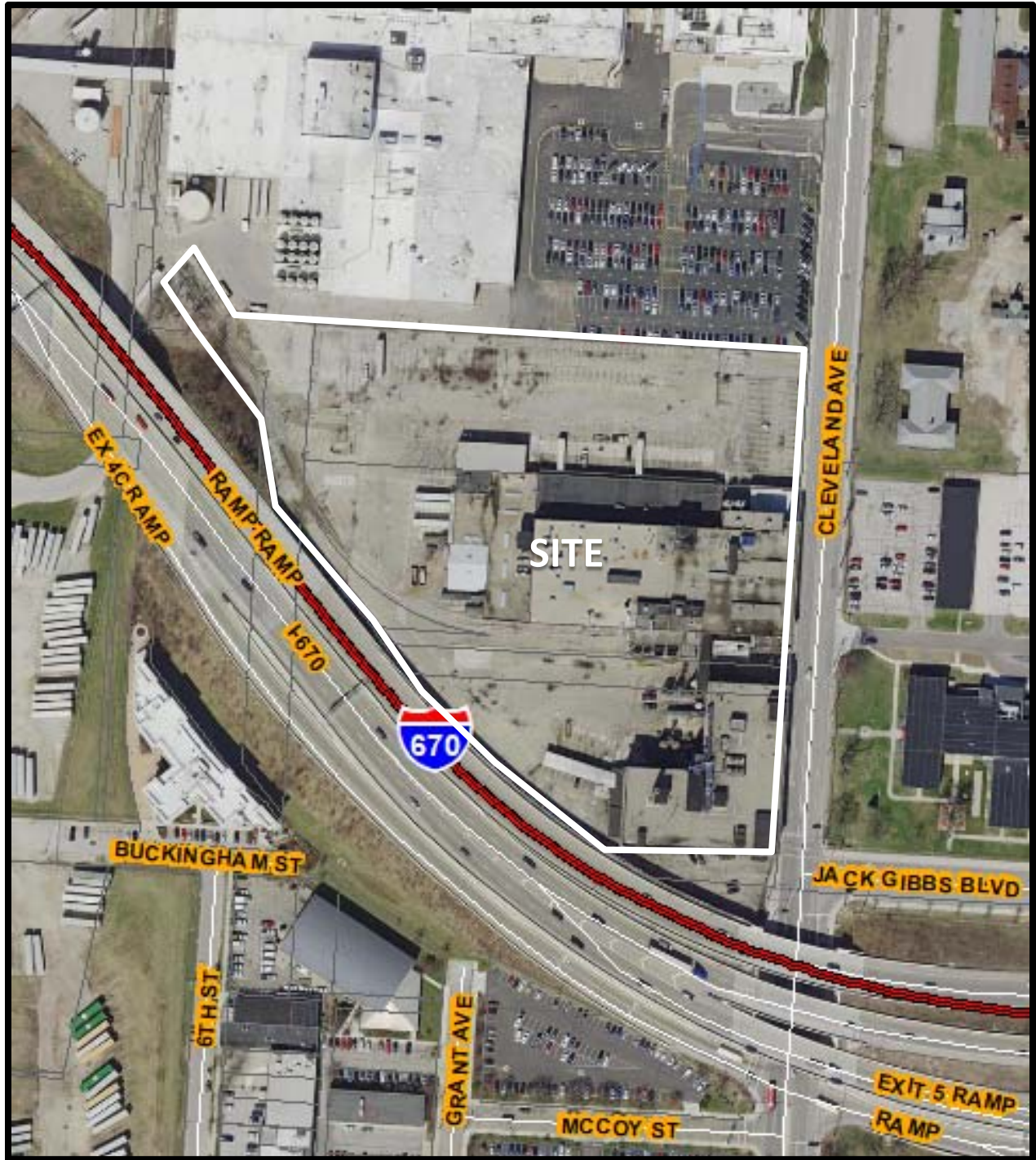
Applicant has a hardship and practical difficulty with compliance with the cited Zoning Code Section. The project includes preservation of two existing buildings with historic designation of one, the prior manufacturing use was discontinued by previous owner and there were no interested buyers for reuse of the existing facilities for manufacturing uses. The proposed mixed-use development is consistent with historical use of urban corridors with both commercial and residential uses.

Applicant requests a variance from the following Section of the Columbus Zoning Code:

Section 3356.03, C-4 Permitted Uses, to permit ground level dwelling units.



CV20-128  
457 Cleveland Ave.  
Approximately 9.3 acres



CV20-128  
457 Cleveland Ave.  
Approximately 9.3 acres

## HISTORIC DISTRICT COMMISSION RECOMMENDATION

### HISTORIC RESOURCES COMMISSION

*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 (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 427 Cleveland Avenue      Ford Motor Co. Branch Assembly Plant/Individually Listed  
**APPLICANT'S NAME:** Peter Ketter/Sandvick Architects (Applicant)  
 Kolby Turnock/Half Baked Holdings LLC (Owner)

**APPLICATION NO.:** HR-21-09-019

**COMMISSION HEARING DATE:** 9-3-2021

The Historic Resources Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119.

☒ **Variance or Zoning Change Request**

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

**TYPE(S) OF ACTION(S) REQUESTED:**

*Upon review of Application #HR-21-09-019, 427 Cleveland Avenue, Ford Motor Co. Branch Assembly Plant, the Historic Resources Commission recommends approval of the proposed variances, as submitted, and moved the application to staff approval at the September 2, 2021 HRC business meeting:*

Request to Modify Previous Approval / Rezoning and Variance Recommendation

Rezoning Application Z20-114:

- Rezoning changed to: rezone from M, Manufacturing to CPD, Commercial Planned Development.
- Office component (49,000 SF) added and dwelling units reduced from 448 to 364.
- Setback from north property line increased from 0' to 7' (min.).

The following variances are included in the CPD, Commercial Planned Development zoning text. The same or comparable variances were previously approved by HRC with prior review.

1. Section 3309.14, Height Districts, to permit a building height of 66 feet for existing Kroger North and Kroger South buildings and to permit a height of 66 feet for proposed building C, all in a H-60 Height District.
2. Section 3312.13, Driveway, to reduce the minimum width of a driveway from 20' to 18' on-site on portions of the southwest property line, subject to a minimum width easement on State of Ohio property (I-670 right of way).
3. Section 3312.27(4), Parking Setback Line, to reduce the parking setback line along west, southwest and south property lines where the site is adjacent to I-670 right of way from 10' to 0' – 2', as depicted on the Site Plan, while I-670 is elevated, parking setback would have no effect and much of the area adjacent to I-670 right of way is presently paved.



4. Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking for uses as itemized on the Site Plan from 774 spaces to 583 spaces.
5. Section 3356.11, C-4 District Setback Lines, to reduce the Cleveland Avenue building setback line from 50' to 6' for the existing Kroger North and Kroger South buildings, and to reduce the I-670 building setback line from 25 feet to 0', 6' and 16' for a dumpster, existing Kroger South building and part of proposed Building C, respectively, all as depicted on the Site Plan.

Variance Application CV22-34: :


The variance application has been changed to request a variance to permit ground level residential use (dwelling units) in the commercial district (CPD), as follows:

- Section 3356.03, C-4 Permitted Uses, to permit ground level dwelling units.

**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*

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### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV20-128

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) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, Columbus, 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 (including contact name and number)  
Business or individual's address; City, State, Zip Code  
Number of Columbus-based employees  
(Limited to 3 lines per box)

1. Half Baked Holdings, LLC, 250 Civic Center Drive, Suite 250, Columbus, OH 43215; # Col. Based Emp: 0, Contact: Kolby Turnock, (614) 228-5331	2. CASTO, 250 Civic Center Drive, Suite 250, Columbus, OH 43215; # Col. Based Emp: Contact: Kolby Turnock, (614) 228-5331
3. Kelley Real Estate Group LTD, 175 S 3rd Street, Suite 1020, Columbus, OH 43215, # Col. based employees: 4; Contact: Michael Kelley, (614) 372-6390	4. Wango Limited, 10 N High Street, Suite 401, Columbus, OH 43215; # Col. Based Employees: 0; Contact: Skip Weiler, (614) 221-4286

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

SIGNATURE OF AFFIANT

*Donald Plank*

Sworn to before me and signed in my presence this 14 day of April, in the year 2022

SIGNATURE OF NOTARY PUBLIC

*Lynette Mapes*



My Commission Expires

8/10/2024

Notary Seal Here

Lynette Mapes  
Notary Public, State of Ohio  
My Commission Expires 08-10-24

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