

THE CITY OF  
**COLUMBUS**  
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## COUNCIL VARIANCE APPLICATION

### Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

#### STATEMENT OF HARDSHIP

Application Number: CV17-078

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):**

See Attached Statement of Hardship

Signature of Applicant

*Bryan Brown*

Date

*10/17/17*

**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

**Poindexter Phase 3 – Council Variance Application**  
**Live/Work Units**  
**Statement of Hardship**

The site is to be developed with two 19,406± square-foot building in the [ARLD], Residential District, and is subject to Ordinance No. Ord. 998-90; Ord. No. 0239-2010, § 2, 4-5-2010 to allow a specified range of commercial uses and to conform to existing conditions. A concurrent Board of Zoning Adjustment application (application Number Z17-026) has been submitted and approved for variances to building lines, parking, landscaping, and perimeter yard. The requested Council Variance will add commercial to the list of permitted uses. The site is located within the planning area of the Near East Area Plan (2005), which recommends higher-density residential and mixed-use development for this location. The site is adjacent to the Mt. Vernon Urban Commercial Overlay. The development includes four “live-work” apartments that are designed to support both residential and small scale commercial uses; however, the tenant may use the space solely for residential use, solely for approved commercial uses, or for both residential and commercial (i.e., “live-work”, home-based business). The underlying zoning of the site is ARLD, 3333.02. A variance is necessary because the [ARLD] District prohibits commercial uses, which is one of the potential uses for these units. The potential for up to three spaces with commercial uses within the new mixed-use building is consistent with the area plan’s land use recommendations, and with the traditional and established development pattern along Mt. Vernon Avenue. Approval of this request will not add new or incompatible uses to the area.

There are four 809 square foot live-work units planned for Poindexter Phase 3. Two units will be located in the ground floor of each of the 24 unit apartment buildings located along a traditional neighborhood retail corridor, Mt. Vernon Avenue. The live-work units of this building are designed to re-establish the historic neighborhood fabric of mixed-use buildings along Mt. Vernon Avenue by re-introducing ground floor commercial activities, and to provide space for neighborhood entrepreneurs to operate their businesses. The live-work units have been designed with open, flexible floor plans to accommodate a variety of uses, and include large, storefront-type glazing facing Mt. Vernon.

The apartment complex property management company will be responsible for the screening and approval of potential tenants that will occupy these live-work units. Prior to execution of the lease, applicants will be required to provide the property management company with a copy of their business license and plan, including a detailed description of the business activities, hours of operation, and anticipated number of employees. The business activities must be confined to the interior of the dwelling unit; no outside display of merchandise will be permitted. Tenants will not be allowed to make alterations to the interior or exterior of the dwelling unit to accommodate the business occupation.

Permitted Uses include occupations such as:

- Dressmakers, seamstresses, tailors
- Painters, sculptors, composers, writers
- Telephone answering
- Computer programming
- Professional practices – architects, engineers, landscape architects, graphic artists, designers, lawyers, insurance agents, brokers, consultants and members of similar professions
- Tutoring
- Online and catalog sales where goods, products or materials are not warehoused on the premises
- Wholesale or manufacturer’s representative’s sales transactions where goods, products or materials are not warehoused on the premises.
- Retail sales where limited goods, products or materials are on display within the live/work unit, and large amounts of goods are not warehoused on the premises.

The purpose of Section 3333.34 (Home Occupation) of the Columbus Zoning Code “is to permit a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as not to have an adverse effect upon the average neighbor under normal circumstances; to set standards by which to judge the operation of such use; and to prohibit uses which are incompatible with permissible uses in apartment districts.” The Applicant requests approval to vary from the following standards of Section 3333.34:

1. The Applicant wishes to vary Section 3333.34(A) of the City of Columbus Zoning Code, which requires any home occupation to be incidental and subordinate to the primary residential use, to allow the live-work units to be used either as a home occupation incidental to the residential use, or as a primary commercial use by a tenant that will not occupy the unit as a residence. The Applicant believes that flexibility in allowing the unit to be used for either a home-based occupation or as a primarily commercial occupancy will broaden the range of potential tenants and will encourage development of the desired mixed use character along Mt. Vernon.
2. The Applicant wishes to vary Section 3333.34(D) of the City of Columbus Zoning Code, which limits the percentage of livable area of any residence to be used for home occupation from 20% to 64% for a tenant occupying the unit as a primary residence. Rather than accommodating a home occupation in a typical apartment or townhouse residence, the live-work units included in this apartment complex are specifically designed to provide flexible open floor plans which can be used in a variety of ways for either home occupation with a portion of the unit utilized for residential use or as primarily commercial space. Consequently, a greater percentage of the total livable area is available for a home occupancy or commercial use than would otherwise be available in a more traditional apartment or townhouse. The Applicant believes that increasing the percentage of livable area available for use as a home-based occupation or commercial use is necessary to encourage development of the desired mixed use character along Mt. Vernon.
3. In conjunction with Number 2 above, the applicant wishes to vary Section 3312.49(D), which states the minimum number of parking spaces required. As residential units, the four units would require 6 parking spaces, whereas if the units are utilized as 100% for commercial uses they would require 13 parking spaces. The applicant requests to vary from the Code to permit the commercial uses with the parking calculation based on the underlying zoning of 6 spaces rather than a commercial zoning of 13 spaces.
4. The Applicant wished to vary Section 3333.34(E) of the City of Columbus Zoning Code, which limits the assistance of supportive personnel to be employed, but not residing in the residence, from one (1) to the equivalent of five (5) full-time employees. In addition, the Applicant wishes to expand the types of home occupations allowed to employ supportive personnel to include any home-based occupation or commercial use that will not result in noise or traffic volume unreasonably greater than would otherwise normally occur in the apartment neighborhood in which the Applicant's property is located. The Applicant believes that increasing the number of allowable supportive employees will provide the opportunity for growth of home-based occupations without forcing relocation of the business solely due to limitations on the number of allowable employees. The intent would be that these additional supportive employees are residents of the neighborhood. The Applicant also believes that broadening the types of businesses which may employ supportive workers beyond the service professions stated in the Zoning Code will encourage a wider range of home occupations or commercial uses which are beneficial to the immediate neighborhood, and which may provide employment opportunities to neighborhood residents.

All other provisions within Section 3333.34 of the City of Columbus Zoning Code will be met

ASSIGNMENT OF APARTMENT ADDRESSES WITHIN THE CITY OF COLUMBUS, OHIO

Units to be located within these buildings



Approximately 3.0 acres



Approximately 3.0 acres

**Pine, Shannon L.**

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**From:** Margaret Bailey-Cooley <margcool@gmail.com>  
**Sent:** Tuesday, July 17, 2018 5:16 PM  
**To:** Pine, Shannon L.  
**Cc:** Annie Womack  
**Subject:** Near East Area Commission (NEAC) - CV17-078 1287-1315 Mt. Vernon Avenue (Phase 3 Poindexter Project)

Com. Womack asked that I send you the vote from NEAC on the above-referenced council variance.

On June 14, 2018, NEAC voted to approve the recommendation of the zoning committee to approve CV17-078 13-0-0.

Let me know if you have any questions.

Margaret Cooley  
NEAC secretary  
commissioner, education-at-large

cc: Annie J. Womack

**PROJECT DISCLOSURE STATEMENT**

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.

Application Number: CV17-078

STATE OF OHIO  
COUNTY OF FRANKLIN

Thomas S Williamson

Being first duly cautioned and sworn (NAME) Bryan Brown c/o CMHA  
of (COMPLETE ADDRESS) 880 E 11th Avenue, Columbus, Ohio 43211

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. Columbus Metropolitan Housing Authority 880 E 11th Avenue, Columbus OH 43211	2.
3.	4.

☐ Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

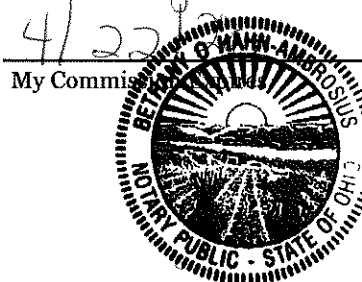
TS Williamson

Sworn to before me and signed in my presence this 2nd day of July, in the year 2018

SIGNATURE OF NOTARY PUBLIC

Bethany O Hahn-Ambrosius

My Commission Expires



Notary Seal Here

**Bethany O Hahn-Ambrosius**  
Notary Public  
In and For the State of Ohio  
My Commission Expires  
22 April 2020