



DEPARTMENT OF BUILDING
AND ZONING SERVICES

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

CV19-081

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.

Signature of Applicant

Date

7/23/19

STATEMENT OF HARDSHIP

Property Address: 279 East Fifth Avenue
Parcel ID: 010-031324
Owner: F.K. IV L.P.
2362 North High Street
Columbus, Ohio 43202
Applicant: R.M. McFadyen Holdings Limited
47 Clark Place
Columbus, Ohio 43201
Attorney: David Hodge
Underhill & Hodge
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
David@uhlfirm.com
Date: September 23, 2019
Case Number: CV19-081

The Applicant submits this Statement of Hardship in support of its Council Variance Application. The Site is developed with a 15,854 square-foot warehouse building zoned in the L-M Limited Manufacturing District. The Applicant requested and was granted a council variance in 2017 (Ord. 2307-2017; CV17-053) to permit up to 9,500 square feet to be converted from warehouse to a fitness center. The council variance was necessary because the L-M district only permits office and less-objectionable manufacturing uses (Ord. 498-95; Z94-097). The council variance also granted a parking reduction from 45 to 7 for the fitness center and warehouse uses.

The Site is bordered on the west by C-4, on the north by C-4, on the east by R,4 and on the south by R-4. The Site is situated within the Italian Village Historic District and the Italian Village Urban Commercial Overlay. The Site is subject to the Italian Village Commission and the Italian Village East Redevelopment Plan (2000), which recommends institutional land uses.

The Applicant proposes an amendment to Ord. 2307-2017 to increase the permitted fitness center use and additional 6,354 square feet (from 9,500 to 15,854). The Applicant will preserve the parking reduction granted by Ord. 2307-2017 for the existing 9,500 square feet of fitness center use but will provide additional parking spaces which are required for the expanded 6,354 square feet of fitness center use. To permit the proposed use, the Applicant requests the following variance:

1. Section 3370.05, Permitted uses. The underlying zoning district allows office and less-objectionable manufacturing uses of the M, Manufacturing District in Chapter 3363 of the Columbus City Code, as listed in the limitation overlay text adopted in Ordinance # 498-95 (Z94-097). Applicant requests a council variance to permit 15,854 square feet of fitness center use.

2. 3312.29, Parking space. Under this section a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to permit eight parking spaces with reduced area of 8.5 feet by 18 feet, as shown on the site plan.

The Applicant's proposed uses will not adversely affect the surrounding property or surrounding neighborhood. The Site is bordered on the east and north by property zoned C-4. This area of East Fifth Avenue is a developing commercial corridor and the Applicant's proposed use will contribute to that identity.

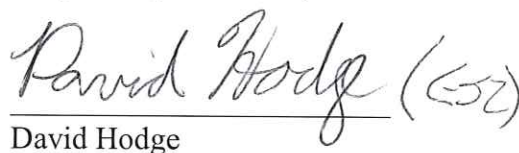
An amendment to the existing council variance is necessary to alleviate a hardship for two reasons. First, the Applicant is a tenant in the existing warehouse building. The property owner does not wish to rezone the property and lose the right to use the property as permitted by Ord. 498-95; Z94-097. The proposed council variance amendment will allow the property to retain its historical uses and but allow an extremely limited fitness center use to operate as the area develops into a commercial corridor.

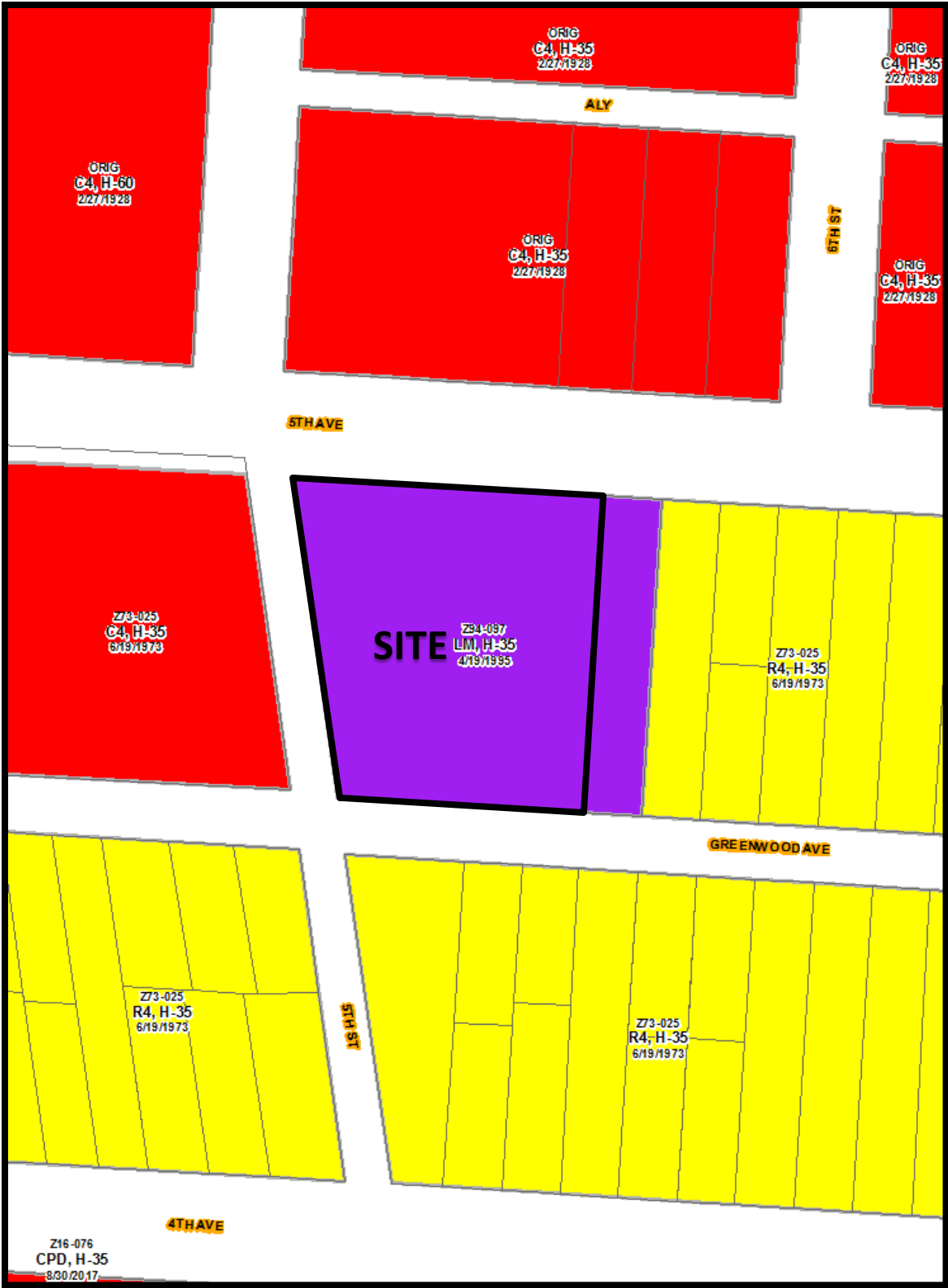
Second, an amendment to the existing council variance will allow the Applicant to preserve the previously granted parking reduction for the 9,500 square feet of existing fitness center use. The Applicant is committed to provide parking for the requested additional 6,354 square feet which is required under the Short North Special Parking Area and the Urban Commercial Overlay. The Applicant is a small business which is fortunate enough for a small expansion. But any parking deficiency resulting in a SNSPA in-lieu fee would preclude expansion.

The Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variance. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system to allow developments which fit within the spirit and intent of the zoning district but do not exactly fit under the strict letter of the zoning code. In this case, Applicant proposes a development which falls within the spirit and intent of the Italian Village East Redevelopment Plan.

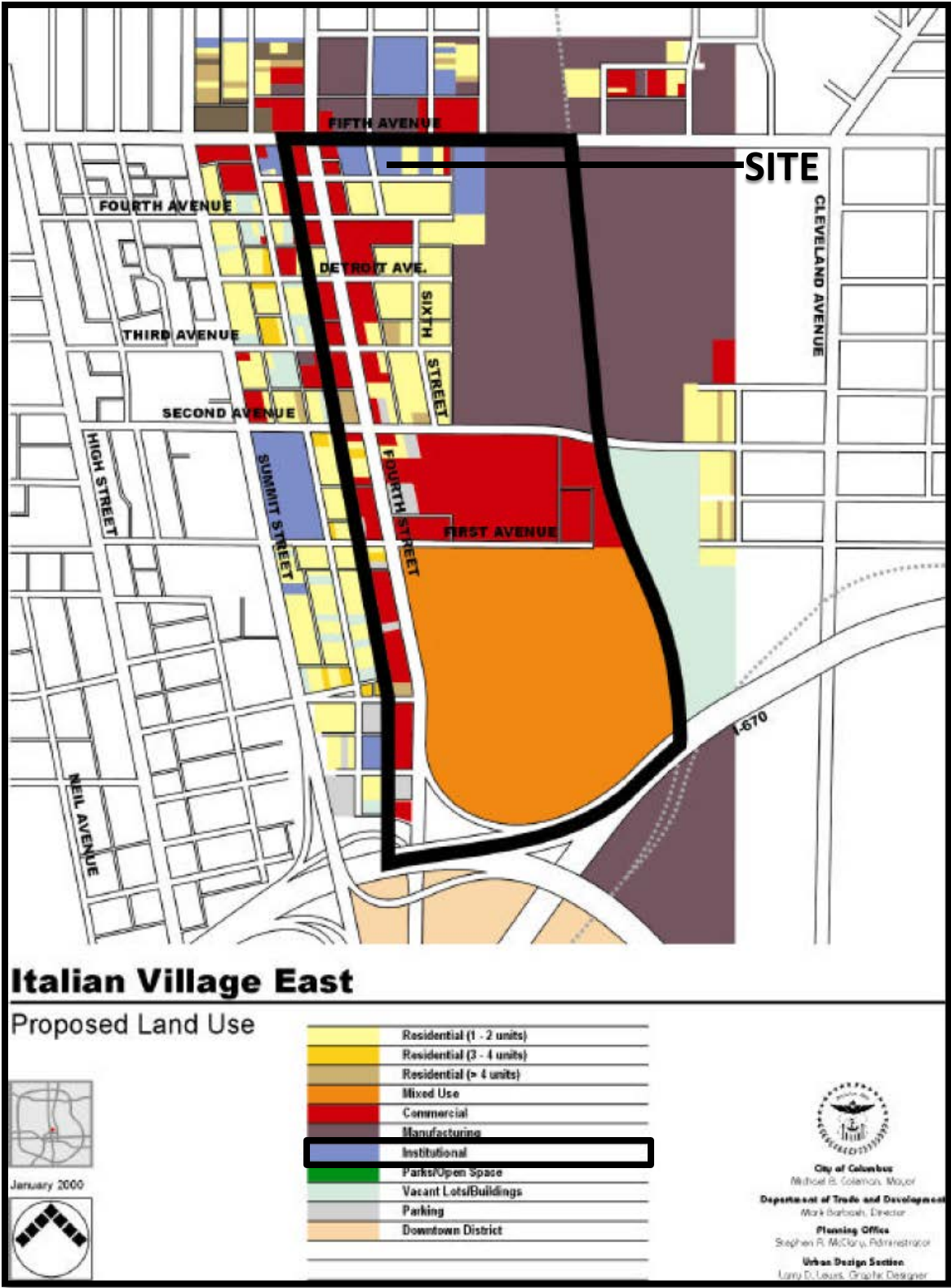
The Applicant respectfully requests that the Columbus City Council weigh these factors in its consideration, find that that denial of the requested use variance would result in an unnecessary hardship.

Respectfully submitted,

 (52)
David Hodge



CV19-081
279 E. 5th Ave.
Approximately 0.61 acres



CV19-081
279 E. 5th Ave.
Approximately 0.61 acres



CV19-081
279 E. 5th Ave.
Approximately 0.61 acres

HISTORIC DISTRICT COMMISSION RECOMMENDATION

ITALIAN VILLAGE 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 and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 279 East Fifth Avenue

APPLICANT'S NAME: R.M. McFadyen Holdings Limited (Applicant)/F.K. IV L.P. (Owner)

APPLICATION NO.: IV-19-08-008

DATE: 10-09-19

The Italian Village 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 and the architectural guidelines:

☒ **Variance or Zoning Change Request**

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

TYPE(S) OF ACTION(S) REQUESTED:

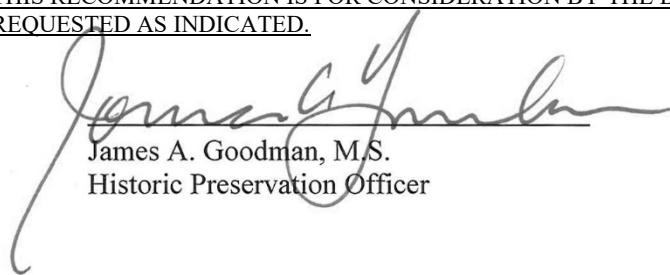
Approve application #IV-19-08-008, 279 East Fifth Avenue, as submitted with any/all clarifications noted:
Variance Recommendation Request

- Expansion of existing fitness center into additional 6,350 sqft of building.
- Existing parking meets code for the use of the additional space.
- Previous variance for 9,500 sqft is already in place, along with associated parking.
- 3370.05: Permitted Uses – The underlying zoning district allows office and less-objectionable manufacturing uses of the M-Manufacturing District in Chapter 3363 of the Columbus City Code, as listed in the limitation overlay text adopted in Ordinance #498-95 (Z94-097). Applicant requests a council variance to permit 15,850 sqft of fitness center use.
- 3312.29: Parking space. Under this section a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to permit eight parking spaces with reduced area of 8.5 feet by 18 feet, as shown on the site plan.

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

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

Council Variance Application

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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 #: CV19-081

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge

of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260

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 (include contact name and number)
Business or individual's address
City, State, Zip Code
Number of Columbus based employees
(Limited to 4 lines per box)

| | |
|--|--|
| 1. F.K. IV L.P. 2362 North High Street Columbus, Ohio 43202 | 2. R.M. McFadyen Holdings Limited 47 Clark Place Columbus, Ohio 43201 |
| 3. | 4. |

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 23rd day of July, in the year 2019

SIGNATURE OF NOTARY PUBLIC



Commission Expires:

KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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

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 all checks payable to the Columbus City Treasurer