

STATEMENT OF HARDSHIP

Property Address: 1331 North High Street
Parcel ID: 010-013510, 010-011228, 010-049379, 010-013170, 010-055858
Owner: 1331 N. High Street LLC
Applicant: Collegiate Development Group
7711 Bonhomme Avenue, Suite 625
St. Louis, Missouri 63105
Attorney: Michael Shannon, Esq.
Underhill & Hodge
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
Mike@uhlfirm.com
Date: January 21, 2021
Case Number: CV19-072

The Applicant submits this Statement of Hardship in support of its Council Variance Application. The five-parcel, 1.05 +/- acre site is located at the south-west corner of King Avenue and North High Street. The site zoned C-4 and is bordered on the north and south by property zoned C-4, on the west by R-4, and on the east by CPD.

The site is not subject to a commercial overlay. The site is located within the Regional Commercial subarea of the University District Zoning Overlay (UDZO) and Impact District of the University District Plan. The site is within the boundary of the University Area Commission and the University Impact District Review Board.

The UDZO provides development standards that address the unique nature of the University District and serves to implement policies from the University District Plan. The Regional Commercial subarea represents the highest level of intensity within the UDZO and it supports multiple land uses within the same building or in the same block. Its purpose is to act as the University District's "Main Street." Accordingly, under the existing Zoning Code and as a matter of right, developments within this Regional Commercial subarea do not have maximum floor area ratios, have a maximum height of 72 feet, have zero-foot building setbacks, and reduced parking requirements.

The Applicant proposes a development which aligns with many of the UDZO's guiding principles. The development will encourage a mix of land uses and a variety of housing options to accommodate a diverse population. Great measures will be taken to preserve the site's contributing elements and tastefully incorporate them into the modern architecture. The Applicant intends to make this a statement building for the southern UAC by means of the development's design, architecture, and style. Lastly, the site is a great opportunity for higher density because it sits at the intersection of two primary corridors.

Specifically, the Application proposes a development with approximately 9,062 square feet of retail use and approximately 174 multi-family residential dwelling units with approximately 397 bedrooms. To permit the proposed development, the Applicant respectfully requests the following council and area variances:

1. Section 3356.03 – C-4 Permitted Uses. Applicant requests a council variance to permit first floor residential and accessory residential uses which are not above a commercial use.
2. Section 3325.323 – Building Height Standards. Applicant requests a variance to increase the maximum building height from 72 feet to 85 feet. In consideration of this variance request, the Applicant commits that the scale shall substantially conform to the submitted Site Plan and Concept Elevations.
3. Section 3325.381 – Minimum Parking. Applicant requests a variance to reduce the required number of parking spaces by 34 parking spaces, from 218 to 184.
4. 3312.49(A)(1) – Bicycle Parking. Applicant requests a variance to allow bicycle parking in a publicly accessible area which is not visible from North High Street, as depicted on the Site Plan.
5. Section 3321.05(A)(1) -Vision Triangles. Applicant requests a variance to reduce the required clear vision triangle at the driveway from North High Street to the parking garage, as depicted on site plan. Notably, this is an entry only access point and does not impair pedestrian and vehicular safety.

The council variance request to permit ground floor residential use is warranted to alleviate a hardship. There currently exist four townhomes on the ground floor at the north-west corner of the site. These townhomes are contributing structures and the Applicant and the Planning Department have interest in incorporating the structure's architecture and use. A majority of the ground floor will be utilized for commercial use and provide storefronts on King Avenue and North High Street. The walkable and commercial nature of this site and corridor will not be detrimentally affected by the council variance. Nor will the council variance impair 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.

The requested height variance is warranted to alleviate a practical difficulty. As expressed in the guiding principles of the University District Zoning Overlay and specifically in the Regional Commercial Subarea Regulations, the High Street commercial corridor is embarking on a new vision. Developments should be taller, denser, and designed with a specific commercial aesthetic to make the corridor visually appealing and pedestrian oriented. These principles are even more applicable at the intersections of primary corridors, such as North High Street and King Avenue.

The proposed height is appropriate for this site due to its location at a major intersection and mere blocks from the Short North. Notably, this project's requested height is similar to that of the 80+ foot development along North High Street, between 14th Avenue and 17th Avenue, which the University Area Commission recommended approval and was ultimately approved by City

Council in 2018. The Applicant's requested height and height variance are not unprecedented for this area of the North High Street commercial corridor and, therefore, not substantial.

The property will not yield a reasonable return without the requested variances. The details in the *pro forma* show that the site cannot be developed for a reasonable return, while respecting the historical contributions of the site, without the requested variances.

The essential character of the neighborhood should be defined by the UDZO Regulations and the University District Plan. With adoption of the UDZO and the University District Plan, the neighborhood along the North High Street corridor is indeed changing. This site is in a Regional Commercial Subarea of the UDZO and an Impact District of the University District Plan and at the intersection of primary corridors. It is a change from what currently exists on the site but this is an ideal location for increased height and density. The Applicant is going to great lengths to preserve the historical nature of the site.

The requested variances will not negatively affect the delivery of governmental services. Further, the Applicant cannot feasibly obviate the predicament through other means due to the site's constraints.

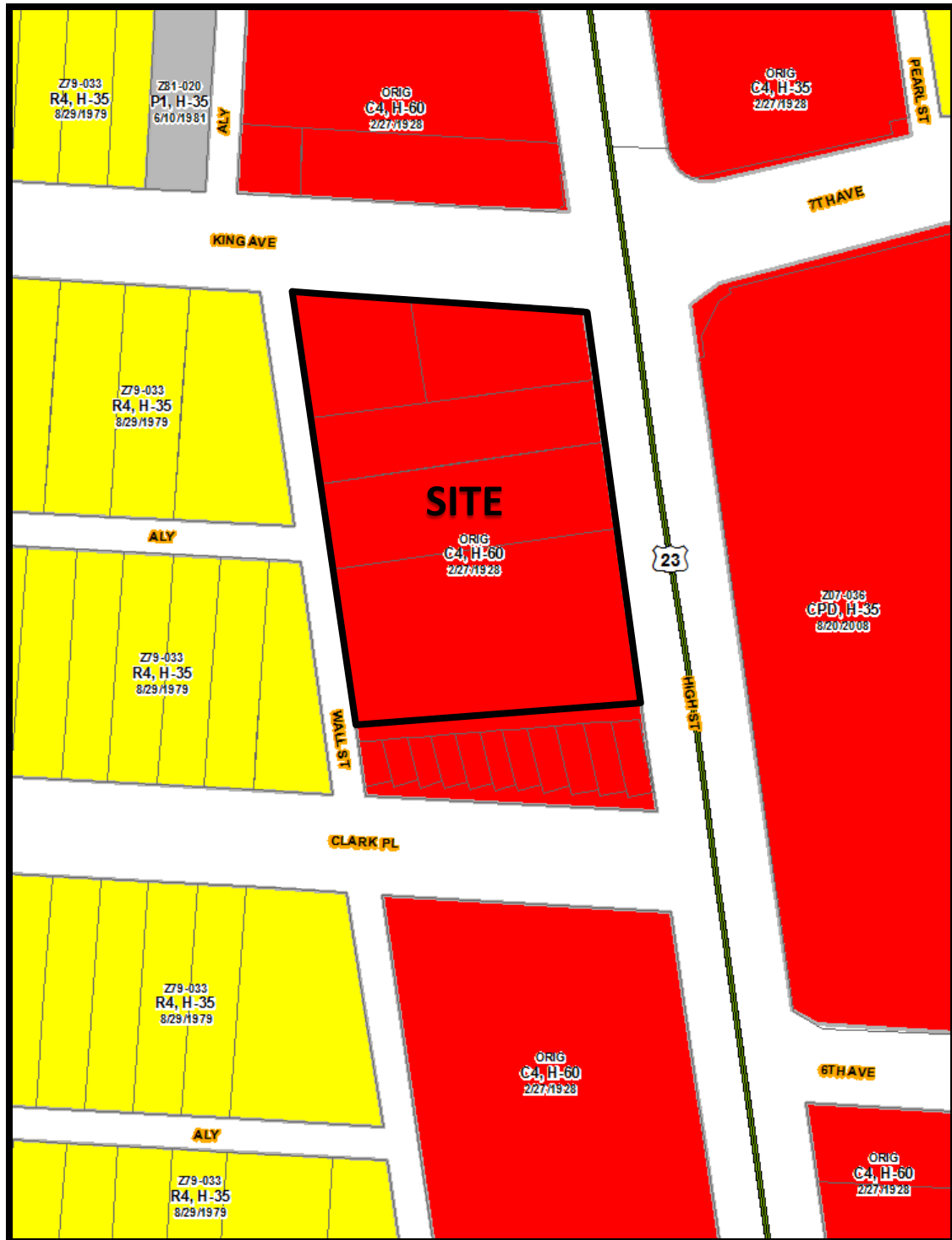
The Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system 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 UDZO and the University District Plan.

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

Respectfully submitted,

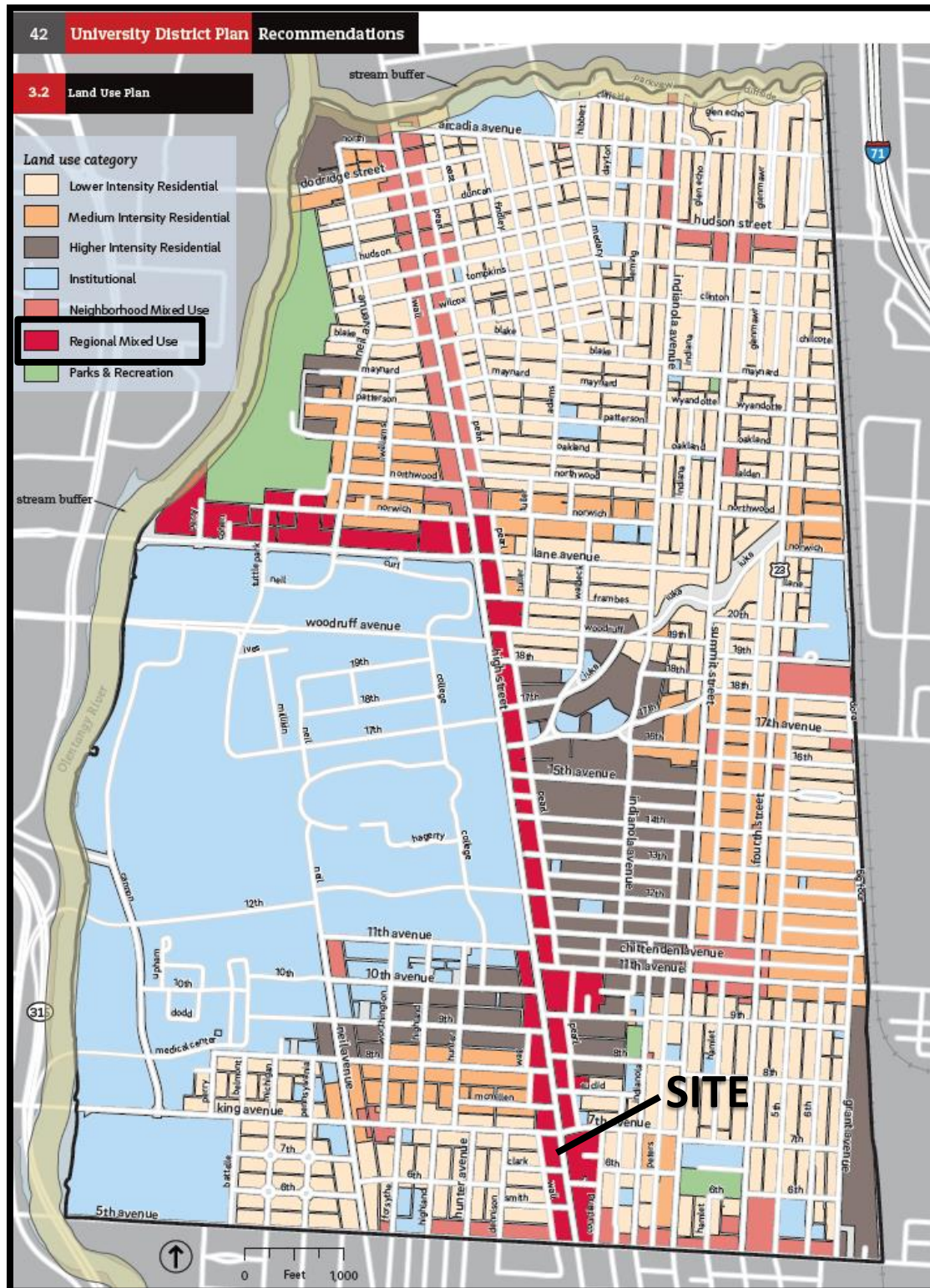


Michael Shannon, Esq.

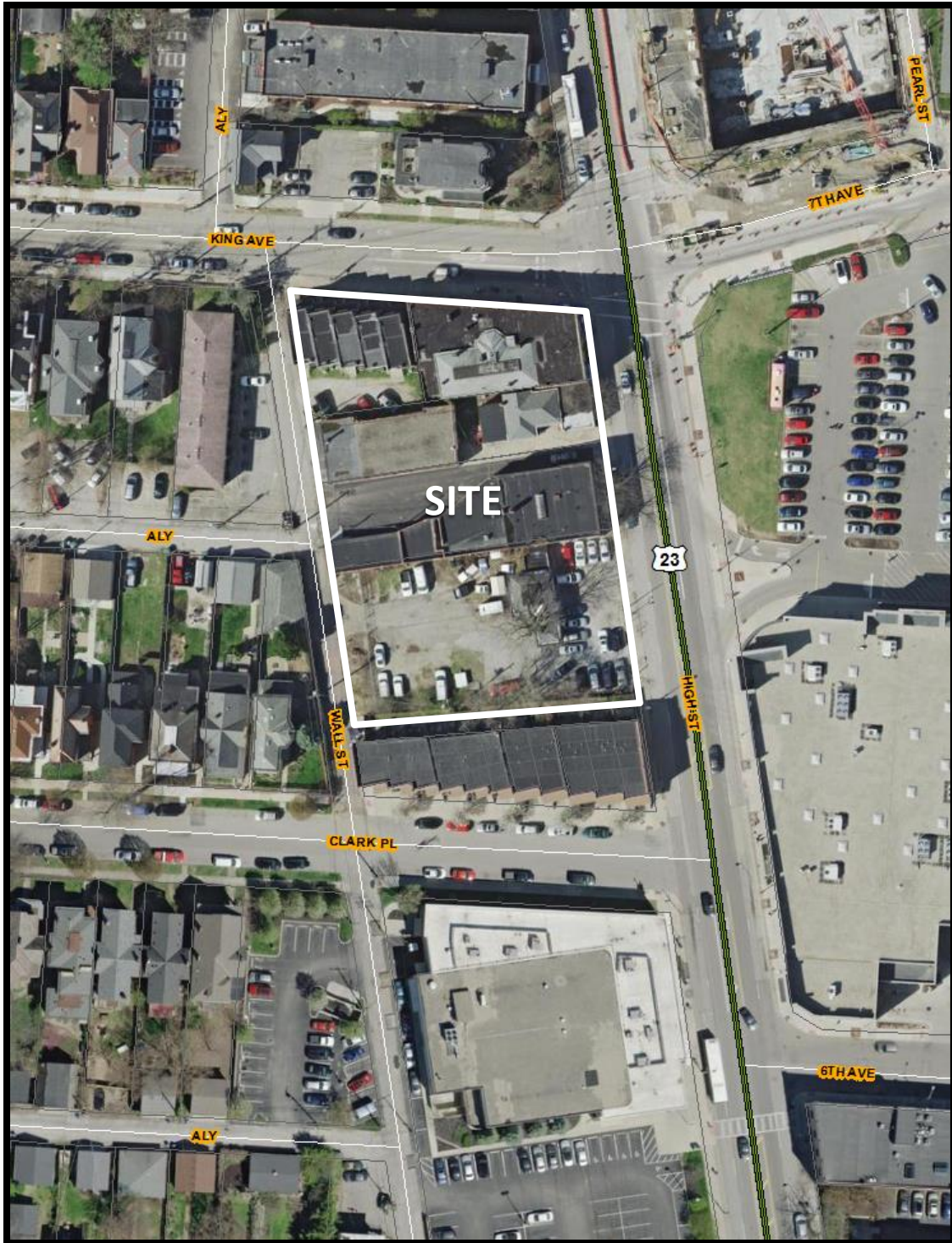


CV19-072
1331 N. High St.
Approximately 1.05 acres

University District Plan (2015)



CV19-072
1331 N. High St.
Approximately 1.05 acres



CV19-072
1331 N. High St.
Approximately 1.05 acres

Standardized Recommendation Form

111 N Front Street, Columbus, Ohio 43215

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

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
(PLEASE PRINT)

Case Number CV19-072

Address 1331 N. HIGH ST.

Group Name UNIVERSITY AREA COMMISSION

Meeting Date JULY 15, 2020

Specify Case Type

- ☒ **BZA Variance / Special Permit**
- ☐ **Council Variance**
- ☐ **Rezoning**
- ☐ **Graphics Variance / Plan / Special Permit**

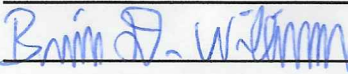
Recommendation

(Check only one)

- ☐ **Approval**
- ☒ **Disapproval**

LIST BASIS FOR RECOMMENDATION:

Vote 9 YES; 9 NO; 0 ABSTENTION

Signature of Authorized Representative 

Recommending Group Title UAC ZONING COMMITTEE

Daytime Phone Number 614-560-5785

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **FAX** to Zoning at (614) 645-2463; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

UNIVERSITY IMPACT DISTRICT REVIEW BOARD

111 North Front Street, Third Floor
Columbus, Ohio 43215
(614) 645-3507

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF
DEVELOPMENT

RECOMMENDATION

case no. **CV19-072**
property address **1347 N. High St.**
hearing date **December 17, 2020**
applicant **Mike Shannon / Collegiate Development Group**
issue date **December 18, 2020**

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 (614-645-4522 / 111 North Front Street, First Floor) and following all other applicable codes and ordinances of the City of Columbus.

The University Impact District Review Board hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the City of Columbus Planning Division within the Department of Development. The Board has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3325.115.

Variance or Zoning Change Request

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

TYPE(S) OF ACTION(S) REQUESTED:

To support the Council Variances necessary to promote the current design proposal and use.

RECOMMENDATION:

- ☒ SUPPORT REQUESTED VARIANCES OR ZONING CHANGE
 ☐ DO NOT SUPPORT REQUESTED VARIANCE OR ZONING CHANGE
 ☐ NO ACTION TAKEN

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



Patrick Holland
University Impact District Review Board, Staff

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 #: CV19-072

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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. Collegiate Development Group 7711 Bonhomme Avenue, Suite 625 St. Louis, Missouri 63105	2. 1331 N. High Street LLC 1331 North High Street Columbus, Ohio 43215	
3. Daryl Gillette 2586 Summit Street Columbus, Ohio 43202	4. NWP I LLC 2362 North High Street Columbus, Ohio 43202	5. Ohio Exterminating Co., Inc. 1347 North High Street Columbus, Ohio 43201

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 20th day of January, in the year 2021

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

N/A

This Project Disclosure Statement expires six months after date of notary public

Notary Seal Here



AARON L. UNDERHILL
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.

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