

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

OFFICE USE ONLY

Application Number: CW17-078

Date Received: 11/6/2017

Application Accepted by: SP

Fee: \$1920 -

Assigned Planner: Shannon Pine, 614-645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1287, 1295, 1307, 1315 Mt. Vernon Avenue Zip: 43203

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-000429-00

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): ARLD

Area Commission or Civic Association: Near East Area Commission

Proposed Use or reason for Council Variance request:

To provide Live/Work units within the ARLD zoned development

Acreage: 2.991

APPLICANT:

Name: Bryan Brown, C/O CMHA Phone Number: 614-421-6066 Ext.: _____

Address: 880 E 11th Avenue City/State: Columbus, Ohio Zip: 43211

Email Address: Rbittenhofer@cmhanet.com Fax Number: _____

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: CMHA Phone Number: 614-421-6066 Ext.: _____

Address: 880 E 11th Avenue City/State: Columbus, Ohio Zip: 43211

Email Address: Rbittenhofer@cmhanet.com Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☐ Attorney ☒ Agent

Name: Travis Eifert c/o EMHT Inc Phone Number: 614-775-4615 Ext.: _____

Address: 5500 New Albany Road City/State: Columbus, Ohio Zip: 43054

Email Address: TEifert@emht.com Fax Number: 614-775-4806

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Bryan Brown

PROPERTY OWNER SIGNATURE Bryan Brown

ATTORNEY / AGENT SIGNATURE Travis Eifert

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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

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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

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CV17-078

**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 Rezoning (Z17-026) and Board of Zoning Adjustment application (application Number BZA17-089) has been submitted for variances to building lines, parking, landscaping, and perimeter yard. A prior Counsel variance for live-work units along Mt. Vernon was approved for the Poindexter Phase 2A site at 1233 Mt. Vernon Avenue (CV15-059). 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 4 spaces with commercial uses within the new 24 unit buildings is consistent with the area plan's land use recommendations, Near East Area Commission request and with the traditional and established development pattern along Mt. Vernon Avenue. A prior Counsel variance for live-work units along Mt. Vernon was approved for the Poindexter Phase 2A site at 1233 Mt. Vernon Avenue (CV15-059). 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 8 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 8 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

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AFFIDAVIT (See instruction sheet)

Application Number: CW17-078

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Travis J Eifert

of (1) MAILING ADDRESS 5500 New Albany Road, Columbus OH 43054

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per CERTIFIED ADDRESS FOR ZONING PURPOSES 1287, 1295, 1307, 1315 Mt. Vernon Avenue

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 11/6/2017

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Columbus Metropolitan Housing Authority

AND MAILING ADDRESS

880 E 11th Avenue, Columbus, Ohio 43211

APPLICANT'S NAME AND PHONE #

Bryan Brown, 614-421-6066

(same as listed on front application)

AREA COMMISSION OR CIVIC GROUP

(5) Near East Area Commission

AREA COMMISSION ZONING CHAIR

Annie Ross-Womack; 874 Oakwood Avenue

OR CONTACT PERSON AND ADDRESS

Columbus OH 43206

and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List** or the **County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

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

(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 17th day of October, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

09-27-2017
My Commission Expires



BERNICE J. DANIELS

Notary Public, State of Ohio
This Affidavit expires six (6) months after the date of notarization.
My Commission Expires
09-27-2019

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1276 ELS LLC
5557 CHOWNING WAY
COLUMBUS OH 43213

A & S HOME REMODELING LLC
8004 CRESCENT DR
LEWIS CENTER OH 43035

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BARRON-CRESPO THERESA
941 BRICE RD
REYNOLDSBURG OH 43068

BOARD OF EDUCATION OF THE
270 E STATE ST
COLUMBUS OH 43215

CAHILL EDWARD H
710 S CASSINGHAM
BEXLEY OH 43209

CENTRAL OHIO COMMUNITY
IMPROVEMENT CORP
373 S HIGH ST 15TH FLOOR
COLUMBUS OH 43215

AMATUR-RAHMAN NAIMA
OR CURRENT OCCUPANT
1312 E LONG ST
COLUMBUS OH 43203

CITY OF COLUMBUS OHIO
LAND REDEVELOPMENT DIVISION
845 PARSONS AVE
COLUMBUS OH 43206

CITY OF COLUMBUS OHIO
90 W BROAD ST #425
COLUMBUS OH 43215

CLEARVIEW PROPERTY
OR CURRENT OCCUPANT
PO BOX 248263
COLUMBUS OH 43224

COLUMBUS METROPOLITAN HOUSING
AUTHORITY
880 E ELEVENTH AVE
COLUMBUS OH 43211

GOODMAN BENJAMIN
1847 1/2 MILDEN RD
UPPER ARLINGTON OH 43221

GRAVELY WAYNE A
OR CURRENT OCCUPANT
1272 E LONG STREET
COLUMBUS OH 43203

HILL KATHERINE
OR CURRENT OCCUPANT
160 WINNER AVE
COLUMBUS OH 43203

HINZE TODD
4892 GALWAY DR
DUBLIN OH 43017

HOWELL GREGORY K
OR CURRENT OCCUPANT
187 LINFIELD PL
COLS OH 43219

HUNTER GRACE
1438 BARNES DR EAST
COLUMBUS OH 43229

JACKSON PAULINE H
PO BOX 307791
COLUMBUS OH 43230

JLP INVESTMENTS LLC
4621 E KARSTEN DR
CHANDLER AZ 85249

JOHNSON CAROL & LOIS A
1859 CLIFTON AVE
COLUMBUS OH 43219

JONES RAY A
943 N NELSON RD
COLUMBUS OH 43219

KOLENZ ROBERT J
OR CURRENT OCCUPANT
156 WINNER AVE
COLUMBUS OH 43203

MFD PROPERTIES
6199 EMERWOOD RD
DUBLIN OH 43017

OLDE TOWNE BUILDING COMPANY LLC
269 MAYBANK CT
COLUMBUS OH 43230

SMAK HOUSING & MAINTENANCE LLC
1290 E LONG ST
COLUMBUS OH 43203

SMITH M ORINDA
PO BOX 127
TWINSBURG OH 44087

SSORSOR KOLLIE
OR CURRENT OCCUPANT
1290 E LONG ST
COLUMBUS OH 43203

UNION GROVE BAPTIST
266 N CHANPION AVE
COLUMBUS OH 43203

WILLIAMS KAREN
OR CURRENT OCCUPANT
1280 E LONG ST
COLUMBUS OH 43203

EMH&T
TRAVIS EIFERT
5500 NEW ALBANY ROAD
COLUMBUS, OH 43054

NEAR EAST AREA COMM
ANNIE ROSS-WOMACK
874 OAKWOOD AVENUE
COLUMBUS, OH 43206

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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

Being first duly cautioned and sworn (NAME) Bryan Broad 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.

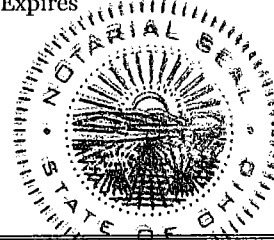
SIGNATURE OF AFFIANT Bryan Broad

Sworn to before me and signed in my presence this 16th day of October, in the year 2017

Stephanie L. Northrop
SIGNATURE OF NOTARY PUBLIC

November 1, 2021
My Commission Expires

Notary Seal Here



STEPHANIE L. NORTROP
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Fairfield County
My Comm. Exp. 11.1.21

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CV17-078

Situated in the City of Columbus, County of Franklin, State of Ohio, described as follows:

Tract I:

Lots 1, 2, 3, 38, 40, 41, 42, 43, 44 and 50 as shown and delineated upon Plat of Benjamin Monett's Mount Vernon Avenue Addition, recorded in Plat Book 5, Page 133, Franklin County Records, and

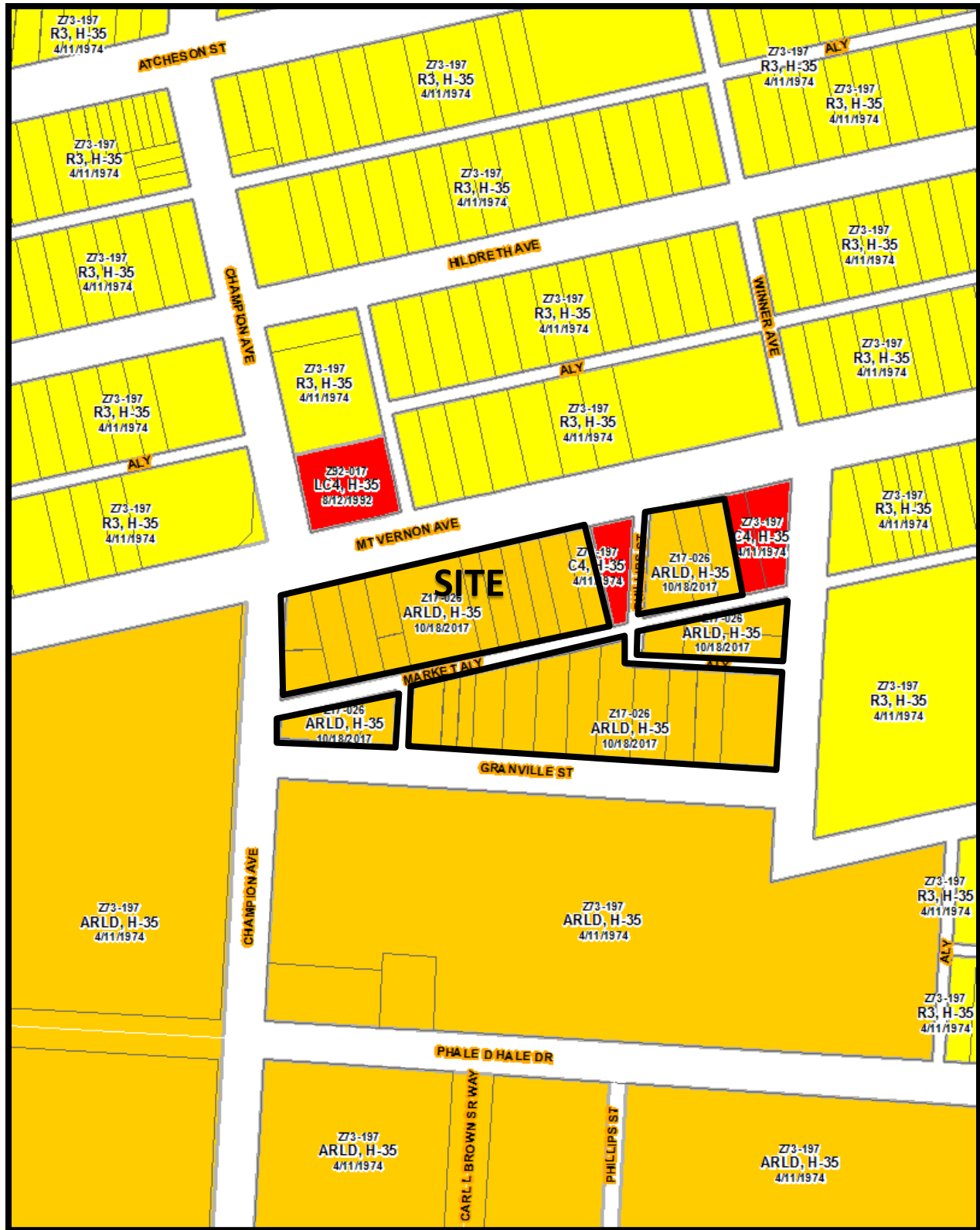
Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33 and 34 as shown and delineated upon Plat of Garner and Prentice's Addition, recorded in Plat Book 3, Page 25, Franklin County Records.

Together with any and all interest in that portion of right of way vacated by the City of Columbus by Ordinance No. 1390-70.

Also, together with that part of the vacated alley that was vacated by the City of Columbus by Ordinance No. 1205-70, that is adjacent to Lot 28 of Garner and Prentice's Subdivision and Lot 40 of Benjamin Monett's Mount Vernon Avenue Addition.

Tract II:

Lot 39 as shown and delineated upon Plat of Benjamin Monett's Mount Vernon Avenue Addition, recorded in Plat Book 5, Page 133, Franklin County Records.



CV17-078
1287-1315 Mt. Vernon Avenue
Approximately 2.99 acres



CV17-078
1287-1315 Mt. Vernon Avenue
Approximately 2.99 acres