

# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV15-059 Date Received: 9/29/15  
Application Accepted by: JB, SP, TD Fee: \$1,760  
Comments: Assigned to Tim Dietrich; 614-645-6665; tiedietrich@columbus.gov &  
Shannon Pine; 614-645-2208; spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1233, 1237, 1241 Mt. Vernon Ave, Columbus, OH 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: 010-236683

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:

Live/Work unit variance

Acreage: - 1.5 Ac.

### APPLICANT:

Name: Michael Duffy c/o McCormack Baron Salazer De Phone Number: 314-621-3400 Ext.: \_\_\_\_\_

Address: 720 Olive Street, Suite 2500 City/State: St. Louis, MO Zip: 63101

Email Address: michael.duffy@mccormackbaron.com Fax Number: 314-436-0071

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

Name: COCIC - The Land Reutilization Corp. Phone Number: 614-525-4938 Ext.: \_\_\_\_\_

Address: 373 S. High Street, 15th Floor City/State: Columbus, OH Zip: 43215

Email Address: cwilliams@cocic.org Fax Number: \_\_\_\_\_

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

Name: Travis J. Eifert, PE c/o EMH&T, Inc. Phone Number: 614-775-4615 Ext.: \_\_\_\_\_

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

Email Address: teifert@emht.com Fax Number: \_\_\_\_\_

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

*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

# Council Variance Application

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-059

STATE OF OHIO  
COUNTY OF FRANKLIN

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

of (1) MAILING ADDRESS EMH&T, Inc., 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 ADDRESS CARD FOR PROPERTY 1233, 1237, 1241 Mt. Vernon Ave, Columbus, OH

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) COCIC - The Land Reutilization Corp. of Franklin County, 373 S. High Street, 15th Floor,  
Columbus, OH 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front application)

Julie DeGraaf, 314-621-3400  
c/o McCormack Baron Salazer Development

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR  
OR CONTACT PERSON AND ADDRESS

(5) Near East Area Commission  
Annie Ross-Womack, 874 Oakwood Avenue, 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)

(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 17<sup>th</sup> day of September, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

9-27-2019  
My Commission Expires

Notary Seal



**BERNICE J. DANIELS**  
Notary Public, State of Ohio  
My Commission Expires  
**09-27-2019**

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Please make checks payable to the Columbus City Treasurer

Eyob S Abera  
1232 Mt. Vernon Ave  
Columbus, OH 43203

Board of Education Columbus City  
School District, Real Estate Coordinator  
270 E State St  
Columbus, OH 43215

Wells Fargo Real Estate  
MAC X2302-04D  
1 Home Campus  
Des Moines, IA 50328

Khari Enaharo  
1433 Linwood Ave  
Columbus, OH 43206

Joan Robinson  
62 N 17<sup>th</sup> St  
Columbus, OH 43203

Lois Johnson  
5970 Little Brook Way  
Columbus, OH 43232

Greater Mt Calvary Holy Church  
610 Rhode Island Ave NE  
Washington, EDC 20002

Mount Calvary Holy Church Of America  
PO Box 83254  
Columbus, OH 43203

Ahmad Salamah Rawahneh  
1432 Mount Vernon Ave  
Columbus, OH 43203

Willa M Harris  
169 N Ohio Ave  
Columbus, OH 43203

Gospel Tabernacle Church  
PO Box 13554  
Columbus, OH 43213

Armando Campa  
PO Box 30823  
Columbus, OH 43230

IRA Nutis Su Tr  
3540 E Fulton St  
Columbus, OH 43227

Paul & Laura Craft  
195 N Ohio Ave  
Columbus, OH 43203

Peoples Investment Group LLC  
479 Fairfield Ave  
Columbus, OH 43203

Five Brothers Market Corp  
1228 E Long St., Ste 30  
Columbus, OH 43203

Janice Thomas  
2920 Berwick Blvd  
Columbus, Oh 43209

Bettye and Garold Beim  
PO Box 9743  
Columbus, OH 43209

Joseph L Valentine and Tyrrike Davis  
479 Fairfield Ave  
Columbus, OH 43203

Daisy A Flowers  
46 N Ohio Ave  
Columbus, OH 43203

Orinda Smith  
2242 Bildad Dr  
Henderson, NV 89044-8784

Rolonda R Warren  
1208-210e Long St  
Columbus, OH 43203

Jonathan V Robinson  
1457 Briarwood Ave  
Columbus, OH 43211

Lucita Ferris  
1727 E Long St  
Columbus, OH 43219

Steven Napper  
128 Hawkes Ave  
Columbus, OH 43222

SIJ Partnership LLC  
3540 E Fulton St  
Columbus, OH 43227

Janet Odriscoll  
PO Box 127  
Twinsburg, OH 44087

L&N-Up Alum Creek LLC  
3540 E Fulton St  
Columbus, OH 43227

Union Grove Baptist Church  
266 N Champion Ave  
Columbus, OH 43203

West side & Ohio Ave Day Nurseries  
Assn  
40 n Grubb St  
Columbus, OH 43215

CV 15-059

Columbus Metropolitan Housing Authority  
880 E 11<sup>th</sup> Ave  
Columbus, OH 43211

City of Columbus  
Land Bank  
50 W Gay Street, 4<sup>th</sup> Floor  
Columbus, OH 43215

SR 2006 LLC  
C/O States Resource Corp  
4848 S 131<sup>st</sup> St  
Omaha, NE 68137

City of Columbus  
Real Estate Management  
90 W Broad St, Room 425  
Columbus, OH 43215

Diane Brown  
4229 E. Broad Street  
Apt 18  
Columbus, OH 43213

Buckeye Investors LLC  
1272 E. Long Street  
Columbus, OH 43203

David Hartgrove  
1276 E. Long Street  
Columbus, OH 43203

Karen Williams  
1280 E. Long Street  
Columbus, OH 43203

Kollie Sorsor  
1290 E. Long Street  
Columbus, OH 43203

Kollie Dweh-Nah  
1290 E. Long Street  
Columbus, OH 43203

JLP Investments LLC  
4621 E. Karsten Drive  
Chandler, AZ 85249

Edward and Stephanie Cahill  
710 S. Cassingham  
Bexley, OH 43209

Grace Hunter  
8083 Running Fox Road  
Apt 1 B  
Columbus, OH 43235

Carol Johnson, Lois Weaver,  
Betty Littleton  
1859 Clifton Avenue  
Columbus, OH 43219

Naima Amatur-Rahman  
1312 E. Long Street  
Columbus, OH 43203

Pauline Jackson  
Gina Green  
PO Box 307791  
Columbus, OH 43230

Clearview Property Management LLC  
PO Box 248263  
Columbus, OH 43224

Lee and Gloria Carter  
153 N. Winner Avenue  
Columbus, OH 43203

Benjamin Goodman  
1847 1/2 Milden Road  
Upper Arlington, OH 43221

James Krancevic  
36624 Ridge Road  
Willoughby, OH 44094

Deborah Neff  
6199 Emberwood Road  
Dublin, OH 43017



**Parcel Description ~ 1.5 Acres**  
**South Side Mt. Vernon Ave.**  
**West Side N. Champion Ave.**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 5, Range 22, Refuge Lands, and described as follows:

*Beginning* at the intersection of the easterly right-of-way line for N. Ohio Ave. with the southerly right-of-way line for Mt. Vernon Ave, the same being the north corner of Lot 9 of Bethhauser and Rankin's Subdivision as recorded in Plat Book 4, Page 54;

thence North  $77^{\circ} 17' 24''$  East, with said southerly right-of-way line, 260.07 feet to the northeast corner of Lot 2 of said subdivision, the same being the northwest corner of Lot 1 of said subdivision;

thence South  $13^{\circ} 17' 42''$  East, with the line common to said Lots 1 and 2, 99.90 feet;

thence North  $77^{\circ} 39' 44''$  East, across said Lot 1, 30.91 feet to the westerly right-of-way line of N. Champion Ave.;

thence South  $03^{\circ} 03' 34''$  West, with said westerly right-of-way line, 161.39 feet to an angle point in said westerly right-of-way line;

thence North  $86^{\circ} 56' 16''$  West, across Bethhauser Rankin Samuel and Walker Subdivision as recorded in Plat Book 2, Page 234, 308.27 feet to said easterly right-of-way line;

thence North  $03^{\circ} 04' 44''$  East, with said easterly right-of-way line, 178.35 feet to the *Point of Beginning*.

Containing 1.5 acres, more or less. Subject, however, to all legal restrictions, rights-of-ways and/or easements. This description is based on existing records and is not for transfer.

All records refer to the records of the Recorder's Office, Franklin County, Ohio.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Evans, Mechwart, Hambleton & Tilton, Inc.  
 Engineers • Surveyors • Planners • Scientists  
 5500 New Albany Road, Columbus, OH 43054  
 Phone: 614.775.4500 Toll Free: 888.775.3648  
 emht.com

# PARCEL EXHIBIT

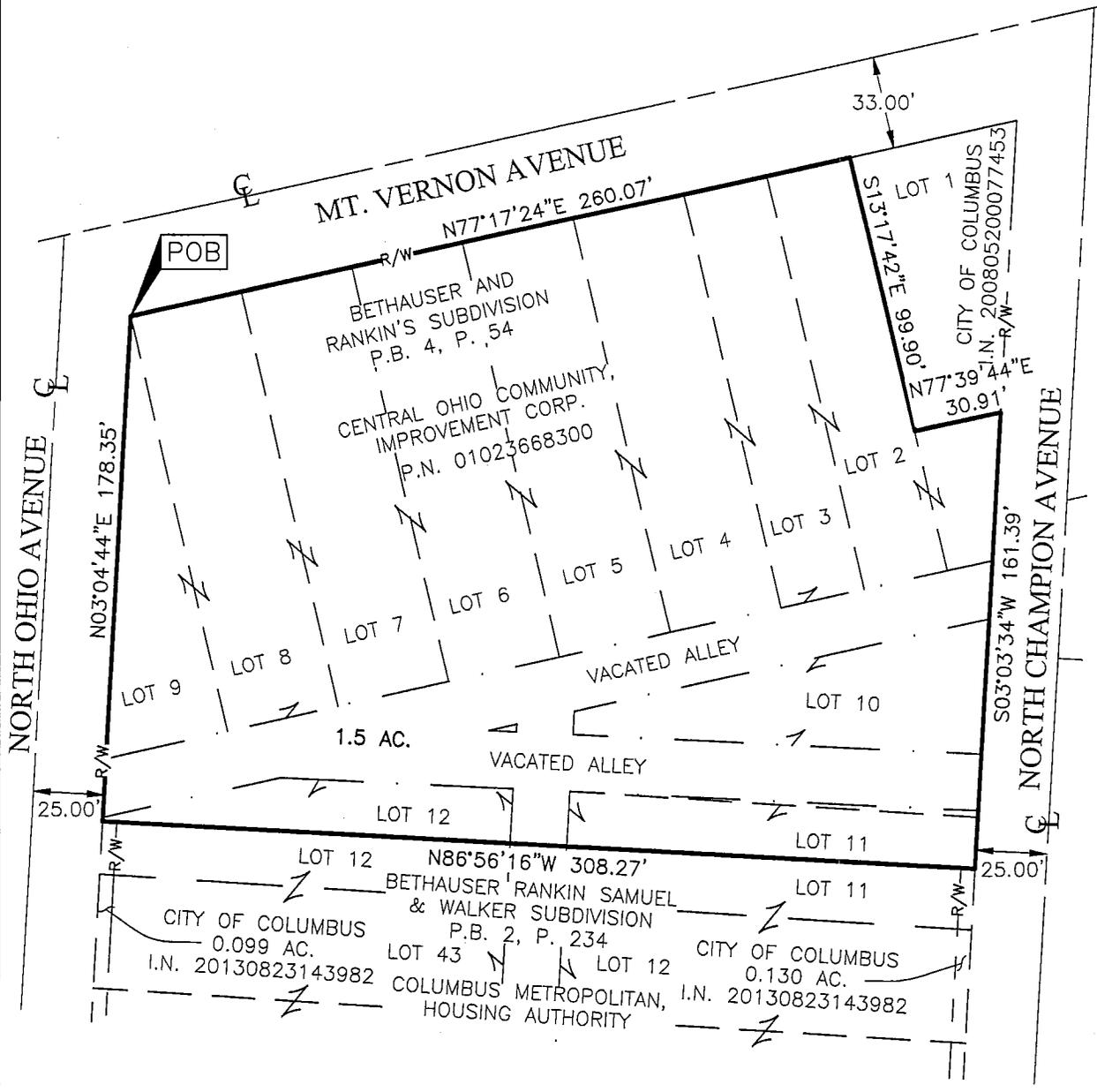
SECTION 14, TOWNSHIP 5, RANGE 22  
 REFUGEE LANDS

CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO

Date: August 31, 2015

Job No. 2014-1937

Scale: 1" = 60'



**SURVEY NOTE:**  
 This exhibit is based on existing records.



GRAPHIC SCALE (in feet)

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

The site is to be developed with a 10,250± square-foot mixed-use 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 15-058) has been submitted and approved for variances to building lines, height district, 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 three “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 three live-work units planned for Poindexter Phase IIA. All three will be located in the ground floor of a 27 apartment mixed-use building located along a traditional neighborhood retail corridor, Mt. Vernon Avenue that will also house the management and leasing offices, community space, and fitness center for the apartment complex. The live-work units and the mixed-use character 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 screen and approve occupants of the 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 45% for a tenant occupying the unit as a primary residence, and 100% for a tenant occupying the unit as a commercial tenant. 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 three units would require 5 parking spaces, whereas if the units are utilized as 100% for commercial uses they would require 6 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 5 spaces rather than a commercial zoning of 6 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.

J:\20141937\Correspondence\Submittals\Phase 2A\Counsel Variance\2015-09-28 Poindexter - live-work units variance.doc

# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

## 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 # CV 15-059

STATE OF OHIO  
COUNTY OF FRANKLIN

Michael Duffy

Being first duly cautioned and sworn (NAME) \_\_\_\_\_  
of (COMPLETE ADDRESS) 720 Olive Street, Suite 2500, St. Louis, MO 63101

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. McCormack Baron Salazar Development Inc. 720 Olive Suite 2500 St. Louis, MO 63101	2.
3.	4.

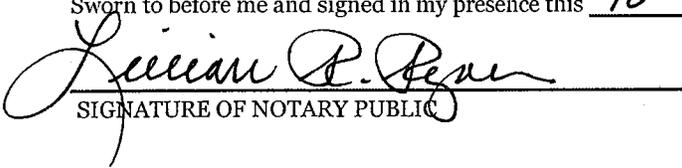
Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 12th day of August, in the year 2015

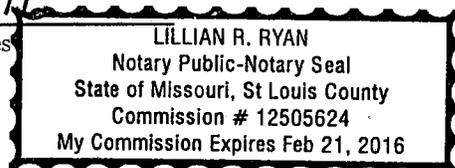
SIGNATURE OF NOTARY PUBLIC



My Commission Expires

2-21-2016

Notary Seal Here

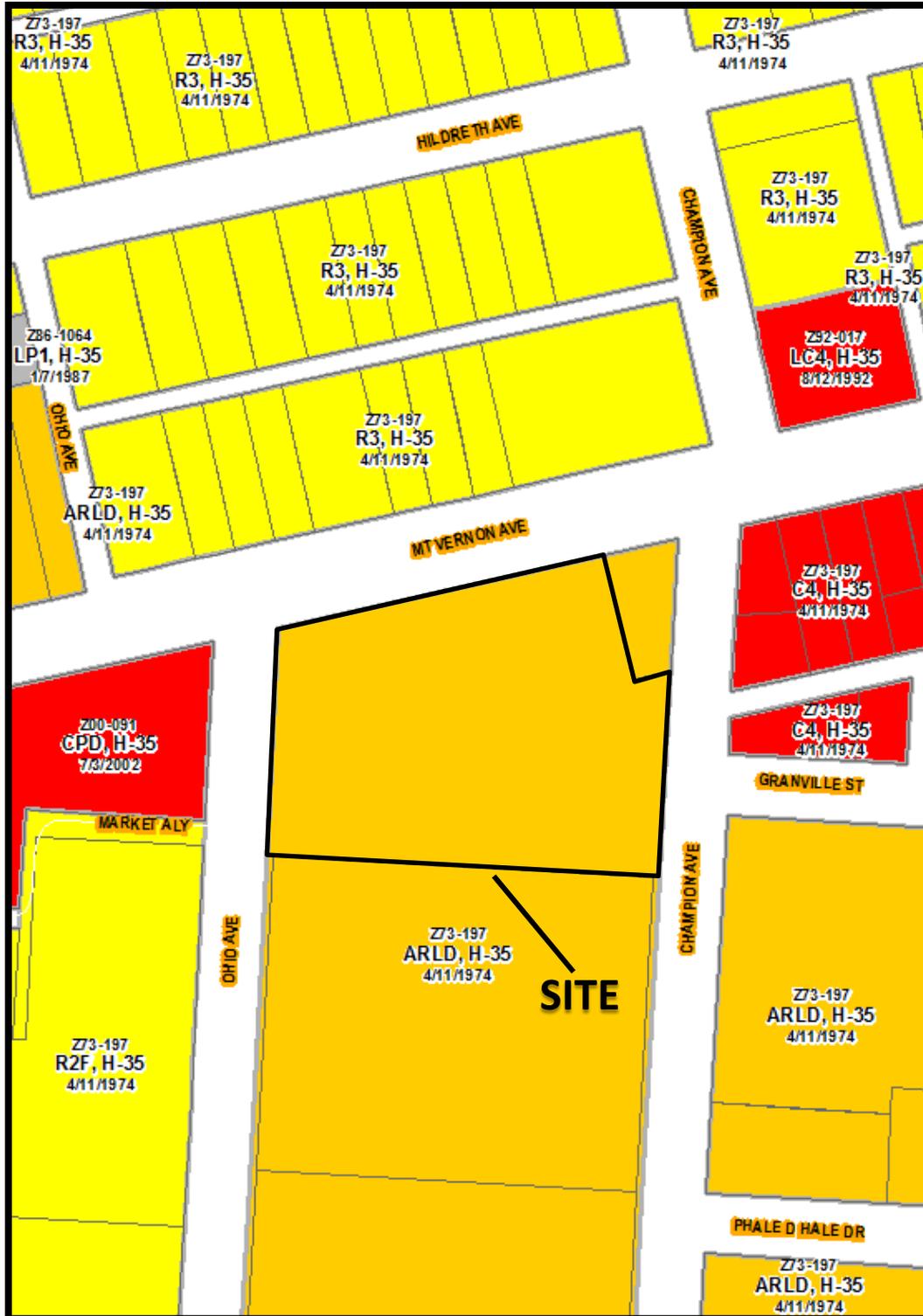


*This Project Disclosure expires six (6) months after the date of notarization.*

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Please make checks payable to the Columbus City Treasurer







CV15-059  
 1233 Mt. Vernon Avenue  
 Approximately 1.5 acres

DEVELOPMENT STRATEGY

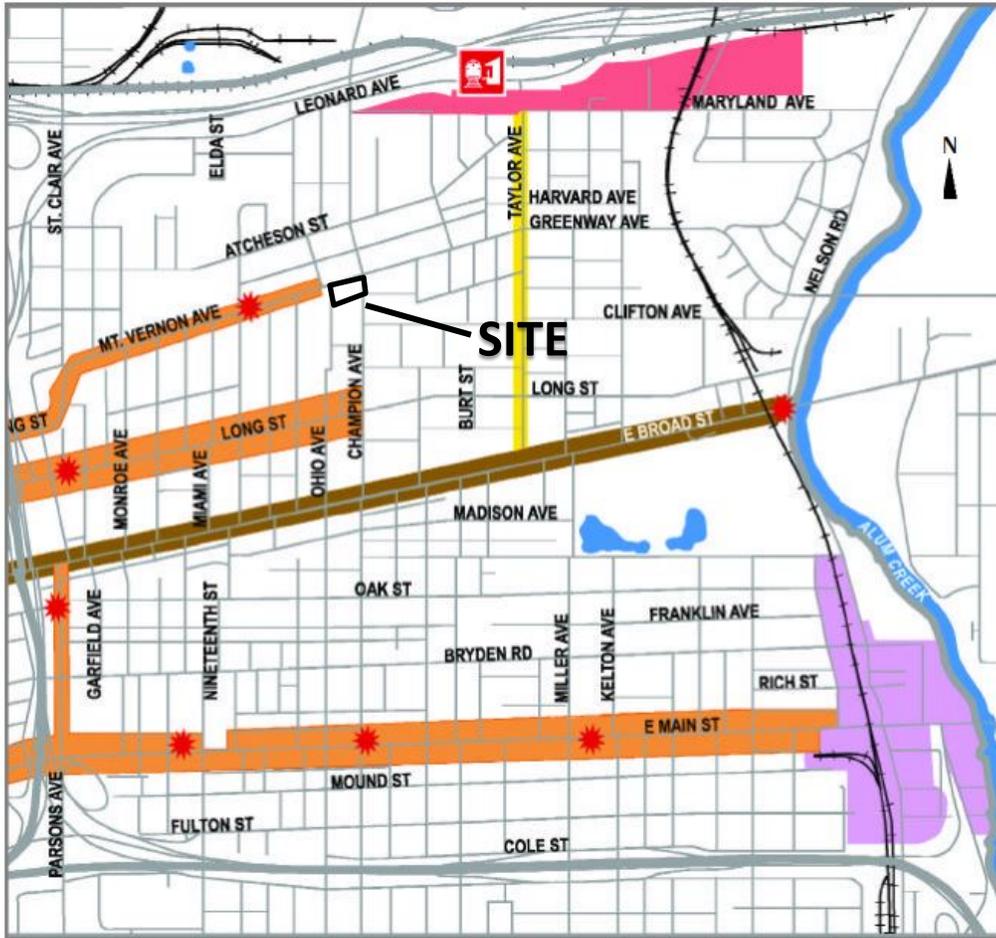


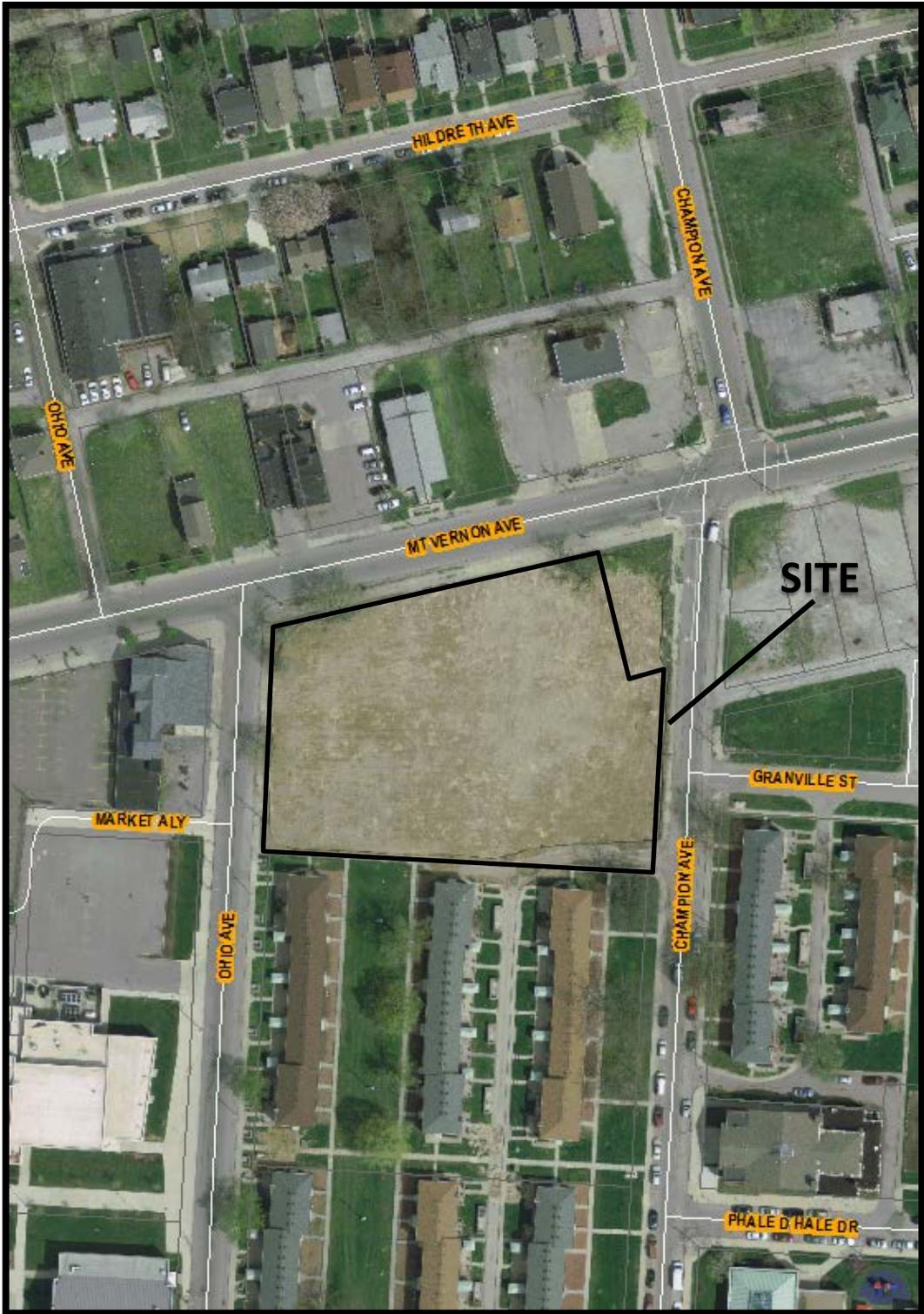
Figure 5

►► **Light Industrial/Commercial:** This area consists largely of light industrial development. Future development should reinforce this land use. Development standards should be utilized to ensure high quality development.

►► **Potential Light Rail Station:** A site in this area should be reserved for a potential light rail station. COTA's Vision 2020 plan anticipates the development of light rail within this corridor and this area could provide a convenient rail station and spur/accommodate commercial and higher density residential development.

- Lower and Medium Density Residential
- East Broad Street:
- Higher Density Residential/  
Mixed Use Development:
- Commercial District Nodes
- Office/Light Industrial/Mixed Uses
- Light Industrial/Commercial
- 1 Potential Light Rail Station

CV15-059  
 1233 Mt. Vernon Avenue  
 Approximately 1.5 acres



CV15-059  
1233 Mt. Vernon Avenue  
Approximately 1.5 acres