

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

OFFICE USE ONLY

Application Number: CV21-125 Date Received: 11/23/21
Application Accepted by: KP Fee: \$2100
Assigned Planner: Tim Dietrich; tedietch@columbus.gov; 614-645-6665

LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 2870 Alum Creek Dr. Zip: 43207
Is this application being annexed into the City of Columbus? ☐ YES ☒ NO (select one)
If the site is currently pending annexation, the Applicant must show documentation of County Commissioner's adoption of the annexation petition.
Parcel Number for Address or Zoning Number: 010-267629

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

Current Zoning District(s): PUD8 Acreage: 4.167

Area Commission or Civic Association: Far South Area Commission

Proposed Use or reason for request: To change units from 'townhomes' as defined to 2, 3 & 4 unit multifamily.
(Elaborate in Statement of Hardship)

APPLICANT:

Applicant Name: Homeport Columbus Housing Partnership Phone Number: 614 560 1488 Ext.:
Address: 3443 Alger Rd City/State: Cols., Oh Zip: 43219
Email Address: laura@comeklaw.com

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

Name: Columbus Housing Partnership Phone Number: Ext.:
Address: same City/State: Zip:
Email Address:

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

Name: Laura Magregor Comek, Esq. Phone Number: 614 560 1488 Ext.:
Address: 17 S. High St., Ste 700 City/State: Cols., Oh Zip: 43215
Email Address: laura@comeklaw.com

SIGNATURES:

APPLICANT SIGNATURE by [Signature]
PROPERTY OWNER SIGNATURE by [Signature]
ATTORNEY / AGENT SIGNATURE [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.

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STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

CV21-125

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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.

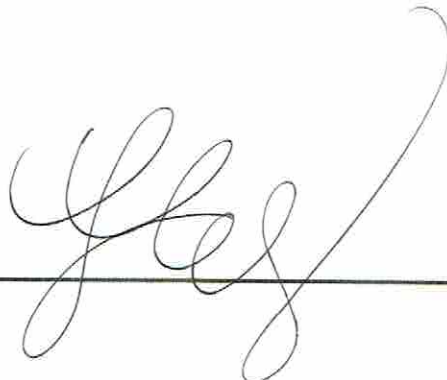
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) 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):

please see attached

Signature of Applicant



Date

10.31.21

STATEMENT OF HARDSHIP

CV21-125

Applicant: Homeport
c/o Laura MacGregor Comek, Esq.
17 S. High Street, Ste. 700
Columbus, Ohio 43215
laura@comeklaw.com
614.560.1488

Owners: Columbus Housing Partnership dba Homeport
3443 Agler Rd.
Columbus, Ohio 43219

Address: 2870 Alum Creek Dr.
Parcel Nos.: 010-267629
Zoning Districts: PUD-8
Date: October 31, 2021

This Statement is provided in support of the Applicant's Council Variance Application.

This application for CV, rather than a full rezoning, is sought due to the OHFA and Franklin County funding programs and the need for zoning approvals for application deadlines February 2022. The Applicant is using the City's two-step process for affordable housing developers, driven from funding application deadlines and the short time frames associated therewith. The Applicant will proceed with Step One to confirm the uses and density as set forth here. After the funding grants are awarded, and if the project is funded, the Applicant will file a full rezoning of the property to address all other issues relative to zoning, development standards, etc.

The Step One CV seeks approval to merely achieve a technical change in the definition of 40 'townhome' units of affordable senior housing to 40 two (2), three (3) and four (4) family building units of affordable senior housing and to allow 1- and 2-bedroom units instead of 2 and 3 bedrooms.

This Council Variance is necessary as the current PUD-8 specifically defines the 40 units as 'townhomes' which by City of Columbus definition includes certain public roadway construction and platting requirements that differ from merely 'attached multi-family' ie., two (2), three (3) and four (4) family building units construction, which allows for private streets and no unit-by-unit platting. Too, the specificity of 2- and 3-bedroom units are within the existing PUD-8 but are NOT consistent with the OHFA scoring system which gives preference to 1 and 2 bedroom units to meet the senior housing typology.

By City of Columbus process, Homeport may ONLY obtain use and density by council variance, to meet the OHFA requirement.¹ This request seeks to also include the bedroom count, to specifically meet the OHFA requirement. If the project is awarded, Homeport will return for a full rezoning and new council variance (if needed) to fully develop the project.

¹ The Applicant has included a variance to CCC Section 3345.07, Contents of Application, as a procedural compliance item for this council variance. It may be included in the follow up rezoning, that item is 'to be determined.'

Sub Area C (4.31 acres; 9.28 net u/a)

This tract will be developed with forty (40) townhomes for sale and will be developed in accordance with C.C.C. Section 3333 for Multi-Family Residential Development. All townhomes shall have 2 to 3 bedrooms and attached garages.

Variance/Modification to this underlying standard is needed to construct senior affordable housing – i.e., a 40-unit development along the east side of Alum Creek Dr. with 1- and 2-bedroom units. The Applicant is also varying CCC Section 3345.07 regarding the Contents of a PUD application, to the extent this CV is not in strict compliance with the existing PUD or PUD code.

The Site is only 4.167 +/- acres and has been zoned for a 'multi-family' residential use since 2003.

The variances are not significant given the same number of units and the same intended use being multi-family housing.

There are no adverse effects to adjacent landowners – if anything the inclusion of senior housing meets a need in the area. There is no effect on the delivery of governmental services.

The Applicant cannot feasibly obviate the minor use variance – to allow 'attached multi-family,' i.e., two (2), three (3) and four (4) family building units, residential housing, as the current PUD-8 does specifically include this component.

For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted,

Laura MacGregor Comek, Esq.

Laura MacGregor Comek, Esq.
17 S. High St., Ste 700
Columbus, Ohio 43215
Phone: 614.560.1488
Laura@comeklaw.com
Counsel for Applicant

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AFFIDAVIT

APPLICATION #: CV21-125

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME

of (1) MAILING ADDRESS Laura MacGregor Comek, Esq.
17 S. High St., Ste 400 Cols, OH 43215

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) PROPERTY ADDRESS OR ZONING NUMBER 2870 Alumn Creek Dr

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 11/23/21

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

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

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

(4) Columbus Housing Partnership dba
Homeport
3443 Agler Rd., Cols, OH 43219
c/o L.M. Comek 614560 1488

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

(5) Far South Cols Area Comm
Mr. Patterson / Michael Walker
bobpatterson45@yahoo.com &
m_walker_sr@yahoo.com

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 2nd day of November in the year 2021

(7) SIGNATURE OF NOTARY PUBLIC

6-8-2025
My Commission Expires

Notary Seal Here

KATHY ZALMON
Notary Public, State of Ohio
My Commission Expires 06-08-2025



This Affidavit expires six (6) months after date of notarization.

HOMEPORT
3443 Agler Rd.
Columbus, Ohio 43219

Laura MacGregor Comek
17 S High St. Ste 700
Columbus, Ohio 43215

Far South Columbus AC
Robert Patterson
2664 Diane Place
Columbus, Ohio 43207

Far South Columbus AC
Michael Walker
926 Tellega Avenue
Columbus, Ohio 43207

Judith and Andres Calalo
2945 Summit Springs Dr.
Columbus, Ohio 43207

Nicholas Kimble or Tasha Donahoe
2939 Summit Springs Dr.
Columbus, Ohio 43207

Charlene Easley
2933 Summit Springs Dr.
Columbus, Ohio 43207

Clarence Roquemore
Sharon Chukes
2542 Eden Creek Ln.
Columbus, Ohio 43207

Amanda and Kevin Lawrence
2548
Eden Creek Ln.
Columbus, Ohio 43207

Johnetta Love
2554 Eden Creek Ln.
Columbus, Ohio 43207

Preston Harris
2934 Zareba Dr.
Columbus, Ohio 43207

Elizabeth Livesay
2935 Zareba Dr.
Columbus, Ohio 43207

Moulay Kadimiskalli
2930 Summit Springs Dr.
Columbus, Ohio 43207

Donna and Larry Rispress
2936 Summit Springs Dr.
Columbus, Ohio 43207

Bonita and Norman Brown
2941 Zareba Dr.
Columbus, Ohio 43207

City of Columbus Ohio
90 W Broad St. Rm. 425
Columbus, Ohio 43215

Fieldstone Court Homes
2850 Alum Creek Dr.
Columbus, Ohio 43207

Old Dominion Freight Line
500 Old Dominion Way
Thomasville, NC 27360-8923

Ms. Eileen Neale
2488 Liston Ave.
Columbus, Ohio 43207

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-125

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.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS) Laura MacGregor Comek Esq
17 S. High St., Ste 700 Cols, OH 43215

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 (including contact name and number)

Business or individual's address; City, State, Zip Code

Number of Columbus-based employees

(Limited to 3 lines per box)

1. <u>Columbus Housing Partnership dba Homeport</u> <u>3443 Agler Rd. Cols., Ohio 43219</u>	2.
<u>see</u>	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 2nd day of NOVEMBER, in the year 2021

Kathy Zalmon

SIGNATURE OF NOTARY PUBLIC

KATHY ZALMON
Notary Public, State of Ohio
My Commission Expires 06-08-2025

My Commission Expires 6-8-2025



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

EXHIBIT A

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 6, Township 11, Range 21, United States Military Lands and being all out of that 69J 87 acre tract as conveyed to Therll W. Clagg of record in Instrument Number 199903100060536 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8840 at the centerline intersection of said Watkins Road with Alum Creek Drive, said monument being North 85° 47' 45" West a distance of 1488.54 feet from Franklin County Geodetic Survey Monument Number 8841 in the centerline of said Watkins Road;

thence North 03° 50' 47" East, with the centerline of said Alum Creek Drive a distance of 734.57 feet to an angle point in said centerline;

thence North 03° 58' 24" East, continuing with said centerline, a distance of 567.25 feet to a point;

thence South 86° 01' 36" East, leaving said centerline, a distance of 38.22 feet to an iron pin set in the easterly right-of-way line of said Alum Creek Drive as dedicated in Road Record 18-205, being the True Point of Beginning;

thence with a new division line across said Clagg tract, the following courses:

South 84° 23' 21" East, a distance of 462.71 feet to an iron pin set;

South 04° 51' 16" West, a distance of 406.55 feet to an iron pin set;

North 85° 46' 42" West, a distance of 302.00 feet to an iron pin set;

South 04° 12' 20" West, a distance of 37.83 feet to an iron pin set; and

North 85° 45' 32" West, a distance of 163.41 feet to an iron pin set in said easterly right-of-way line;

thence with said easterly right-of-way line the following courses:

North 03° 23' 45" East, a distance of 90.41 feet to an iron pin set;

South 86° 09' 19" East, a distance of 10.07 feet to an iron pin set; and

North 03° 59' 39" East, a distance of 365.06 feet to the True Point of Beginning and containing 4.502 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of monuments 8840 and 8841, established by the Franklin County Engineering Department, using GPS procedures and equipment.

LESS AND EXCEPT THE FOLLOWING DESCRIBED 0.335 ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township-11-North, Range-21-West Mathew's Survey of Congress Lands of 1795- 1802, and being a part of that 4.502 acre tract as conveyed to the Columbus/Franklin County Affordable Housing Trust Corporation by deed

CV21-125

of record in Instrument Number 200307300237067, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of- Way of FRA-C.R. 122-4.14, as recorded in Plat Book _ Page _ ;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 846.51 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Section 6, Township 11, Range 21, to a point in said centerline, being 0.00 feet right of Alum Creek Drive station 151+04.74;

Thence South 86 degrees 10 minutes 32 seconds East, a distance of 30.00 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive at a southwest corner of said 4.502 acre tract, being 30.00 feet right of Alum Creek Drive Station 151+04.74, and being the Point of True Beginning;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 90.41 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 30.00 feet right of Alum Creek Drive station 151+95.15;

Thence South 86 degrees 10 minutes 32 seconds East, a distance of 10.00 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 40.00 feet right of Alum Creek Drive station 151+95.15;

Thence North 03 degrees 49 minutes 28 seconds East a distance of 365.74 feet along the westerly line of said 4.502 acre tract and along the existing easterly right-of-way line of said Alum Creek Drive, to a rebar found at an angle point in the existing easterly right-of-way line of said Alum Creek Drive at the northwest corner of said 4.502 acre tract, being, 40.00 feet right of Alum Creek Drive station 155+60.90;

Thence South 84 degrees 22 minutes 52 seconds East a distance of 30.01 feet along the northerly line of said 4.502 acre tract, along a southerly line of that 0.184 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200607210142822, and along the southerly line of that 3.312 acre tract as conveyed to Fieldstone Court Homes, LLC by deed of record in Instrument Number 200509270201964 to an iron pin set at the intersection with the proposed easterly right-of-way line of said Alum Creek Drive, being 70.00 feet right of Alum Creek Drive station 155+59.96;

Thence South 03 degrees 49 minutes 28 seconds West, a distance of 455.51 feet across said 4.502 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set in the southerly line of said 4.502 acre tract at the northwest corner of Lot 3 of Alum Creek Village, Section 1, Part 1, as recorded in Plat Book 103, Page 28, being 70.00 feet right of Alum Creek Drive station 151+04.45;

Thence North 85 degrees 45 minutes 03 seconds West, a distance of 40.00 feet along the southerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive,

CV21-125

to the Point of True Beginning, containing 0.335 acres, more or less, of which 0.000 acres more or less, lies within the present road occupied;

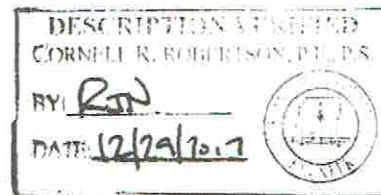
Of the above described area, 0.335 acres is contained within the Franklin County Auditors Parcel 010-267629;

The bearing datum of the afore-described parcel is based on the bearing of North 04 degrees 02 minutes 12 seconds East, for the centerline of Alum Creek Drive, from an adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8820 and #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on March 19, 2007 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC".

Grantor claims title by instrument of record in Instrument Number 200307300237067, of the Recorder's Office, Franklin County, Ohio.



ALLOF
1010
267629

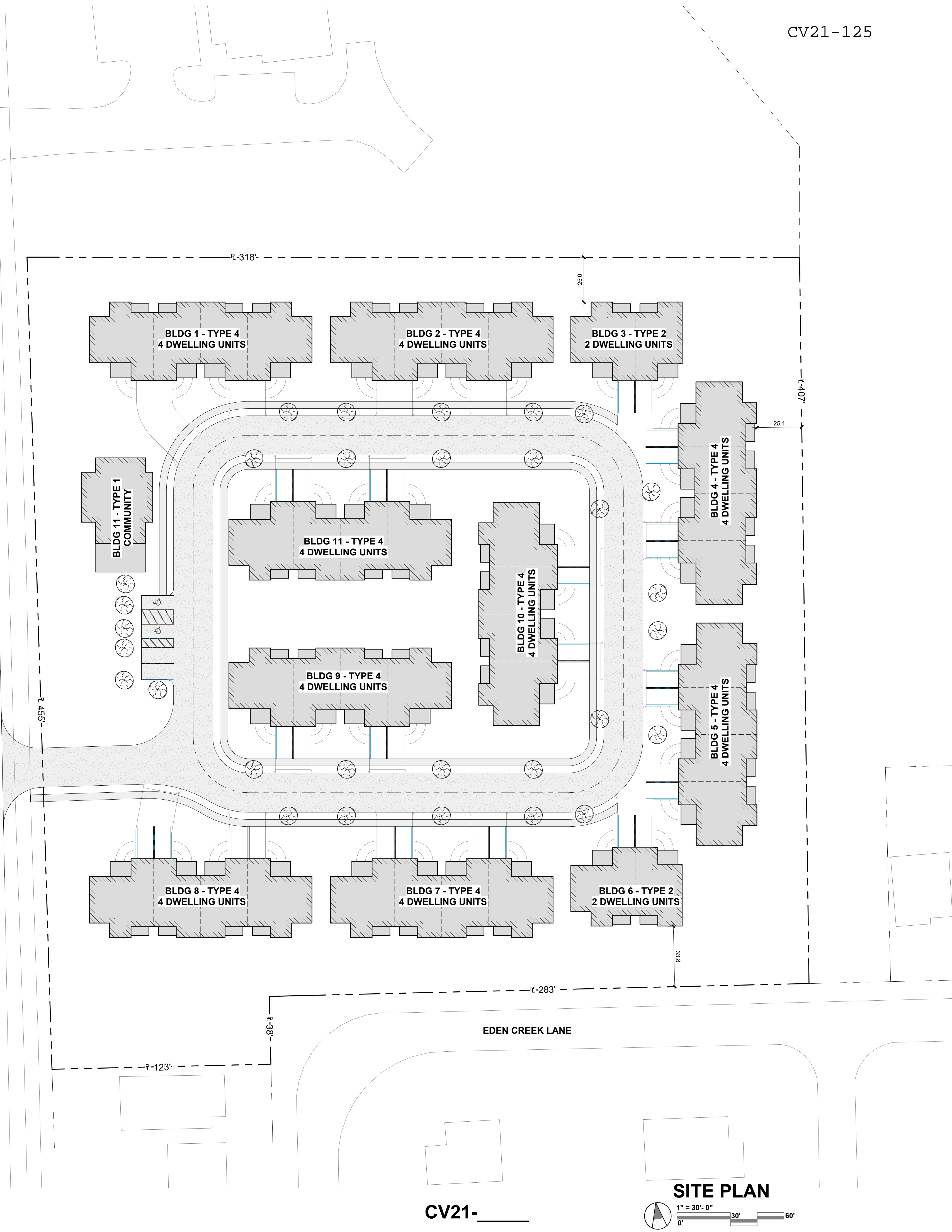
SITE DATA TABLE

ADDRESS	(NO ADDRESS) ALUM CREEK DR
PARCEL NO.	010-267629
EXISTING ZONING	R4
HEIGHT DISTRICT	H-35
EXISTING AREA	4.1 AC +/-, 180,000 SF +/-
A. ZONING	
ZONING	PUD8 - Z02-064A
VARIANCE #	CV21 - _____
B. BUILDING	
PROPOSED USE	40 DWELLING UNITS
HEIGHT:	LESS THAN 35'
LOT COVERAGE	
SETBACKS:	AS NOTED
C. PARKING	
40 DU	
PARKING: REQUIRED	
PARKING: PROVIDED	76 TOTAL SPACES
D. SITE	
REFUSE:	CITY OF COLUMBUS
TREES:	1 TREE / 10 DU REQUIRED (4 TREES PROVIDED)

SITE AREA CALCULATION			
ADDRESS			
AREA DESCRIPTION	SF		%
SITE DATA - BUILDING TYPE 1	2200 SF		1%
LOT COVERAGE			
SITE DATA - BUILDING TYPE 4	4850 SF		3%
SITE DATA - BUILDING TYPE 4	4850 SF		3%
SITE DATA - BUILDING TYPE 4	4850 SF		3%
SITE DATA - BUILDING TYPE 4	4850 SF		3%
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SITE DATA - BUILDING TYPE 4	4850 SF		3%
SITE DATA - BUILDING TYPE 4	4850 SF		3%
SITE DATA - BUILDING TYPE 2	2450 SF		1%
SITE DATA - BUILDING TYPE 2	2450 SF		1%
TOTAL SITE AREA -	180,000 SF		

PARKING COUNT		
LOCATION	SIZE/TYPE	COUNT
1ST FLOOR		76
		76

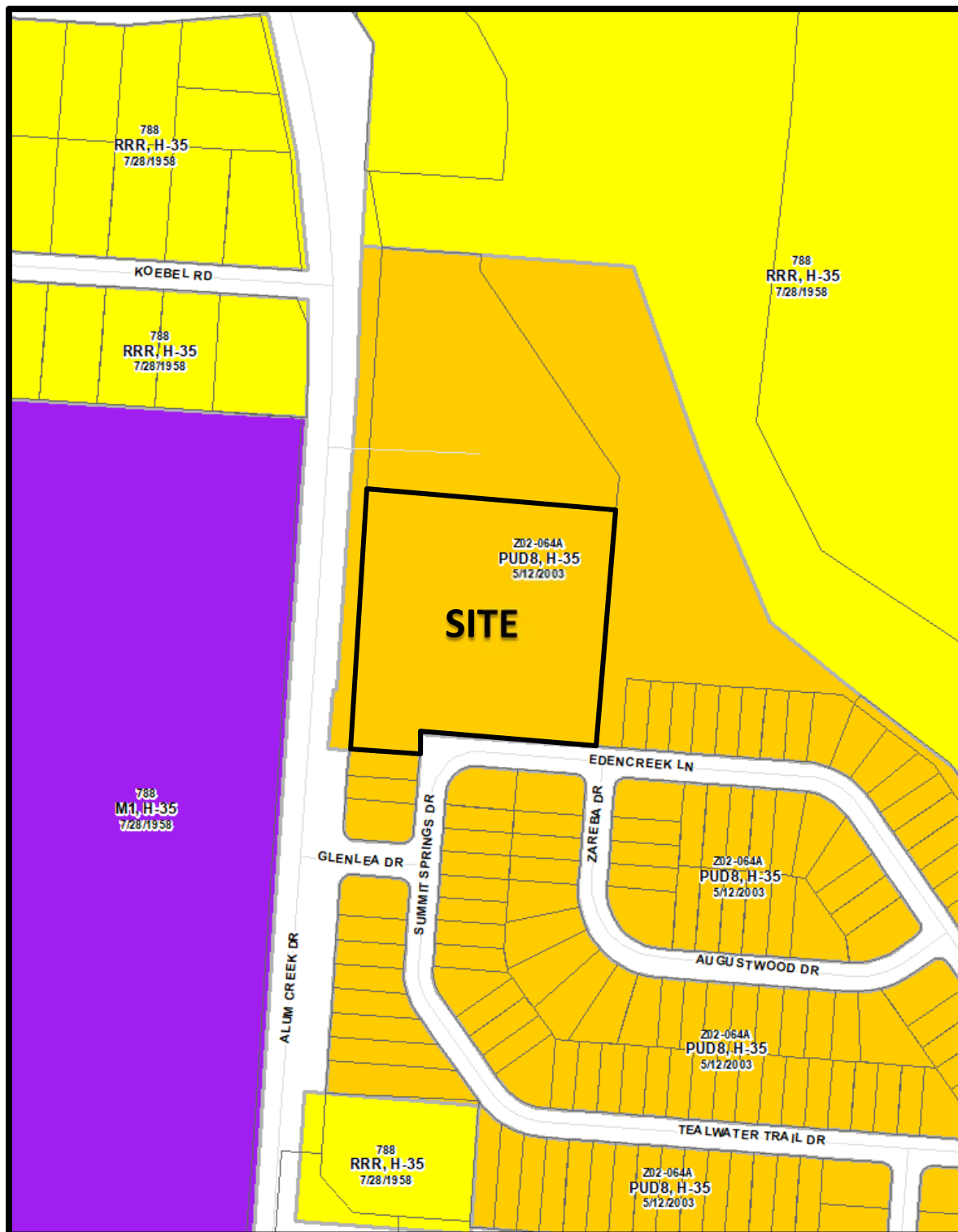
ALUM CREEK DRIVE (120')



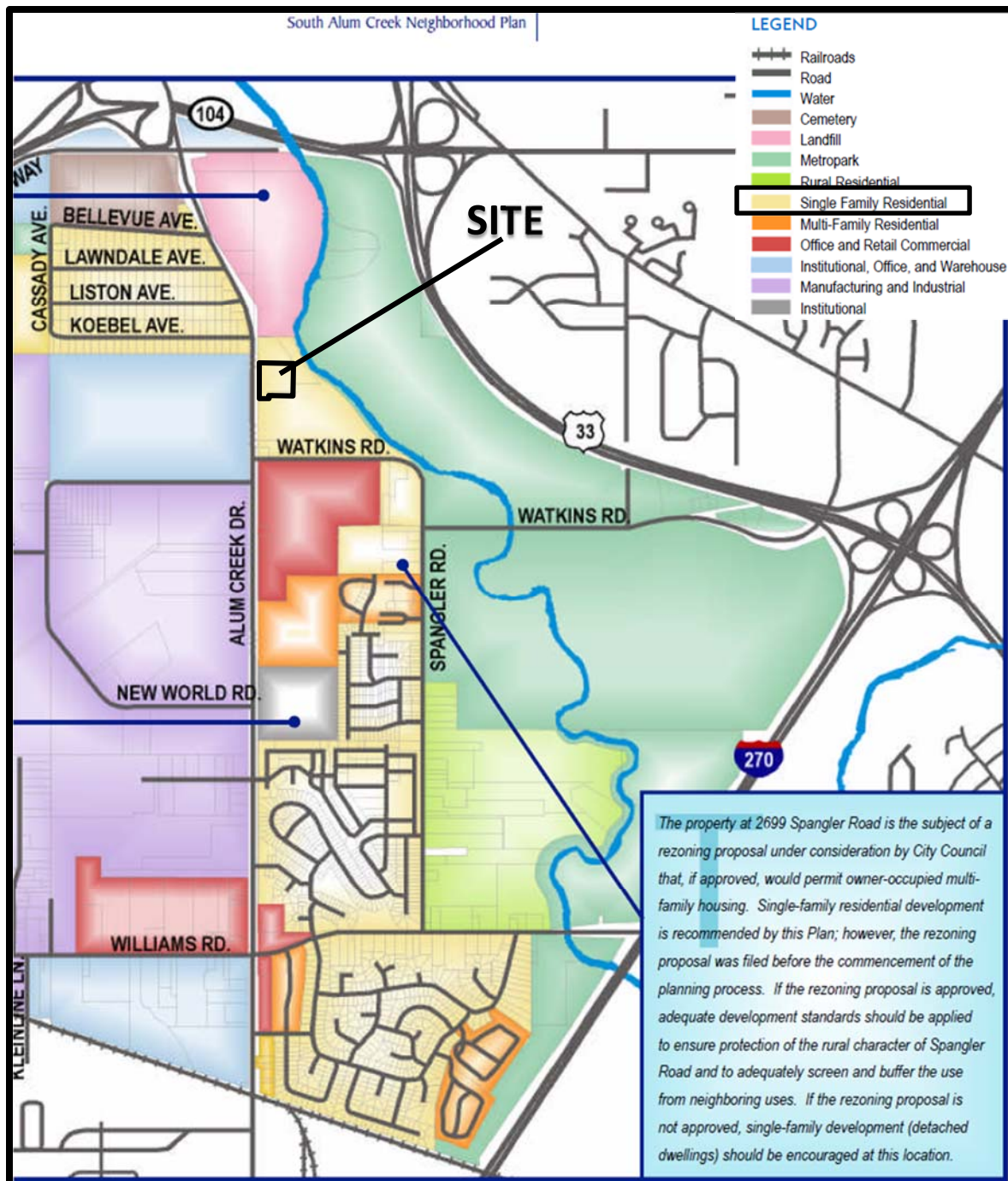
FIELDSTONE COTTAGES
ALUM CREEK DRIVE

SHEET DATE:	10/31/21
PROJECT #:	21165
PRELIMINARY	
PROJECT DATE:	10/31/21

01
SITE PLAN



CV21-125
2870 Alum Creek Rd.
Approximately 4.17 acres



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 Approximately 4.17 acres



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Approximately 4.17 acres