

Council Variance Application

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

DEPARTMENT OF PLANNING
AND ZONING SERVICES

OFFICE USE ONLY

Application Number: CV22-038 Date Received: 4/26/22
Application Accepted by: KP Fee: \$2,550
Assigned Planner: Kelsey Priebe; krpriebe@columbus.gov; 614-645-1341

LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 4025 S. High St. Columbus, Ohio Zip: 43206

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: 010-260466-00, 510-260484-00 010-260465, 510-260464

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

Current Zoning District(s): LC4 Acreage: 7.6

Neighborhood Group: Far South Area Commission
Multi-family residential development

Proposed Use or reason for request: _____
(Elaborate in Statement of Hardship)

APPLICANT:

Applicant Name: LDG Multifamily, LLC Phone Number: 502.234.1950 Ext.: _____

Address: 1469 S. 4th St. City/State: Louisville, Ky Zip: 40208

Email Address: zlinsky@ldgdevelopment.com

PROPERTY OWNER(S):

 Check here if listing additional property owners on a separate page

Name: Great Southern Shoppers City Inc. Phone Number: n/a Ext.: _____

Address: 250 Civic Center Dr. Suite 500 City/State: Columbus, Ohio Zip: 43215

Email Address: n/a

ATTORNEY / AGENT:

 (Check one if applicable) Attorney Agent

Name: Laura MacGregor Comek, Esq. Phone Number: 614.560.1488 Ext.: _____

Address: 17 S. High St., Suite 700 City/State: Columbus, Ohio Zip: 43215

Email Address: laura@comeklaw.com

SIGNATURES:

APPLICANT SIGNATURE _____

PROPERTY OWNER SIGNATURE _____
Authorized agent of Property Owner

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.

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STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

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.

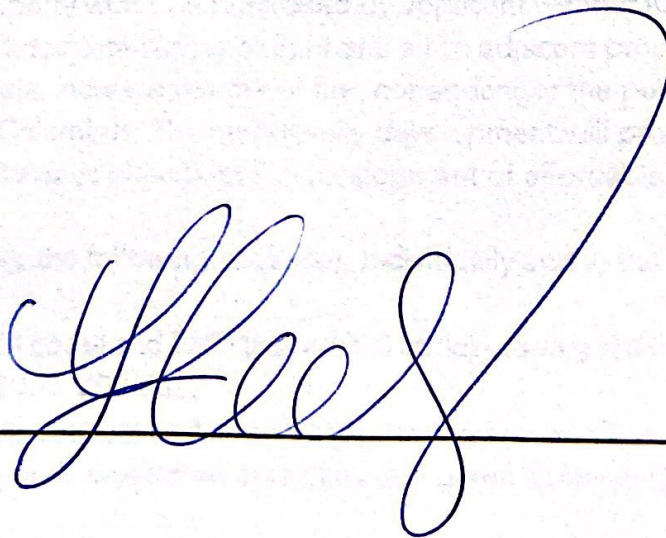
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

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

4.26.22

CV22-038

COUNCIL VARIANCE STATEMENT OF HARDSHIP

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

Owners: Great Southern Shoppers City Inc
250 Civic Center Dr. # 500
Columbus, Ohio 43215

Address: 4025 S. High St.
Parcel Nos.: 010-260465, 510-2604 4
Zoning Districts: LC4
Date: April 26, 2022

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

This application for CV, rather than a full rezoning, is sought in accordance with City of Columbus application policy for affordable housing projects requiring zoning. Due to the Ohio Housing Finance Agency (OHFA) funding programs and the need for basic zoning approvals for application deadlines in late summer and early fall 2022, the Applicant is utilizing the City's two-step process for affordable housing developers, driven by funding application deadlines (often short time frames associated therewith) and the uncertainty of funding to consummate planned projects. The Applicant will proceed with this "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 issues relative to zoning and development standards, i.e., "Step Two."

The site is 7.6 +/- acres and being Franklin County Auditor Tax Parcels 010-260465, 510, 260454, located on the west side of South High Street, north of I-270. The site is zoned LC4, Limited Commercial (Ordinance 0506-01, passed April 2, 2001, Zoo-083) and is undeveloped.

Until funding is secured, rezoning the site to a residential district will create a hardship on the current property owner as the property won't be purchased by applicant without (OHFA) funding. This variance request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets, increase the risk of fire, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing consistent with City of Columbus objectives for development of affordable housing.

The Applicant seeks the following variances, individually and in the aggregate:

- CCC Section 3355 (prior C4 code) and 3356 (current C4 code) - to vary the development standards of Ordinance 0506-01, passed April 2, 2001, Zoo-083.
- CCC Section 3355.02 (prior section) and 3356.03 (current code) - to allow apartment residential development, up to three hundred units, with associated amenities and green space on Site.
- Ordinance 0506-01 passed April 2, 2001, Zoo-083 - to allow the apartment residential uses within the established 110 ft. height district.
- CCC Section 3356.11 and Ordinance 0506-01, passed April 2, 2001, Zoo-083 - to allow a fifty-foot building setback from S. High Street.
- CCC Section 3312.21 (B) and Ordinance 0506-01, passed April 2, 2001, Zoo-083 - to eliminate screening requirements along the south property line (facing I-270) as otherwise set forth in Ordinance 0506-01.
- CCC Section 3312.49 - to reduce required parking for apartment residential developments from 1.5 spaces per unit to 1.1 spaces per unit.

- CCC Section 3312.21(A) - to reduce the number of required parking lot islands to not more than twenty. Trees from the unconstructed islands to be re-distributed throughout the Site.
- CCC Section 3355.09 (prior C4) and 3356.11 - to allow internal parcels to have zero parking and paving setbacks, as well as cross access easements for vehicular and pedestrian traffic.
- CCC Section 3321.07(A) – To allow a drive aisle between a required building line and a street line.

The variances are not significant given the intensity of current commercial use permitted versus the multi-family housing as proposed. Furthermore, the site location, topo of the site and surrounding areas, as well as the significant existing buffers and screening that occur naturally, the variances are technical and not a reduction from actual standards to obtain the same level of green area, buffers/landscaping.

There are no adverse effects to adjacent landowners – if anything the inclusion of affordable housing to a site that has sat vacant for more than twenty years since being zoned meets a significant need in the area. There is no effect on the delivery of governmental services.

The Applicant cannot feasibly obviate the use variance – but would note that residential is already permitted in the LC4 district if “above” the commercial uses as permitted herein.

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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DEPARTMENT OF BUILDING
AND ZONING SERVICES

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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Laura MacGregor Comek, Esq.
of (1) MAILING ADDRESS 17 S. High St., Ste 700, Columbus, Ohio 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) per PROPERTY ADDRESS or ZONING NUMBER 4025 S. High St.

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(3) Great Southern Shoppers City Inc
250 Civic Center Dr. #500
Columbus, Ohio 43215

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

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

LDG Development, LLC
% Laura MacGregor Comek 614.560.1488

NEIGHBORHOOD GROUP
ZONING CHAIR OR CONTACT PERSON
AND EMAIL ADDRESS

(4) Far South Area Commission
Robert Patterson / Michael Walkerbobpatterson45@yahoo.com / m_walker_sr@yahoo.com
bobpatterson45@yahoo.com / m_walker_sr@yahoo.com

and that the attached document (5) 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 26 day of April, in the year 2022

(6) SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires _____

Notary Seal Here



ANTIONETTE GILLUM
Notary Public, State of Ohio
My Commission Expires June 17, 2024

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

CV22-038

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

LDG Development LLC
1469 S. 4th St.
Louisville, Ky 40208
Attn: Zac Linsky

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

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

Bd. Of Park Commrs.
1069 W. Main St.
Westerville, Oh 43081

Great Southern Shoppers City INC
250 Civic Ctr. Drive #500
Columbus, OH 43215

Lowe's Home Centers Inc.
PO Box 1111
North Wilkesboro, NC 28656

Lowe's Home Centers Inc.
1000 Lowe's Blvd.
 Mooresville, NC 28117

George Kontogiannis
400 S. 5th St. Ste 400
Columbus, OH 43215

Carmen and Mark Gilmore
4006 S. High St.
Columbus, OH 43207

Deible Real Estate LLC
6696 Lakeview Cir.
Canal Winchester, OH 43110

D&F Lease LLC
8836 Lithopolis Rd. NW
Canal Winchester, OH 43110

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-038

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) Chris Dischinger

of (COMPLETE ADDRESS) 1469 S. 4th St., Louisville, Ky 40208

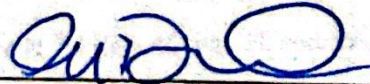
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

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)

<p>1. LDG Multifamily, LLC 1469 S 4th Street Louisville, Ky 40208 0</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

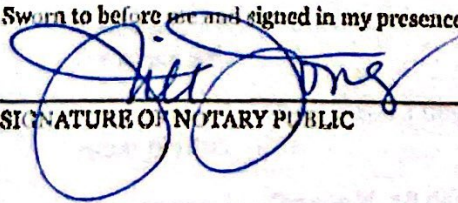
Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 25th day of April, in the year 2022

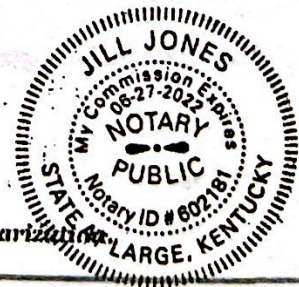
SIGNATURE OF NOTARY PUBLIC



My Commission Expires

June 27, 2022

Notary Seal Here



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

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 16, Township 4, Range 22 of Congress Lands, now being part of lands conveyed to Michael H. Finnell and Patricia F. Kulha of record as recorded in Official Record 19034 H05 & G12 97 (All deed references refer to records of the Recorder's Office, Franklin County, Ohio) and further bounded and described as follows:

Commencing at the intersection of the original centerline of South High Street (State Route 23) (variable R/W) and centerline of Obetz Road (60' R/W), as shown on the ODOT Location Plan, FRA-23-0.00-5.37; THENCE S. 18 deg. 29 min. 07 sec. W., along said original centerline, a distance of 5.02 feet to an angle point; THENCE S. 17 deg. 56 min. 07 sec. W, continuing along said original centerline of S.R. 23, a distance of 173.11 feet to a PK nail set; Thence continuing along said original centerline of S.R. 23, a distance of 173.11 feet to a PK nail set; Thence continuing along said original centerline S. 17 deg. 56 min. 07 sec. W, a distance of 456.46 feet to a PK nail set; Thence N. 72 deg. 04 min. 17 sec. W, a distance of 107.18 feet to the westerly right of way (R/W) of S.R. 23 and the beginning the limited access right of way (LA-R/W) of said S.R. 23 as shown by ODOT plan set FRA-200-9.46, to a capped 5/8" iron rebar pin set; Thence S. 28 deg. 39 min. 12 sec. W., along said LA-R/W, a distance of 270.06 feet to a capped 5/8" iron rebar pin set, said point being the principal place of beginning of the parcel herein described;

Course No. 1 – Thence S. 28 deg. 39 min. 12 sec. W, along said LA-R/W, a distance of 35.28 feet to a capped 5/8" iron rebar pin set;

Course No. 2 – Thence S. 17 deg. 55 min. 43 sec. W, along said LA-R/W, a distance of 400.00 feet to a capped 5/8" iron rebar pin set;

Course No. 3 – Thence N. 71 deg. 40 min. 38 sec. W., leaving said LA-R/W, a distance of 231.26 feet to a capped 5/8" iron rebar pin set;

Course No. 4 – Thence N. 18 deg. 19 min. 22 sec. E., a distance of 11.28 feet to a capped 5/8" iron rebar pin set;

Course No. 5 – Thence N. 71 deg. 40 min. 38 sec. W., a distance of 570.61 feet to a capped 5/8" iron rebar pin set;

Course No. 6 – Thence N. 18 deg. 19 min. 22 sec. E., a distance of 391.47 feet to a capped 5/8" iron rebar pin set;

Course No. 7 – Thence S. 71 deg. 40 min. 38 sec. E., a distance of 337.50 feet to a capped 5/8" iron rebar pin set;

Course No. 8 – Thence N. 18 deg. 19 min. 22 sec. E., a distance of 38.00 feet to a capped 5/8" iron rebar pin set;

Course No. 9 – Thence S. 71 deg. 40 min. 38 sec. E., a distance of 194.78 feet to a capped 5/8" iron rebar pin set;

Course No. 10 – Thence S. 18 deg. 19 min. 22 sec. W., a distance of 19.40 feet to a capped 5/8" iron rebar pin set;

Course No. 11 – Thence S. 77 deg. 38 min. 29 sec. E., a distance of 128.60 feet to a capped 5/8" iron rebar pin set;

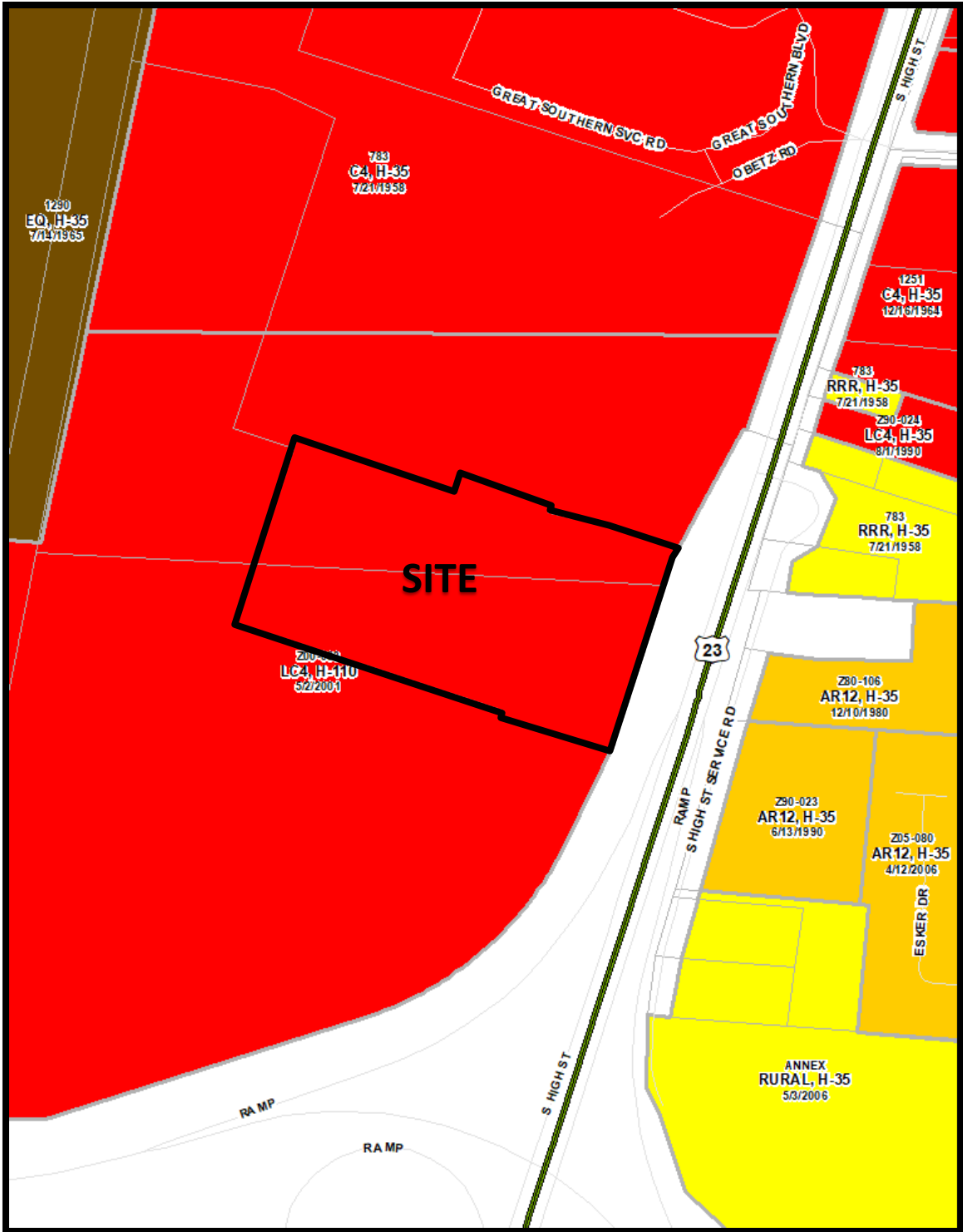
Course No. 12 – Thence S. 71 deg. 40 min. 38 sec. E., a distance of 145.26 feet to the principal place of beginning on the westerly line of LA-R/W of S.R. 23 and a capped 5/8" iron rebar pin set, containing 7.6019 acres (approximately 4.5314 acres within tax district 510 and 3.0705 acres within tax district 010), according to a survey done in January 2001, by Scott A. Landgraf, P.S. #8085, be the same more or less, but subject to all legal highways and easements of record. Bearings cited within the above description are to an assumed meridian and indicate angles only.

The intent of this document is to split a 7.6019 acre parcel of land from lands conveyed to Michael H. Finnell and Patricia F. Kulha, of record.

T-K Engineering & Design Group, Inc.

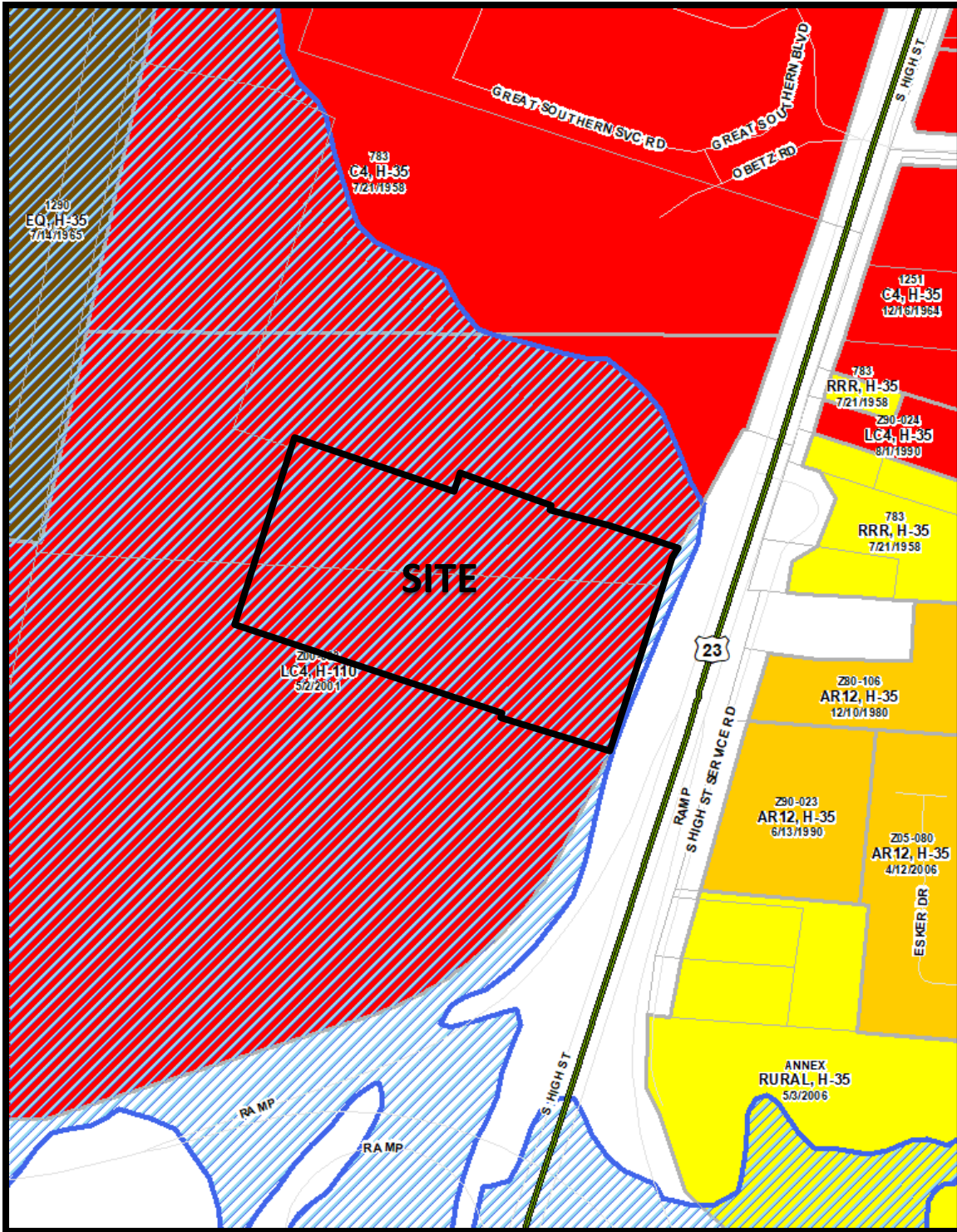
Parcel II:

Together with the rights of utilities, ingress and egress as contained in the Reciprocal Easement and Common Area Agreement of record in Instrument 200202010030709.



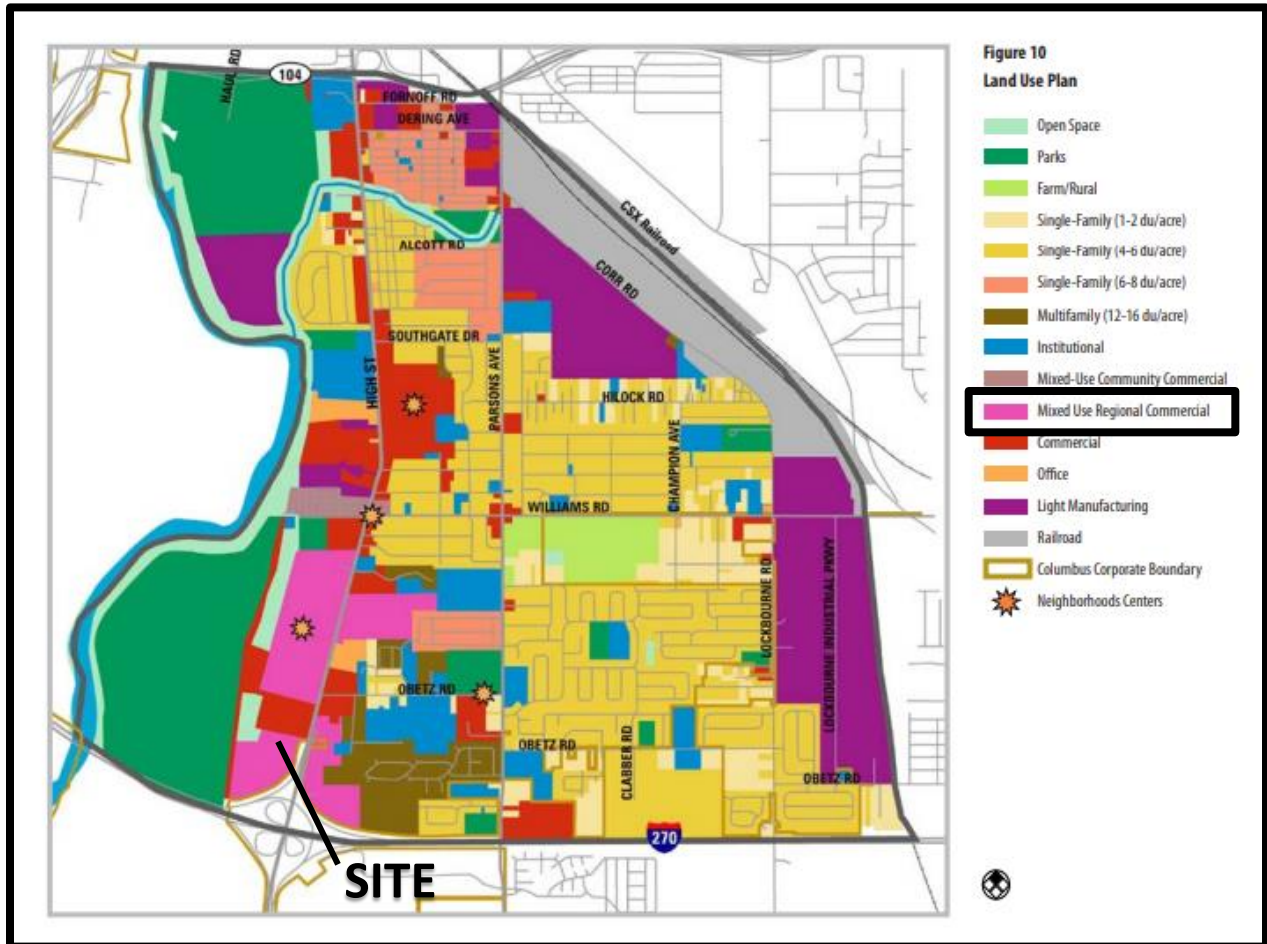
CV22-038
4025 S. High St.
Approximately 7.6 acres

Floodplain Map



CV22-038
4025 S. High St.
Approximately 7.6 acres

Scioto Southland Plan (2007)



CV22-038
4025 S. High St.
Approximately 7.6 acres



CV22-038
4025 S. High St.
Approximately 7.6 acres