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German Village Society
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www.germanvillage.com

October 15, 2020

Columbus South Side Area Commission
Jim Griffin, SSAC Chair
Curtis Davis, SSAC Zoning Committee Chair
City of Columbus
111 N. Front St.
Columbus, OH 432115

Dear Commissioners -

The Board of Trustees of the German Village Society (GVS) write to express its support for the Schumacher Place Civic Association (SPCA)'s position regarding the proposed development project (Application Z20-061) planned at 280 E. Whittier St (43206).

While this proposed development is within the borders of Schumacher Place, it is also immediately surrounded on two sides by German Village and a third side is shared by Merion Village and German Village. A record 400 SPCA residents voted with 95% opposed to the rezoning and variance requests, and as neighbors, we share their concern.

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This proposed "mixed-use" development, which includes 330 apartment units but only 8,000 sq. ft. of commercial space, is being packed into only 2.34 acres. It is simply too massive in comparison to the mostly historic surrounding structures and is contrary to City Code and the directives of the South Side Area Plan. If built, this project will change the character of our collective neighborhoods and it will have a lasting negative impact upon many neighboring properties.

German Village Society and many German Village residents are not against development in general, but we are against development that is incompatible with the height, scale, proportion, and lot size of the buildings in our collective neighborhoods.

We were encouraged that both the South Side Plan and, to a lesser extent, C2P2 guidelines appear to address these issues - the absolute maximum density that could be argued in good faith for this site would equate to 45 units/acre (vs. the 141 units/acre proposed) based upon the City's C2P2 policy. We are concerned that the developer has thus far either misunderstood, misrepresented and/or disregarded the contents of those plans in their written reports regarding the project. The proposed





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development is currently at 141 units/acre – 3x the highest density indicated as appropriate by the City’s own guidelines.

We are also concerned that the density of this project is driving neighborhood concerns about height, parking, and traffic-flow problems. Specifically:

- 1) Density. The density of this development as proposed, is not supported by the surrounding infrastructure. To the point, the developer has proposed 141 units per acre versus the surrounding area that averages approximately 8 units per acre. The South Side Plan indicates up to 28 units/acre are acceptable for mixed-use projects, and C2P2 indicates that up to 45 units/acre could be acceptable if certain conditions are met (transit access, etc.) Schumacher Place indicated that they support developments that comply with the City’s own recommendations, and GVS concurs.
- 2) Height. The site at 280 E. Whittier St. is currently zoned for 35 feet. This is also consistent with the surrounding area, which is largely residential in all directions. As proposed, the developer is asking to go up to 62 feet, a 77% increase. At this height and when combined with edge-to-edge construction on the lot, it puts the houses to the north on Kossuth in almost permanent shade.
- 3) Parking. The developer, who would seemingly know better, is providing only 236 parking spaces when Columbus City Code requires 529 parking spaces, leaving a void of 293 spaces which would fill up the streets for several blocks in all directions. Not only will residents in the surrounding neighborhoods be negatively affected by a shortage of parking, but also nearby restaurants and establishments, including Barcelona Restaurant (263 E. Whittier St.) the 4-S Club (281 E. Whittier) and Schmidt’s Restaurant (two blocks west).
- 4) Traffic. Traffic on Whittier has already increased the past few years, especially during morning & evening commute hours, with the expansion of Nationwide Children’s Hospital. This project will add specific pressure along both Jaeger and Whittier. Additionally, the use of Grant Street as a point of ingress and egress for this development is also problematic as Grant is effectively an alley in this area.
- 5) Hardship. The City of Columbus is fortunate in that it has the Duncan Standards that apply to variance requests. These are also informally referred to as the Duncan Criteria or Duncan Factors and are enshrined in Duncan v. Middlefield (1986), 23 Ohio St. 3d 83. **These Ohio Supreme Court standards are directives.** The obligation is on the developer to provide the solid proof that, for example, providing less than half the required parking will not be an issue. In this case, the Pizzuti Company has failed, not only to meet the City’s parking standard, but has failed to meet all but possibly one of the many Duncan Standards. For your reference, we are attaching a copy of the Duncan

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Standards (as Attachment A to this letter) which sets forth the requirements that must be met before a variance can be granted.

The developer's lack of transparency is also of great concern. On no less than three occasions, the Pizzuti Companies made presentations at SPCA meetings that also included residents from German Village and Merion Village. Neighborhood concerns were raised about the scale and negative impact of the proposed development on the neighborhoods following similar presentations at each SPCA meeting (March 3, September 1, and October 6). This feedback was fully ignored by the developer as no changes to the size and scope of the project were made. Several members of the South Side Area Zoning Committee noted similar concerns during their October 10, 2020 meeting. It bears repeating that following the October 6th meeting, 405 Schumacher Place residents voted on this issue and over 95% of them voted against both the Rezoning and Variance Applications.

The guiding documents the City produced (South Side Plan and C2P2) address the same concerns the neighbors have been raising. Had the initial proposal been a good faith attempt to follow those guidelines, there would be no need for this letter.

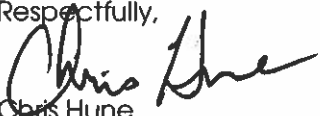
Accordingly, we are urging SSAC to choose and apply a standard from either the South Side Plan or C2P2 and to encourage the Pizzuti Companies to propose a project that respects and embraces the spirit of that standard, as well as comply with any and all applicable City Codes and State or Federal laws or statutes.

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Thank you for your consideration.

Respectfully,


Chris Hune
President, Board of Trustees
German Village Society
588 S. 3rd Street
Columbus, OH 43206

Cc:

Michael Stevens, Director, Columbus Development Department
Rory McGuinness, Deputy Director, Columbus Development Department
Erin Synk, SSAC Vice Chair
Paula Copeland, SSAC Secretary
Cassandra Patterson, Fiscal Agent





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Curtis Davis, SSAC Chair Zoning Committee
Jim Cole, SSAC Commissioner
Atticus Garden, SSAC Commissioner
Tom Less, SSAC Commissioner
Ted Welsh, SSAC Commissioner
April Tisby, SSAC Commissioner
Lillie Banner, SSAC Commissioner
Mike Alcock, SSAC Commissioner
Aaron Hopkins, SSAC Commissioner
Bob Leighty, SSAC Commissioner

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Attachment A

DUNCAN V. MIDDLEFIELD

In Ohio, a set of 7 criteria are prescribed for officials and courts to employ in fairly and equitably considering how to gauge practical difficulties. These are informally referred to as the **Duncan Criteria or Duncan Factors** and are enshrined in *Duncan v. Middlefield* (1986), 23 Ohio St. 3d 83:

3307.09 Variances by Board

The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). The board shall take into account all of the following facts and conditions when considering variances:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.

C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

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