



## Legislation Details (With Text)

**File #:** 2047-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/29/2023      **In control:** Zoning Committee

**On agenda:** 7/17/2023      **Final action:** 7/21/2023

**Title:** To grant a Variance from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; for the property located at 3245 MORSE RD. (43224), to permit reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District (Council Variance #CV23-023).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2047-2023\_Attachments, 2. ORD2047-2023\_Labels

Date	Ver.	Action By	Action	Result
7/21/2023	1	CITY CLERK	Attest	
7/20/2023	1	ACTING MAYOR	Signed	
7/17/2023	1	COUNCIL PRESIDENT	Signed	
7/17/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/17/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/17/2023	1	Zoning Committee	Approved	Pass
7/10/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV23-023**

**APPLICANT:** Community Housing Network; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor, Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-1, Apartment Residential District (Ordinance #2046-2023; Z23-016) to allow a multi-unit residential development. The requested Council variance proposes a 60-unit residential development, and includes variances for fronting and to reduce the minimum number of parking spaces from 90 required to 20 provided spaces. Staff supports the request as the included site plan demonstrates a multi-unit residential development that is consistent with the adjacent multi-unit residential development to the west, and is within close proximity to the nearby high intensity transit corridor, resulting in a lesser need for parking spaces.

To grant a Variance from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; for the property located at **3245 MORSE RD. (43224)**, to permit reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District (Council Variance #CV23-023).

**WHEREAS**, by application #CV23-023, the owner of property at **3245 MORSE RD. (43224)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of required parking spaces, requires 1.5 parking spaces per dwelling unit, a total of 90 required parking spaces for a 60-unit apartment building, while the applicant proposes 20 parking spaces; and

**WHEREAS**, Section 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes to access the site from the adjacent parcel to the west; and

**WHEREAS**, the Northeast Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances result in a site plan consistent with the adjacent multi-unit residential development and within close proximity to the nearby high intensity transit corridor; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; and

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public roads, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **3245 MORSE RD. (43224)**, in using said property as desired, now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Sections 3312.49(C), Minimum numbers of parking spaces required; and 3333.16, Fronting, of the Columbus City Codes; is hereby granted for the property located at **3245 MORSE RD. (43224)**, insofar as said sections prohibit a reduction in the number of parking spaces from 90 required spaces to 20 provided spaces; and no frontage on a public street; said property being more particularly described as follows:

**3245 MORSE RD. (43224)**, being 1.98± acres located on the south side of Morse Road, 130± feet west of Dunbridge Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Quarter Township 2, Township 1, Range 17, United States Military Lands, also being part of Lot 1 of the Partition and Subdivision of Cyrus P. Denune's Estate, as shown for record in Plat Book 10, Page 309, and containing 1.981 acres of land, more or less, and being part of that 3.566 acre (by survey) tract of land conveyed to Western Insurance Company, of record in Instrument Number 202101290018250, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 1.981 acre tract being more particularly described as follows:

Beginning, for reference, at Franklin County Centerline Survey Control Monument FCGS 1445 marking the intersection of the centerline of Morse Road (R/W varies) with the centerline of Dunbridge Street (59 feet in width);

Thence with the centerline of said Morse Road, North 86°12'01" West, a distance of 149.78' feet to a point;

Thence leaving said centerline of Morse Road, with an extension of, and continuing with the easterly line of said 3.566 acre Western Insurance tract, also with the westerly line of that 1.609 acre tract of land conveyed to Net Lease Suds III, LLC and Net Lease Suds IV, LLC, of record in Instrument Number 202001240011882, South 3°17'49" West, passing over an iron pipe set at 60.00 feet on the southerly Right of Way line of said Morse Road, a total distance of 296.88 feet to an iron pipe set marking the true point of beginning of the herein described 1.981 acre tract;

Thence continuing with the westerly line of said 1.609 Net Lease Suds tract, also continuing with the easterly line of said 3.566 acre Western Insurance tract, South 3°17'49" West, a distance of 354.55 feet to an iron pipe set at the southeasterly corner of said 3.566 acre Western Insurance tract, also being an interior corner between westerly and northerly lines of Parkleigh Section No. 2, of record in Plat Book 42, Page 110;

Thence with the northerly line of said Parkleigh Section No. 2, and continuing with the northerly line of Parkleigh Section No. 1, of record in Plat Book 42, Page 63, South 82°05'38" West, passing over ¾ inch iron pipes found at 81.53 feet, 106.76 feet, and 191.71 feet, also passing a ¾ inch iron pipe 1.10 north of the line at 246.85 feet, a total distance of 256.02 feet to a point at the southwesterly corner of said 3.566 acre Western Insurance tract, also being the southeasterly corner of that 2.291 acre tract of land conveyed to Dogwood Glen, LLC, of record in Instrument Number 200806090088202, from which a ¾ inch iron pipe found bears North 41°31'17" East, a distance of 1.69 feet;

Thence with the easterly line of said 2.291 acre Dogwood Glen tract, also with the westerly line of said 3.566 acre Western Insurance tract, North 3°12'58" East, a distance of 326.38 feet to an iron pipe set;

Thence with a new line, across and through said 3.566 acre Western Insurance tract, the following five courses:

- 1) South 86°47'02" East, a distance of 106.44 feet to an iron pipe set;
- 2) North 8°39'18" East, a distance of 43.28 feet to an iron pipe set;
- 3) South 85°39'01" East, a distance of 17.59 feet to an iron pipe set;
- 4) North 1°48'05" East, a distance of 35.00 feet to an iron pipe set;
- 5) South 86°42'11" East, a distance of 124.45 feet to the point of beginning, and containing 1.981 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of Morse Road was assigned a bearing of South 86°12'01" East, as shown on Franklin County Engineer's Centerline Survey Plat "Morse Rd., Co. Rd. #17".

All iron pipes set are ¾ inch inside diameter by 30 inches in length with a yellow plastic cap marked "Sands Decker".

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Sands Decker, and is based on an actual survey of the premises performed in January 2023.

Address: 3245 Morse Road, Columbus, OH 43224  
PPN: Part of 010-005553

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with

the site plan titled, “**ZONING SITE PLAN**,” dated June 26, 2023, and signed by David Perry, Agent for the Applicant, and Donald T. Plank, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.