



## Legislation Details (With Text)

**File #:** 1329-2024      **Version:** 1

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

**File created:** 5/2/2024      **In control:** Zoning Committee

**On agenda:** 5/20/2024      **Final action:** 5/22/2024

**Title:** To grant a Variance from the provisions of Sections 3309.148, Area districts; 3312.49, Required Parking; 3333.18, Building lines; 3333.23, Minimum side yard permitted; and 3333.26, Height District; of the Columbus City Codes; for the property located at 2511 BRETTON WOODS DR. (43231), to allow multi-unit residential development with reduced development standards in the ARLD, Apartment Residential District, and to repeal Ordinance #0881-2021 (CV20-107), passed April 19, 2021 (Council Variance CV24-041).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1329-2024.Attachments, 2. ORD1329-2024.Labels

Date	Ver.	Action By	Action	Result
5/22/2024	1	ACTING CITY CLERK	Attest	
5/21/2024	1	MAYOR	Signed	
5/20/2024	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/20/2024	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/20/2024	1	Zoning Committee	Approved	Pass
5/20/2024	1	COUNCIL PRESIDENT	Signed	
5/13/2024	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV24-041**

**APPLICANT:** National Church Residences, c/o Matthew Bierlein, Atty.; 2245 North Bank Drive; Columbus, OH 43220.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 4.13± acre site consists of one parcel developed with a 62-unit apartment building in the ARLD, Apartment Residential District, as allowed by Ordinance #0881-2021 (CV20-107). The requested Council variance will allow for a second 60-unit apartment building to be developed. The applicant proposes a future lot split resulting in each apartment building being on its own lot as demonstrated on the submitted site plan. Variances to allow increased density, reduced required parking, increased building height, and reduced building setbacks and side yards are included in this request. While the *Northland I Area Plan (2014)* recommends “Neighborhood Commercial” land uses at this location, staff supports the request as the proposed building is Phase II of the existing multi-unit residential development, the existing residential nature of the area, and *Columbus Citywide Planning Policies’ (C2P2) Guiding Principles (2018)* encouragement of high density residential development along primary corridors with access to transit.

To grant a Variance from the provisions of Sections 3309.148, Area districts; 3312.49, Required Parking; 3333.18, Building lines; 3333.23, Minimum side yard permitted; and 3333.26, Height District; of the Columbus City Codes; for the property located at **2511 BRETTON WOODS DR. (43231)**, to allow multi-unit residential development with reduced development standards in the ARLD, Apartment Residential District, and to repeal Ordinance #0881-2021 (CV20-107), passed April 19, 2021 (Council Variance CV24-041).

**WHEREAS**, by application #CV24-041, the owner of the property at **2511 BRETTON WOODS DR. (43231)**, is requesting a Council variance to allow multi-unit residential development with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3309.148, Area districts, allows a maximum density of 2,500 square feet per dwelling unit in the ARLD, Apartment Residential District, while the applicant proposes an increased maximum density of 1,200 square feet per dwelling unit on the North Parcel and a maximum density of 1,600 square feet per dwelling unit on the South Parcel; and

**WHEREAS**, Section 3312.49, Required parking, requires 1.5 parking spaces per dwelling unit for a total of 90 parking spaces on the North Parcel and 93 parking spaces on the South Parcel, while the applicant proposes a total of 42 parking spaces for the North Parcel; and 61 parking spaces for the South Parcel; and

**WHEREAS**, Section 3333.18, Building lines, requires a building setback of 60 feet from Cleveland Avenue, while the applicant proposes a reduced building setback of 25 feet for both the North and South Parcel; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a minimum side yard of 6 feet 9 inches where the north and south parcels abut, while the applicant proposes a reduced side yard of zero feet for both the North Parcel and South Parcel, as shown on the submitted site plan; and

**WHEREAS**, Section 3333.26, Height district, allows a maximum building height of 35 feet in the H-35 district, while the applicant proposes an increased building height of 40 feet 6 inches for both the North and South Parcels; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow the second phase of an existing multi-unit residential development and is located in a mostly residential area along a primary corridor with access to public transit; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 streets, 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 **2511 BRETTON WOODS DR. (43231)**, in using said property as desired; and

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

**SECTION 1.** That a variance from the provisions of Sections 3309.148, Area districts; 3312.49, Required Parking; 3333.18, Building lines; 3333.23, Minimum side yard permitted; and 3333.26, Height District, of the Columbus City Codes, is hereby granted for the property located at **2511 BRETTON WOODS DR. (43231)**, insofar as said sections

prohibit an increased density from 2,500 square feet of lot area per dwelling unit to 1,200 square feet on the North Parcel and 1,600 square feet on the South Parcel, in the ARLD, Apartment Residential District; with a parking space reduction from 90 parking spaces on the North Parcel and 93 parking spaces on the South Parcel to 42, and 61 parking spaces, respectively; a reduced building line from 60 feet to 25 feet along Cleveland Avenue for both North and South Parcels; reduced side yard setback of 6 feet 9 inches to zero feet along the interior lot line both North and South Parcel, and increased building height from 35 feet to 40 feet 6 inches, said property being more particularly described as follows:

**2511 BRETTON WOODS DR. (43231)**, being 4.13± acres located at the southeast corner of Cleveland Avenue and Bretton Woods Drive, and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 2, Range 17, United States Military Lands and being also a 4.377 acre portion of a 6.335 acre tract as conveyed to Edward Chung-Hong Liu and Ingrid Y. Liu by deed of record in Official Record Volume 48, Page B19, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin in the Easterly limited access right-of-way line of Cleveland Avenue (said point being 40 feet distant from and at right angles to the centerline of said Cleveland Avenue), said iron pin being the Southwesterly corner of the said 6.335 acre tract and said iron pin being also in the Northerly line of Cleveland Heights No. 3 of record in Plat Book 18, Page 12, Recorder's Office, Franklin County, Ohio;

Thence along the Easterly limited access right-of-way line of said Cleveland Avenue and along the Southerly right-of-way line of Bretton Woods Drive (60 feet wide) by the following described four (4) courses:

- (1) North 4° 52' 11" East, a distance of 526.68 feet to an iron pin;
- (2) along a curve to the right, said curve having a radius of 20.00 feet and a delta angle of 90° 00' 00" the chord of said curve bearing North 49° 52' 11" East, 28.28 feet to an iron pin;
- (3) along a curve to the right, said curve having a radius of 405.00 feet and a delta angle of 60° 53' 01", the chord of said curve bearing South 54° 41' 19" East, 410.40 feet to an iron pin;
- (4) along a curve to the left, said curve having a radius of 415.00 feet and a delta angle of 6° 43' 50", the chord of said curve bearing South 27° 36' 43" East, 48.72 feet to an iron pin in the Easterly line of the said 6.335 acre tract, said iron pin being in the Westerly line of Brandywine Meadows of record in Plat Book 49, Pages 48 & 49 and said iron pin being also in the Westerly line of Brandywine Meadows Section 2 of record in Plat Book 49, Page 51, all of the aforementioned references being in the Recorder's Office, Franklin County, Ohio;

Thence South 4° 52' 11" West, along the Easterly line of the said 6.335 acre tract, along the Westerly line of the said Brandywine Meadows and also along the Westerly line of the said Brandywine Meadows Section 2, a distance of 294.57 feet to an iron pin at the Southeasterly corner of the said 6.335 acre tract and said iron pin being also in the Northerly line of the said Cleveland Heights No. 3;

Thence North 85° 34' 16" West, along the Southerly line of the said 6.335 acre tract and along the Northerly line of the said Cleveland Heights No. 3, a distance of 400.00 feet to the point of beginning, containing 4.377 acres, more or less, subject to all easements, restrictions and rights-of-way of record.

Less and excepting the following real estate transferred to the Franklin County Commissioners in Official Record Volume 28332, Page B05.

Situated in the Township of Blendon, County of Franklin, State of Ohio, and in Quarter 3, Township 2, Range 17, United States Military Lands, also being part of the land conveyed to the Grantor as described in Official Record 1361 Page F13 as both are recorded in the Franklin County Recorder's Office, and bounded and described as follows:

Parcel No. 50 WD

Being a parcel of land lying on the Right side of the centerline of a survey for Franklin County Engineer's Office, and being located within the following described points in the boundary thereof;

Commencing at the centerline intersection of Cleveland Avenue and Morse Road at a found State Highway Monument Box;

Thence North  $03^{\circ} 58' 05''$  East, along the centerline of Cleveland Avenue, a distance of 690.11 feet to a found railroad spike at Station 16+90.11;

Thence North  $04^{\circ} 00' 00''$  East, continuing along the centerline of Cleveland Avenue, a distance of 2632.57 feet to a point at Station 43+22.67;

Thence South  $86^{\circ} 00' 00''$  East, having said centerline, a distance of 40.00 feet to a point on the Grantor's Westerly property line 40.00 feet Right of Station 43+22.67, being the point of beginning;

Thence Northeasterly along a curve to the right, from which the local tangent at the beginning point bears North  $04^{\circ} 00' 00''$  East, having a radius of 20.00 feet, an arc distance of 31.42 feet, a chord bearing North  $49^{\circ} 00' 00''$  East and a chord distance of 28.28 feet to a point on the Grantor's Northerly property line feet Right of Station 43+42.67;

Thence South  $49^{\circ} 00' 00''$  West, a distance of 28.28 feet to the point of beginning;

The above parcel of land contains 0.003 acres, more or less, of which the public road occupies 0.000 acres.

A net take of 0.003 acres is taken from Auditor's Parcel No. 600-129849 which contains 4.377 acres.

Basis of bearings is the centerline of Cleveland Avenue, being North  $4^{\circ} 00' 00''$  East, as shown on the plats of Cleveland Heights No's. 1, 2, & 3, Recorded in Plat Book 16, Page 56, Plat Book 16, Page 66, and Plat Book 18, Page 12, respectively, Recorder's Office, Franklin County, Ohio.

The above description was prepared by Kerry D. Osborn, Registered Surveyor No. 7326, State of Ohio.

**LESS AND EXCEPTING THE FOLLOWING TRACT:**

Situate in Quarter Township 3, Township 2, Range 17, United States Military Lands, City of Columbus, Franklin County, State of Ohio, and being part of a part of a 4.377 Acre tract conveyed to Bretton Woods Senior Housing Limited Partnership by deed of record in Instrument Number 202105110083286, as recorded in the Franklin County Recorder's Office and being more particularly described as follows:

Commencing at a concrete monument designated as Franklin County Geologic Survey Monument 5064 located at the intersection of the centerlines of Bretton Woods Drive (60' Wide) and Cleveland Avenue (Co. Rd. 75) (90' Wide) as shown on the Centerline Survey Plat of Cleveland Avenue (Co. Rd. 75) and in Brandywine Meadows subdivision as recorded in Plat Book 49, Page 48 with the Recorder's Office, Franklin County, Ohio;

Thence along the centerline of Bretton Woods Drive South  $86^{\circ} 15' 12''$  East for a distance of 60.00 feet to a point;

Thence South  $03^{\circ} 44' 48''$  West for a distance of 30.00 feet to a survey nail set on the southerly right of way of Bretton Woods Drive and the grantor's northerly line, said point being the northeasterly corner of a 0.003 Ac. tract as conveyed to the Franklin County Commissioners by deed of record in Official Record 28332, Page B05 and the True Point of Beginning;

Thence parallel to and 20' easterly of the existing easterly right of way of Cleveland Avenue South  $03^{\circ} 44' 42''$  West for a

distance of 547.85 feet to an iron pin set along the grantor's southerly line and in the northerly line of Lot 413 of Cleveland Heights No. 3, as delineated in Plat Book 18, Page 12;

Thence along the grantor's southerly line and the northerly line of said Lot 413, North 86° 44' 46" West for a distance of 20.00 feet to an iron pin set along the existing easterly right of way of Cleveland Avenue, said point being the grantor's southwesterly corner and the northwesterly corner of Lot 413;

Thence along the grantor's westerly line and the easterly line of Cleveland Avenue North 03° 44' 42" East for a distance of 528.02 feet to a survey nail set at the southwesterly corner of said 0.003 Ac. tract;

Thence continuing along the grantor's westerly line and the southerly line of said 0.003 Ac. tract North 48° 44' 43" East for a distance of 28.28 feet to the True Point of Beginning, containing 0.247 acres, more or less, all of which is part of Parcel Number 600-129849, subject however to all other legal rights of way, easements and agreements of record.

The bearings are based on the center line of Cleveland Avenue being North 03°44' 42" East as referenced to the Ohio State Plane Coordinate System, South Zone, NAD83 (2011 NSRS Adjustment).

The property address and tax parcel identification number listed herein are provided solely for informational purposes, without warranty as to accuracy or completeness.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development with a 60-unit apartment building on the North Parcel and a 62-unit apartment on the South Parcel, and/or those uses permitted in the ARLD, 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, "**BRETTON WOODS II - SITE VARIANCE PLAN**," dated April 26, 2024, and signed by Matthew Bierlein, 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 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 upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed development.

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

**SECTION 6.** That Ordinance #0881-2021 (CV20-107), passed April 22, 2021, be and is hereby repealed.