



## Legislation Details (With Text)

**File #:** 2221-2023      **Version:** 1

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

**File created:** 7/14/2023      **In control:** Zoning Committee

**On agenda:** 7/31/2023      **Final action:** 8/2/2023

**Title:** To grant a Variance from the provisions of Section 3363.01, Manufacturing districts, of the Columbus City Codes; for the property located at 1728 MARYLAND AVE. (43203), to permit a multi-unit residential development in the M, Manufacturing District (Council Variance #CV23-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2221-2023\_Attachments, 2. ORD2221-2023\_Labels

Date	Ver.	Action By	Action	Result
8/2/2023	1	ACTING CITY CLERK	Attest	
8/2/2023	1	MAYOR	Signed	
7/31/2023	1	COUNCIL PRESIDENT	Signed	
7/31/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/31/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/31/2023	1	Zoning Committee	Approved	Pass
7/24/2023	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV23-049

**APPLICANT:** Central Ohio Opportunity Fund, LLC; c/o Sean Mentel, Atty.; 250 East Town Street, Suite 200; Columbus, OH 43215.

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

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and zoned in the M, Manufacturing District. The applicant is requesting a Council variance to permit the development of a multi-unit residential development. The site is within the boundaries of the *Near East Area Plan (2005)*, which recommends "Office/Light Industrial/Mixed Uses" at this location. This proposed development will be subject to a competitive funding process by the Ohio Housing Finance Agency (OHFA) or other applicable agency, which requires certain land attributes including compliant zoning. The site is adjacent to land subject to Ordinance #0117-2020 (CV19-118; 1750 Maryland Avenue), which was approved to permit the development of a multi-unit residential development in order to secure funding from the U.S. Department of Housing and Urban Development. Both sites are pending rezoning to the L-ARLD, Limited Apartment Residential District under Rezoning Application #Z19-095 for one cohesive development. The Planning Division does not object to this limited Council variance request, recognizing that this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until Rezoning Application #Z19-095 is completed.

Comments related to site design, building design, and other matters for the project will be provided at the time of rezoning and review of concurrent Council Variance #CV20-115, but the applicant is strongly encouraged to consult with Planning Division Staff before Z19-095 is reconsidered by the Development Commission.

To grant a Variance from the provisions of Section 3363.01, Manufacturing districts, of the Columbus City Codes; for the property located at **1728 MARYLAND AVE. (43203)**, to permit a multi-unit residential development in the M, Manufacturing District (Council Variance #CV23-049).

**WHEREAS**, by application #CV23-049, the owner of property at **1728 MARYLAND AVE. (43203)**, is requesting a Council variance to permit a multi-unit residential development in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, Manufacturing districts, only permits a residence for on-site security persons or transient-type housing such as halfway houses, residential treatment centers, or temporary shelters, while the applicant proposes a multi-unit residential development; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate affordable housing funding requirements. However, a Certificate of Zoning Clearance will not be issued until follow-up Rezoning Application #Z19-095 is completed; 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 **1728 MARYLAND AVE. (43203)**, 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 Section 3363.01, Manufacturing districts, of the Columbus City Codes, is hereby granted for the property located at **1728 MARYLAND AVE. (43203)**, insofar as said sections prohibit a multi-unit residential development in the M, Manufacturing District; said property being more particularly described as follows:

**1728 MARYLAND AVE. (43203)**, being 0.90± acres located on the north side of Maryland Avenue, 335± feet west of Woodland Avenue and being more particularly described as follows:

**DESCRIPTION OF 0.896 ACRE TRACT**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Section 2, Township 5, Range 22, Refugee Lands, being part of Lots 29, 30, 31, 32, 33, 34, and 35 and being all of Lots 36 and 37 of Huling, Sherwood & Wirth's Norfolk Addition of record in Plat Book 5, Page 90 and amended in Plat Book 7, Page 48, being part of Superior Street, a 15 foot wide alley, and a 20 foot wide alley of said Huling, Sherwood & Wirth's Norfolk Addition vacated by the City of Columbus in Ordinance Number 714-41, being part of Superior Street and Roland Court of said Huling, Sherwood & Wirth's Norfolk Addition, and being all of a 0.984 acre tract of land described in deed to Central Ohio Opportunity Fund, LLC of record in Instrument Number 202207280109717, all references being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at an iron pin set at the southwest corner of Lot 37 and the southeast corner of Lot 38 of said Huling, Sherwood & Wirth's Norfolk Addition, being on the north right-of-way line of I. R. Witcher Lane (15 feet wide) formerly known as a 15 foot wide alley of said Huling, Sherwood & Wirth's Norfolk Addition (name changed by the City of Columbus in Ordinance Number 0295-01), and being at a southwest corner of said 0.984 acre tract;

Thence North 03°58'51" East, a distance of 170.13 feet with a west line of said 0.984 acre tract, with the common line of said Lots 37 and 38, and then crossing said Superior Street, to an iron pin set at the northwest corner of said 0.984 acre tract, being on the north right-of-way line of said Superior Street, being on the south line of Lot 69 of said Huling, Sherwood & Wirth's Norfolk Addition, and being on a south line of a 4.933 acre tract of land described in deed to Central Ohio Opportunity Fund, LLC of record in Instrument Number 201911130151099;

Thence South 86°00'17" East, a distance of 60.23 feet with the north line of said 0.984 acre tract, with the north right-of-way line of said Superior Street, with the south line of said Lot 69, and with a south line of said 4.933 acre tract, to a 5/8" rebar found with an Advanced PS 7661 cap;

Thence South 50°21'24" East, a distance of 265.95 feet with the northeast line of said 0.984 acre tract, with the southwest line of said 4.933 acre tract, crossing said Superior Street, then crossing said Lots 35, 34, 33, and 32, to a 5/8" rebar found with an Advanced PS 7661 cap;

Thence South 34°39'53" East, a distance of 160.08 feet with the northeast line of said 0.984 acre tract, with the southwest line of said 4.933 acre tract, crossing said Lot 32, crossing said vacated 15 foot alley, crossing said Lots 30 and 31, then crossing said vacated 20 foot alley, to a 5/8" rebar found with an Advanced PS 7661 cap;

Thence South 03°59'43" West, a distance of 25.04 feet with the east line of said 0.984 acre tract, with a west line of said 4.933 acre tract, crossing said vacated 20 foot alley then crossing said Lot 31, to a 3/4" iron pipe found at the southeast corner of said 0.984 acre tract, being at a southwest corner of said 4.933 acre tract, being on the south line of said Lot 31, and being on the north right-of-way line of Maryland Avenue (60 feet wide) formerly known as Atcheson Street of said Huling, Sherwood & Wirth's Norfolk Addition (name changed by the City of Columbus in Ordinance Number 25534);

Thence North 86°01'09" West, a distance of 100.27 feet with a south line of said 0.984 acre tract, with the south line of said Lots 31, 30 and 29, and with the north right-of-way line of said Maryland Avenue, to a 3/4" iron pipe found at a southwest corner of said 0.984 acre tract and being on the east right-of-way line of a 16 foot alley dedicated by the City of Columbus in Ordinance Number 715-41;

Thence North 03°58'51" East, a distance of 135.00 feet with a west line of said 0.984 acre tract and with the east right-of-way line of said 16 foot alley, to an iron pin set on a south line of said 0.984 acre tract, being on the south line of said Lot 32, and being on the north right-of-way line of said I. R. Witcher Lane;

Thence North 86°01'09" West, a distance of 276.00 feet with a south line of said 0.984 acre tract, with the south line of said Lot 32, crossing said Roland Court, with the south line of Lots 36 and 37, and with the north right-of-way line of said I. R. Witcher Lane, to the POINT OF BEGINNING containing 0.896 acres out of said 0.984 acre tract and Parcel Number 010-098968, and being subject to all easements and documents of record.

**SECTION 2.** That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until Rezoning Application #Z19-095 is completed.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.