



## Legislation Details (With Text)

**File #:** 0881-2021      **Version:** 1

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

**File created:** 4/1/2021      **In control:** Zoning Committee

**On agenda:** 4/19/2021      **Final action:** 4/22/2021

**Title:** To grant a Variance from the provisions of Sections 3309.14, Height district; 3312.49(C), Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; for the property located at 4836 CLEVELAND AVE. (43231), to permit reduced development standards for a multi-unit residential development in the ARLD, Apartment Residential District (Council Variance #CV20-107). (AMENDED BY ORD. 1329-2024 ON 5/13/2024)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#0881-2021\_Attachments, 2. ORD#0881-2021\_Labels

Date	Ver.	Action By	Action	Result
4/22/2021	1	CITY CLERK	Attest	
4/21/2021	1	MAYOR	Signed	
4/19/2021	1	COUNCIL PRESIDENT	Signed	
4/19/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
4/19/2021	1	Zoning Committee	Approved	Pass

### Council Variance Application: CV20-107

**APPLICANT:** National Church Residences; c/o Matthew Bierlein, Agent; 2335 North Bank Drive; Columbus, OH 43220.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0880-2021; Z20-092) to the ARLD, Apartment Residential District. The applicant proposes a senior living facility containing a maximum of 62 units. Variances to building lines, building height, and a parking space reduction from 93 spaces to 52 spaces are included in the request. The parking reduction variance is supportable because the nature of the development reflects parking numbers that account for residents that will not have private vehicles. Additionally, the request includes a commitment to a site plan which incorporates high quality design elements with adequate site landscaping to lessen the impact on the surrounding lower density residential uses, and identifies areas of tree preservation.

To grant a Variance from the provisions of Sections 3309.14, Height district; 3312.49(C), Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes; for the property located at **4836 CLEVELAND AVE. (43231)**, to permit reduced development standards for a multi-unit residential development in the ARLD, Apartment Residential District (Council Variance #CV20-107).

**WHEREAS**, by application #CV20-107, the owner of property at **4836 CLEVELAND AVE. (43231)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3309.14, Height districts, requires a maximum building height of 35 feet in the H-35 height district, while the applicant proposes a building height of 40 feet and 6 inches; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 93 parking spaces, while the applicant proposes a total of 52 parking spaces; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of no less than 60 feet along Cleveland Avenue, while the applicant proposes a building line of 25 feet; and

**WHEREAS**, the City Departments recommend approval because the proposed variances allow a site design that incorporates high quality design elements, tree preservation, and adequate landscaping and buffering from adjacent lower density residential uses; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **4836 CLEVELAND AVE. (43231)**, 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 3309.14, Height district; 3312.49(C), Minimum numbers of parking spaces required; and 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **4836 CLEVELAND AVE. (43231)**, insofar as said sections prohibit increased building height from 35 feet to 40 feet 6 inches; with a parking space reduction from 93 required spaces to 52 provided spaces; and a reduced building line from 60 feet to 25 feet along Cleveland Avenue, said property being more particularly described as follows:

**4836 CLEVELAND AVE. (43231)**, being 4.38± acres located on the southeast corner of Cleveland Avenue and Bretton Woods Drive, and being more particularly described as follows:

Situated 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 6.355 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) N4°52'11"E, 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 N49°52'11"E, 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 S54°41'19"E, 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 S27°36'43"E, 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 to the Recorder's Office, Franklin County, Ohio;

Thence S4°52'11"W, along the easterly line of the said 6.355 acre tract, along the westerly line of 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 6.355 acre tract and said iron pin being also in the northerly line of the said Cleveland Heights No. 3;

Thence N85°34'16"W, along the southerly line of the said 6.355 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.

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

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SITE VARIANCE PLAN**," signed by Matthew Bierlein, Agent for the Applicant, dated March 17, 2021. 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 adjustment to the plan shall be reviewed and may be approved 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 Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned upon the applicant reconstructing the sidewalk along the property frontage of Cleveland Avenue in coordination with the Department of Public Service.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.