



## Legislation Text

---

**File #:** 3437-2023, **Version:** 2

---

### **Council Variance Application: CV22-144**

**APPLICANT:** Preferred Living; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**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 #3346-2023; Z22-095) to the AR-1, Apartment Residential District. The applicant proposes an apartment complex with up to 282 units. Variances for building line and perimeter yard are included in the request. Staff finds the requested variances to be supportable as they will allow multi-unit residential development that is consistent with neighboring multi-unit residential developments.

To grant a Variance from the provisions of Sections 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **6935 HARLEM RD. (43081)**, to allow reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District (Council Variance #CV22-144).

**WHEREAS**, by application #CV22-144, the owner of property at **6935 HARLEM RD. (43081)**, is requesting a Council variance to allow reduced development standards for a multi-unit residential development in the AR-1, Apartment Residential District; and

**WHEREAS**, 3333.18, Building lines, requires a minimum building line equal to one-half of the designated right-of-way for Harlem Road requiring a minimum building line of 40 feet, while the applicant proposes a reduced building line of 23 feet and to allow above ground hot box and/or water vault within the front setback; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 5 feet on the south perimeter line, as depicted on the Site Plan; and

**WHEREAS**, the City Departments recommend approval of the requested variances as the proposal as it is consistent with neighboring multi-unit residential developments; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a Certificate 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 **6935 HARLEM RD. (43081)**, 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 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **6935 HARLEM RD. (43081)**, insofar as said sections prohibit a reduced building line from 40 feet to 23 feet along Harlem Road; and reduced perimeter yard from 25 feet to 5 feet along the southern property line, said property being more particularly described as follows:

**6935 HARLEM RD. (43081)**, being 14.88± acres located on the west side of Harlem Road, 400± feet north of Central College Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Plain, City of Columbus, being in Quarter Township 2, Township 2, Range 16, United States Military Lands and containing 15.08+/- acres, said 15.08+/- acres being all of that 5.068 acre tract of land as conveyed to Vincent E. Golden & Karen S. Golden of record in Official Record 6405, Page D06, all of that 5.017 acre tract of land as conveyed to Jeff D. Miller and Tina M. Miller of record in Official Record 5283, Page A06 and all of that 5.012 acre tract of land as conveyed to Mark M. Sowle and Lesley A. Sowle of record in Instrument No. 200404130081712, said 15.08+/- more particularly described as follows;

Beginning, at the northeasterly corner of said 5.068 acre tract of land, said corner also being the southeasterly corner of that 4.548 acre tract of land as conveyed to Norman D. Singer & Lois Singer of record in Instrument No. 201907250091746 and being in the centerline of Harlem Road (R/W Varies);

Thence S 02° 36' 53" E, with the easterly lines of said 5.068 acre tract, said 5.017 acre tract and said 5.012 acre tract and also along the centerline of said Harlem Road (R/W Varies) 461.78+/- feet to the southeasterly corner of said 5.012 acre tract;

Thence N 85° 27' 06" W, with the southerly line of said 5.012 acre tract, the northerly line of that 2.00 acre tract as conveyed to Frederick L Williamson of record in Official Record 23435, Page G17, the northerly line of that 2.00 acre tract of land as conveyed to Paula J Jenkins and Martha J Marcum of record in Instrument No. 201606010068498, the northerly line of that 1.00 acre tract of land as conveyed to Offerpad SPE Borrower A LLC of record in Instrument No. 20220527008050569, the northerly line of that Orig. 2.00 acre tract of land as conveyed to Morad S. Tawfik & Amany W. Tawfik of record in Official Record 35007, Page B08, the northerly line of that 2.00 acre tract of land as conveyed to 5582 Central College Rd, LLC of record in Instrument No. 202003300043369, the northerly line of that 2.045 acre tract of land as conveyed to 5536 Central Col Rd, LLC of record in Instrument No. 202112130225730 and partially with the northerly line of that Orig. 6.460 acre tract of land as conveyed to Sean Moran & Jean L. Moran of record in Instrument No. 202105190089221, 1427.90+/- feet to a southwesterly corner of said 5.012 acre tract, also being the southeasterly corner of that 5.619 acre tract of land as conveyed to Brandon Muirfield of record in Instrument No. 202107220129689;

Thence N 03° 34' 17" E, with the westerly lines of said 5.012 acre tract, said 5.017 acre tract and said 5.068 acre tract and the easterly line of said 5.619 acre tract, 759.48+/- feet to a common corner of said 5.068 acre tract and said 5.619 acre tract, said corner also being in the southerly line of that 20.671 acre tract of land as conveyed to Pulte Homes of Ohio LLC of record in Instrument No. 202010070153192;

Thence with common lines of said 5.068 acre tract and said 20.671 acre tract, the following five courses and distances:

N 67° 18' 38" E, 29.41+/- feet to a common corner thereof;

S 87° 19' 45" E, 65.83+/- feet to a common corner thereof;

S 00° 25' 39" W, 379.93+/- feet to a common corner thereof;

S 86° 49' 18" E, 296.62+/- feet to a common corner thereof;

N 04° 16' 45" E, 55.04+/- feet to a northwesterly corner of said 5.068 acre tract and a southwesterly corner of said 4.548 acre tract;

Thence S 85° 27' 06" E, with the common line of said 5.068 acre tract and said 4.548 acre tract, 967.75+/- feet to the True Point of Beginning. Containing 15.08+/- acres, more or less.

EXCLUDING THEREFROM:

TRACT 1

Situated in the City of Columbus, the State of Ohio, County of Franklin, Section 2, Township 2, Range 16, United States Military District and containing 0.173 acres of land, said 0.173 acres being out of a 5.068 acre tract of land conveyed to Vincent E. and Karen S. Golden in Deed Book 6405D06, and being more particularly described as follows;

Beginning at a mag nail set on the northeast corner of said 5.068 acre tract, the southeast corner of a 4.548 acre tract of land conveyed to Norman D. and Lois Singer in Instrument Number 201907250091746, the southeasterly corner of a 0.391 acre highway easement conveyed to the County of Franklin in Deed Book 3699, Pg. 34, being on the centerline of Harlem Road (Public, R/W Varies) as dedicated in Road Record 19, Pg. 39, being on the west line of a 1.183 acre tract of land conveyed to Kahrman M. McKenzie in Instrument Number 201508140112899, referencing a found Franklin County Monument "FCGS 1375" N 02° 36' 53" W, 426.26 feet from said point on the centerline of said Harlem Road (Public, R/W Varies), and referencing a found Franklin County Monument "FCGS 1825" S 02° 36' 53" E, 759.35 feet from said point on the intersection of the centerline of said Harlem Road (Public, R/W Varies) and Central College Road;

Thence S 02° 36' 53" E, with the east line of said 5.068 acre tract, the west line of said 1.183 acre tract, the west line of a 2.36 acre tract of land conveyed to Charles D. and Bernice Ayivor in Instrument Number 202111300217075, and the centerline of said Harlem Road (Public, R/W Varies), 150.55 feet to a mag nail set on the southeast corner of said 5.068 acre tract, the west line of said 2.36 acre tract, and the northeast corner of a 5.017 acre tract of land conveyed to Jeff D. and Tina M. Miller in Deed Book 5283A06 as Parcel 1;

Thence N 85° 27' 06" W, with the common line of said 5.068 acre tract, said Parcel 1, and across the right-of-way of said Harlem Road (Public, R/W Varies), 50.39 feet to an iron pin set;

Thence N 02° 36' 53" W, across said 5.068 acre tract, 150.55 feet to an iron pin set on the common line of said 5.068 acre tract and said 4.548 acre tract;

Thence S 85° 27' 06" E, with the common line of said 5.068 acre tract and said 4.548 acre tract and across the right-of-way of said Harlem Road (Public, R/W Varies) (passing a bent 3/4" iron pipe found at 20.00 feet), 50.39 feet to the True Point of Beginning, containing 0.173 acre acres more or less inclusive of the present right-of-way which occupies 0.104 acres more or less.

TRACT 2

Situated in the City of Columbus, the State of Ohio, County of Franklin, Section 2, Township 2, Range 16, United States Military District and containing 0.177 acres of land, said 0.177 acres being out of a 5.012 acre tract of land conveyed to Mark M. and Lesley A. Sowle in Instrument Number 200404130081712 and Deed Book 3159A07, and being more particularly described as follows;

Beginning at a mag nail set on the northeast corner of said 5.012 acre tract, the southeast corner of a 5.017 acre tract of land conveyed to Jeff D. and Tina M. Miller in Deed Book 5283A06 as Parcel 1, being on the west line of a 1.533 acre tract of land conveyed to James W. Bryant in Instrument Number 200211010278107, referencing a found Franklin County Monument "FCGS 1375" N 02° 36' 53" W, 733.24 feet from said point on the centerline of said Harlem Road

(Public, R/W Varies) as dedicated in Road Record 19, Pg. 39, referencing a found Franklin County Monument "FCGS 1825" S 02° 36' 53" E, 602.36 feet from said point on the intersection of the centerline of said Harlem Road (Public, R/W Varies) as dedicated in Road Record 19, Pg. 39, and Central College Road, and being on the centerline of Harlem Road (Public, R/W Varies);

Thence S 02° 36' 53" E, with the east line of said 5.012 acre tract, the west line of said 1.533 acre tract, and the centerline of said Harlem Road (Public, R/W Varies), 154.24 feet to a mag nail set on southeast corner of said 5.012 acre tract, the southwest corner of said 1.533 acre tract, a northeasterly corner of a 0.5167 acre tract of land conveyed to the City of Columbus in Instrument Number 201907290093255, and being on the centerline of said Harlem Road (Public, R/W Varies);

Thence N 85° 27' 06" W, with the south line of said 5.012 acre tract, the north line of said 0.5167 acre tract, the north line of a 2.00 acre tract of land conveyed to Frederick L. Williamson in Deed Book 23435G17, and across the right-of-way of said Harlem Road (Public, R/W Varies), 50.39 feet to an iron pin set on the common line of said 5.012 acre tract and said 2.00 acre tract;

Thence N 02° 36' 53" W, across said 5.012 acre tract, 154.24 feet to an iron pin set on the north line of said 5.012 acre tract and the south line of said Parcel 1;

Thence S 85° 27' 06" E, with the common line of said 5.012 acre tract and said Parcel 1 and across said Harlem Road (Public, R/W Varies) (passing a bent 3/4" iron pipe found at 20.00 feet), 50.39 feet to the True Point of Beginning, containing 0.177 acres more or less inclusive of the present right-of-way which occupies 0.106 acres more or less.

### TRACT 3

Situated in the City of Columbus, the State of Ohio, County of Franklin, Section 2, Township 2, Range 16, United States Military District and containing 0.180 acres of land, said 0.180 acres being out of a 5.017 acre tract of land conveyed to Jeff D. and Tina M. Miller in Deed Book 5283A06 as Parcel 1, and being more particularly described as follows;

Beginning at a mag nail set on the northeast corner of said Parcel 1, the southeast corner of a 5.068 acre tract of land conveyed to Vincent E. and Karen S. Golden in Deed Book 6405D06, being on the west line of a 2.36 acre tract of land conveyed to Charles D. and Bernice Ayivor in Instrument Number 202111300217075, referencing a found Franklin County Monument "FCGS 1375" N 02° 36' 53" W, 576.26 feet from said point on the centerline of said Harlem Road (Public, R/W Varies) as dedicated in Road Record 19, Pg. 39, and referencing a found Franklin County Monument "FCGS 1825" S 02° 36' 53" E, 759.35 feet from said point on the intersection of the centerline of said Harlem Road (Public, R/W Varies) and Central College Road;

Thence S 02° 36' 53" E, with the east line of said Parcel 1, the west line of said 2.36 acre tract, the west line of a 1.533 acre tract of land conveyed to James W. Bryant in Instrument Number 200211010278107, and with the centerline of said Harlem Road (Public, R/W Varies), 156.99 feet to a mag nail set on the southeast corner of said Parcel 1, the northeast corner of a 5.012 acre tract of land conveyed to Mark M. and Lesley A. Sowle in Instrument Number 200404130081712 and Deed Book 3159A07, being on the west line of said 1.533 acre tract, and being on the centerline of said Harlem Road (Public, R/W Varies);

Thence N 85° 27' 06" W, with the common line of said Parcel 1 and said 5.012 acre tract and across the right-of-way of said Harlem Road (Public, R/W Varies) (passing a bent 3/4" iron pipe found at 30.00 feet), 50.39 feet to an iron pin set on the common line of said Parcel 1 and said 5.012 acre tract;

Thence N 02° 36' 53" W, across said Parcel 1, 156.99 feet to an iron pin set on the common line of said 5.068 acre tract and said Parcel 1;

Thence S 85° 27' 06" E, with the common line of said 5.068 acre tract and said Parcel 1 and across the right-of-way of

said Harlem Road (Public, R/W Varies), 50.39 feet to the True Point of Beginning, containing 0.180 acres more or less inclusive of the present right-of-way which occupies 0.108 acres more or less.

Property Address: 6935 Harlem Rd., Columbus, OH 43081.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 282-unit apartment complex, or 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 plan titled, "**ZONING SITE PLAN**," signed by Eric Zartman, Attorney for the Applicant, and dated November 24, 2023. 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 following traffic-related commitments:

1. The developer shall be responsible for a contribution of \$370,152.21 to the Department of Public Service to be applied toward future roadway improvements ~~between the proposed site access point to~~ **at the intersection of** Harlem Road and Central College Road.
2. This requirement may be modified or amended with the approval of the Director of the Department of Public Service without requiring City Council approval.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed development.

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