



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1092-2021, **Version:** 1

Council Variance Application: CV20-119

APPLICANT: WC ECP Monarch, LLC; c/o Dave Perry, David Perry Company, Inc.; 411 E. 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: Mixed use commercial and apartment residential development.

5TH BY NORTHWEST 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 (Ordinance #1091-2021; Z20-104) to the CPD, Commercial Planned Development District, which will permit a mixed-use building in each of two subareas. The requested Council variance will permit ground-floor residential units and accessory residential uses in the CPD, Commercial Planned Development District. The proposal is consistent with recommendations of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines (2018)* and with the "Mixed-Use" land use recommendation of the *5th by Northwest Plan (2009)* for Subarea A.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; for the property located at **915 WEST. 5TH AVE. (43212)**, to permit ground-floor residential uses as part of a mixed-use residential development in the CPD, Commercial Planned Development District (Council Variance #CV20-119).

WHEREAS, by application #CV20-119, the owner of property at **915 WEST. 5TH AVE. (43212)**, is requesting a Council variance to permit ground-floor residential uses as part of a mixed-use development in the CPD, Commercial Planned Development District; and

WHEREAS, by Ordinance #1091-2021 (Rezoning Application #Z20-104), Section 3356.03, C-4 Permitted uses, is utilized to identify the specific uses permitted in the proposed CPD, Commercial Planned Development District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not permit ground floor residential uses, while the applicant proposes to permit such uses; and

WHEREAS, Section 3361.02, Permitted uses, specifies C-4 district uses, and does not permit ground-floor residential uses, which are Residential or Apartment Residential district uses, while the applicant proposes to permit said uses; and

WHEREAS, the 5th by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because this request will permit ground-floor residential uses consistent with the recommendations of the *5th by Northwest Plan* and *C2P2 Design Guidelines* for mixed-use developments regarding building design and context; and

WHEREAS, said 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 owner of the property located at **915 W. 5TH AVE. (43212)**, 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 3356.03, C-4 Permitted uses; and 3361.02, Permitted uses, of the Columbus City Codes; is hereby granted for the property located at **915 WEST 5TH AVE. (43212)**, insofar as said sections prohibit ground floor residential units and accessory residential uses in the proposed CPD, Commercial Planned Development District; said property being more particularly described as follows:

915 W. 5TH AVE. (43212), being 2.04± acres located on the south side of West Fifth Avenue, 190± feet east of Norton Avenue, and being more particularly described as follows:

SUBAREA A

LEGAL DESCRIPTION

1.04± ACRE

ZONING BOUNDARY

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being all of Lot 6 through Lot 9, inclusive, and all of Lot 28 through 31, inclusive, and part of the first 20-foot alley south of Fifth Avenue (Varies), vacated per Ordinance Number 308-41, all being of Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, all as conveyed to White Castle System, Inc. in Deed Book 1916, Page 342, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the southeasterly corner of said Lot 28, also being the intersection of the northerly right-of-way line of South Avenue (50') as delineated in said Plat Book 5, Page 404, and the westerly right-of-way line of Delashmut Avenue (30') (formerly Franklin Avenue as delineated in said Plat Book 5, Page 404);

Thence along the southerly lines of said Lot 28 through Lot 31, inclusive, and the northerly right-of-way line of said South Avenue, North 86°05'08" West, 151.61 feet to the southwest corner of said Lot 31, also being the southeasterly corner of Lot 32 of said Salzegeber and Gamper's Subdivision, as conveyed to Turkey Run Inc. in Instrument Number 201709290136218;

Thence along the westerly lines of said Lot 31 and said Lot 5, along the easterly lines of said Lot 32 and Lot 5, also as conveyed to Turkey Run Inc. in Instrument Number 201709290136218, and across said vacated 20-foot alley, North 03°54'52" East, 299.62 feet to the northwesterly corner of said Lot 6, also being the northeasterly corner of said Lot 5, also being on the southerly right-of-way line of said Fifth Avenue;

Thence along the northerly lines of said Lot 6 through Lot 9, inclusive, and along the southerly right-of-way line of said Fifth Avenue, South 86°05'08" East, 151.61 feet to the northeasterly corner of said Lot 9, also being the intersection of the southerly right-of-way line of said Fifth Avenue and the westerly right-of-way line of said Delashmut Avenue;

Thence along the easterly lines of said Lot 9 and said Lot 6, along the easterly terminus of said vacated 20-foot alley, and the westerly right-of-way line of said Delashmut Avenue, South 03°54'52" West, 299.62 feet to the southeasterly corner of said Lot 28, also being the intersection of the northerly right-of-way line of said South Avenue and the westerly right-of-way line of said Delashmut Avenue being the **POINT OF BEGINNING**, containing 1.04 acres, more or less.

This description is based on records and written by E.P. Ferris & Associates in November 2020, and is intended to be used for zoning purposes only.

SUBAREA B

LEGAL DESCRIPTION

1.00± ACRE

ZONING BOUNDARY

Situated in the State of Ohio, County of Franklin, in the City of Columbus, and being in Section 6, Township 5, Range 22, Refugee Lands, being all of Lot 37 through Lot 45, inclusive, of Salzegeber and Gamper's Subdivision, of record in Plat Book 5, Page 404, as conveyed to RTR of Columbus Limited, an Ohio Limited Liability Company in Instrument Number 201210180157467 (Lot 37 and Lot 38) and as conveyed to Monarch BLDG, LLC, an Ohio Limited Liability Company in Instrument Number 200510240223086, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Lot 45, also being the intersection of the southerly right-of-way line of South Avenue (50') as delineated in said Plat Book 5, Page 404, and the westerly line of Delashmut Avenue (30') (formerly Franklin Avenue as delineated in said Plat Book 5, Page 404);

Thence along the easterly line of said Lot 45 and along the westerly right-of-way line of said Delashmut Avenue, South 03°54'52" West, 129.62 feet to the southeasterly corner of said Lot 45, also being the intersection of the westerly right-of-way line of said Delashmut Avenue and the northerly right-of-way line of a 20-foot alley, as delineated in said Plat Book 5, Page 404;

Thence along the southerly lines of said Lot 37 through Lot 45, inclusive, and along the northerly right-of-way line of said 20-foot alley, North 86°05'08" West, 336.61 feet to the southwest corner of said Lot 37, also being the intersection of the northerly right-of-way line of said 20-foot alley and the easterly right-of-way line of Norton Avenue (50');

Thence along the westerly line of said Lot 37 and along the easterly right-of-way line of said Norton Avenue, North 03°54'52" East, 129.62 feet to the northwesterly corner of said Lot 37, also being the intersection of the easterly right-of-way line of said Norton Avenue and the southerly right-of-way line of said South Avenue;

Thence along the northerly lines of said Lot 37 through Lot 45, inclusive, and along the southerly right-of-way line of said South Avenue, South 86°05'08" East, 336.61 feet to the northeasterly corner of said Lot 45, also being the intersection of the southerly right-of-way line of said South Avenue and the westerly line of said Delashmut Avenue, being the **POINT OF BEGINNING**, containing 1.00 acres, more or less.

This description is based on records and written by E.P. Ferris & Associates in November 2020, and is intended to be used for zoning purposes only.

Parcel Numbers: 010-063098, 010-063099, 010-063100, 010-063101, 010-063102, 010-063107, 010-063288, 010-063110, and 010-063199.

Property Address: 915 West 5th Avenue; Columbus, Ohio 43212.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for ground floor residential units and accessory uses in a mixed-use building, and/or those uses permitted by the CPD, Commercial Planned Development District zoning on this property as permitted by ORD #1091-2021 (Rezoning Application #Z20-104).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.