



## Legislation Text

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**File #: 0286-2024, Version: 1**

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### **Council Variance Application: CV23-131**

**APPLICANT:** Homeport; c/o Laura Comek, Atty.; 17 S. High St., Suite 700 Columbus, Ohio 43215.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the CPD, Commercial Planned Development District. The requested Council variance will allow a multi-unit residential development with a maximum of 60 units. A Council variance is necessary because ground floor residential uses are not allowed in the CPD, Commercial Planned Development District. Additional variances are requested to allow increased building height, to eliminate parking lot shade tree islands, to reduce the number of required parking spaces from 80 to 60, and to replace the approved CPD plan. The site is located within the planning area of the *Northland Plan - Volume II* (2002), which recommends "Preserve District" at this location, continuing the residential development pattern on the east side of North Hamilton Road. The proposed multifamily-unit residential development is consistent with this recommendation, and is of a comparable intensity to residential uses to the east, and is therefore supported. This proposed multi-unit residential development is aimed at providing affordable housing and will be subject to a competitive funding process by the Ohio Housing Finance Agency (OHFA) which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this OHFA funding application process, and Rezoning Application #Z24-002, a request for the AR-2, Apartment Residential District, has been submitted and will be completed as a condition of this ordinance.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.21, Landscaping and screening; 3312.49, Required parking; 3361.02, CPD permitted uses; 3361.03, Development plan; and 3361.07, Affect of the registered development plan, of the Columbus City Code; for the property located at **5432 N. HAMILTON RD. (43054)**, to allow a multi-unit residential development with reduced development standards in the CPD, Commercial Planned Development District (Council Variance #CV23-131).

**WHEREAS**, by application #CV23-131, the owner of property at **5432 N. HAMILTON RD. (43054)**, is requesting a Council variance to allow a multi-unit residential development with reduced development standards in the CPD, Commercial Planned Development District; and

**WHEREAS**, Section 3309.14(A), Height districts, requires a maximum building height of 35 feet at the setback line for this property, while the applicant proposes an increased maximum building height of 36 feet; and

**WHEREAS**, Section 3312.21(A), Landscaping and screening, requires six parking lot shade trees located in landscaped islands or peninsulas, while the applicant proposes zero parking lot shade trees in landscaped islands or peninsulas, and will redistribute the six trees to other landscaped areas on the site; and

**WHEREAS**, Section 3312.49, Required parking, requires 1.5 parking spaces per dwelling unit, or 90 spaces for 60 units, while the applicant proposes one parking space per unit, or 60 spaces; and

**WHEREAS**, Section 3361.02, CPD permitted uses, prohibits multi-unit residential development, while the applicant

proposes to develop the site with a multi-unit residential development with up to 60 units; and

**WHEREAS**, Section 3361.03, Development plan, reports the overall concept of a proposed development, which for this property specifically is a medical office and preschool academy, as approved by Ordinance #1800-2022 (Z21-106), while the applicant proposes a multi-unit residential development with up to 60 units; and

**WHEREAS**, Section 3361.07, Affect of the registered development plan, states a development plan registered hereunder shall be binding upon the applicant, their successors and assigns, and shall limit and control the issuance or validity of all certificates of zoning clearance, while the applicant proposes a multi-unit residential development with up to 60 units that does not match the registered development plan; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements, and the multi-unit residential development will provide affordable housing, consistent with the City's objectives; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; 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 **5432 N. HAMILTON RD. (43054)**, 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(A), Height districts; 3312.21(A), Landscaping and screening; 3312.49, Required parking; 3361.02, CPD permitted uses; 3361.03, Development plan, and 3361.07, Affect of the registered development plan, of the Columbus City Codes, is hereby granted for the property located at **5432 N. HAMILTON RD. (43054)**, insofar as said sections prohibit a multi-unit residential development containing a maximum of 60 units in the CPD, Commercial Planned Development District; with an increase in building height from 35 feet to 36 feet; a reduction in parking lot shade trees from six to zero; a parking reduction from 90 required to 60 provided spaces; and to not conform with the approved and binding Development Plan, as adopted with Ordinance #1800-2022 (Z21-106); said property being more particularly described as follows:

**5432 N. HAMILTON RD. (43054)**, being 1.55± acres located on the east side of North Hamilton Road, 760± feet north of Thompson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 3, Township 2 North, Range 16 West, United States Military Lands and being 1.551 acres out of a 2.537 acre tract of land conveyed DS Hamilton LLC, by deed of record in Instrument 201601260009806, all references being to the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at Franklin County Monument No. 6666 found at an angle point in the centerline of N. Hamilton Road, said point also being the intersection of the centerline of N. Hamilton Road (variable width) with the centerline of Thompson Road;

thence N 03° 19' 31" E along the centerline of N. Hamilton Road a distance of 1,078.31 feet to a point at the northwest corner of a 0.392 acre tract of land conveyed, for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No.201412190168806 and at the southwest corner of a 0.194 acre tract of land conveyed, as Parcel No. 62-WD for N. Hamilton Road right-of-way purposes, to the City of Columbus, Ohio, by deed of record in Instrument No. 201812270174046, said point being S 03° 19' 31" W a distance of 508.26 feet from Franklin County I/monument No. 8813 found at an angle point in the centerline of N. Hamilton Road;

thence S 86° 54' 29" E along the north line of said 0.392 acre tract, along the south line of said 0.194 acre tract, along a portion of the south line of an original 1.956 acre tract of land conveyed to Sara Zahra Rastegar, by deeds of record in Instrument No. 200410260246960 and Instrument No. 200810030148794 and along a portion of the north line of said 2.537 acre tract a distance of 365.45 feet to a 3/4" I.D. iron pipe set at the true place of beginning of the tract herein intended to be described (passing a 3/4" I.D. iron pipe found at the northeast corner of said 0.392 acre tract, at the southeast corner of said 0.194 acre tract and at the northwest corner of said 2.537 acre tract 60.00 feet);

thence S 86° 54' 29" E along a portion of the north line of said 2.537 acre tract and along a portion of the south line of said original 1,956 acre tract a distance of 238. 11 feet to a 3/4" I.D. iron pipe found at the northeast corner of said 2.537 acre tract, at the southeast corner of said original 1.956 acre tract and in the west line of a 3 acre tract of land conveyed to Garry L. & Pamela S. Rowe, by deed of record in Instrument No. 200010270217905;

thence S 03° 25' 53" W along the east line of said 2.537 acre tract and along a portion of the west line of said 3 acre tract a distance of 284.48 feet to a 3/4" I.D. iron pipe found at the southeast corner of said 2.537 acre tract and at the northeast corner of a 1.507 acre tract of land conveyed to WOB Properties LLC, by deed of record in Instrument No. 201307100115084 (passing a 5/8" solid iron pin found at 140.26 feet);

thence N 86° 56' 27" W along a south line of said 2.537 acre tract, along the north line of said 1.507 acre tract and along a portion of the north line of an original 1.223 acre tract of land conveyed to TELHIO Credit Union, Inc.. by deed of record in Instrument No. 200402260041572 a distance of 237.01 feet to a 3/4" I.D. iron pipe previously set at the southeast corner of a 1.013 acre tract of land conveyed to The Kroger Co., by deed of record in Instrument No. 201602240021801;

thence N 03° 19' 31" E along a west line of said 2.537 acre tract and along the east line of said 1.013 acre tract a distance of 144.22 feet to a 3/4" I.D. iron pipe previously set at a corner of said 2.537 acre tract and at the northeast corner of said 1.013 acre tract;

thence IN 03° 05' 31" E crossing said 2.537 acre tract a distance of 140.40 feet to the true place of beginning;

Containing 1.551 acre of land, more or less and being subject to all easements and restrictions of record. Of said 1.551 acres, 0.766 acre is within P.N. 010-295572 and 0.785 acre is within P.N. 010-295893.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under my supervision in June, 2015. Basis of bearings is the centerline of N. Hamilton Road, between FCGS Monument 6666 and FCGS Monument 8813 being N 03° 19' 31" E, as shown on the Centerline Survey Plat prepared by the Franklin County Engineers Office and dated February 08, 2012, all other bearings are based upon this meridian.

TOGETHER WITH the beneficial easements contained in Access and Utility Easement recorded in Instrument No. 201911270159967 of the Franklin County, Ohio Records.

TOGETHER WITH the beneficial easement contained in Access Easement recorded in Instrument No.201911270159970 of the Franklin County, Ohio Records.

Parcel IDs: 010-295572  
Parcel Address: 5432 N. Hamilton Rd., Columbus, OH 43054

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential uses with up to 60 units, or those uses allowed in the CPD, Commercial Planned Development District in accordance with Ordinance #1800-2022 (Z21-106).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z24-002 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA) or within three years of the effective date of this ordinance, whichever occurs first.

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