



## Legislation Details (With Text)

**File #:** 1653-2020      **Version:** 2

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

**File created:** 7/6/2020      **In control:** Zoning Committee

**On agenda:** 7/20/2020      **Final action:** 7/23/2020

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3351.03, C-1 Permitted Uses; and 3356.03, C-4 Permitted Uses, of the Columbus City Codes; for the property located at 2342 2432 CLEVELAND AVE. (43211), to permit a 100-unit senior housing development in the R-4, Residential, and C-1 and C-4, Commercial Districts (Council Variance #CV20-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#1653-2020.Attachments, 2. ORD#1653-2020.Labels

Date	Ver.	Action By	Action	Result
7/23/2020	2	CITY CLERK	Attest	
7/22/2020	2	MAYOR	Signed	
7/20/2020	2	COUNCIL PRESIDENT	Signed	
7/20/2020	1	Zoning Committee	Waive the 2nd Reading	Pass
7/20/2020	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/20/2020	1	Zoning Committee	Approved as Amended	Pass

**Council Variance Application: CV20-049**

**APPLICANT:** Homeport; c/o Laura MacGregor Comek, Atty.; 501 South High Street; Columbus, OH 43215.

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

**NORTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This 2.28± acre site consists of 16 parcels that are zoned in the R-4, Residential, and C-1 and C-4, Commercial districts. The site is currently developed with a religious facility, several dwellings and an apartment building. The requested Council variance will permit a 100-unit senior housing development which may include commercial uses along the Cleveland Avenue frontage with the retention of the C-4 zoning. The site lies within the boundaries of the *North Linden Neighborhood Plan Amendment* (2014), which recommends "Neighborhood Mixed Use" and "Medium Density Mixed Residential" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). This proposed development will be subject to a competitive funding process with the Ohio Housing Finance Agency which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process, as Rezoning Application #Z20-055, a request for the CPD, Commercial Planned Development District, has been filed and is in process.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3351.03, C-1 Permitted Uses; and

3356.03, C-4 Permitted Uses, of the Columbus City Codes; for the property located at **2342 2432 CLEVELAND AVE. (43211)**, to permit a 100-unit senior housing development in the R-4, Residential, and C-1 and C-4, Commercial Districts (Council Variance #CV20-049).

**WHEREAS**, by application #CV20-049, the owner of the property at **2342 2432 CLEVELAND AVE. (43211)**, is requesting a Council variance to permit a 100-unit apartment building in the R-4, Residential, and C-4 and C-1, Commercial Districts; and

**WHEREAS**, Section 3332.039, R-4, Residential District, only permits three- and four-unit dwellings within a multiple dwelling development, while the applicant proposes a multi-unit senior housing development containing a maximum of 100 units within two apartment buildings; and

**WHEREAS**, Section 3351.03, C-1 Permitted Uses, permits apartment uses only above certain commercial uses, while the applicant proposes a multi-unit senior housing development containing a maximum of 100 units; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits apartment uses only above certain commercial uses, while the applicant proposes a multi-unit senior housing development containing a maximum of 100 units; and

**WHEREAS**, the North Linden Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance is consistent with the land use recommendations of the *North Linden Neighborhood Plan Amendment*, and will help facilitate state funding requirements. The Applicant is required to complete Rezoning Application #Z20-055 as a condition of this ordinance; 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 **2342 2432 CLEVELAND AVE. (43211)**, 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 3332.039, R-4, Residential District; 3351.03, C-1 Permitted Uses; and 3356.03, C-4 Permitted Uses, of the Columbus City Codes, is hereby granted for the property located at **2342 2432 CLEVELAND AVE. (43211)**, insofar as said sections prohibit senior housing multi-unit residential development in the R-4, Residential, and C-1 and C-4, Commercial Districts; said property being more particularly described as follows:

**2342 2432 CLEVELAND AVE. (43211)**, being 2.28± acres (3 acres including vacated right-of-way) located at the southeast corner of Cleveland Avenue and Myrtle Avenue, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND CITY OF COLUMBUS AND FURTHER DESCRIBED AS FOLLOWS BEING LOT NUMBERS:

TWENTY EIGHT (28)

TWENTY SEVEN (27)  
TWENTY SIX (26)  
TWENTY FIVE (25)  
TWENTY FOUR (24)  
TWENTY THREE (23)  
TWENTY TWO (22)

AND  
THIRTY NINE (39)  
FORTY (40)  
FORTY ONE (41)  
FORTY TWO (42)  
FORTY THREE (43)  
FORTY FOUR (44)  
FORTY FIVE (45)  
FORTY SIX (46)

AND  
NINETY SIX (96)  
NINETY SEVEN (97)  
NINETY EIGHT (98)  
NINETY NINE (99)  
ONE HUNDRED (100)

OF NEW LINDEN ADDITION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 13, PAGE 18, RECORDERS OFFICE, FRANKLIN COUNTY, OHIO.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a senior housing multi-unit residential development with up to 100 units, or those uses permitted in the R-4, Residential, and C-4 and C-1, Commercial Districts.

**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 #Z20-055 through City Council action within one year of the date of passage of this ordinance.

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