



Legislation Details (With Text)

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On agenda: 3/22/2021 **Final action:** 3/25/2021

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 2225 N. CASSADY AVE. (43219), to permit the expansion of a shared living facility with on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District; and to repeal Ordinance #1918-2016, passed July 21, 2016 (Council Variance # CV20-114) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#0620-2021_Attachments, 2. ORD#0620-2021_Labels

Date	Ver.	Action By	Action	Result
3/25/2021	2	CITY CLERK	Attest	
3/24/2021	2	ACTING MAYOR	Signed	
3/22/2021	2	COUNCIL PRESIDENT	Signed	
3/22/2021	1	Zoning Committee	Amended to Emergency	Pass
3/22/2021	1	Zoning Committee	Approved as Amended	Pass

Council Variance Application: CV20-114

APPLICANT: Lutheran Social Services of Central Ohio; c/o Christian A. Gillikin, Atty.; Bailey Cavalieri LLC; 10 West Broad Street, Suite 2100; Columbus, OH 43215.

PROPOSED USE: Shared living facility expansion.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a 56,000± square-foot shared living facility serving victims of domestic violence. The site is zoned in the ARLD, Apartment Residential District, and I, Institutional District and is subject to Ordinance #1918-2016 (CV16-028), passed July 21, 2016, which permitted a 120-bed facility with on-site counseling, crisis intervention, office areas, a children's play area, and other support services. That variance was necessary because shared living facilities and accessory office and support uses are prohibited in the ARLD district, and because a shared living facility of this type is not permitted in the Institutional district. This request will eliminate the bed limitation established by CV16-028 and update the associated parking variance to allow flexibility for expansion and future development of the existing facility. The request includes a variance to reduce the parking requirement by 50 percent, which is supported because the proposed office and accessory space will be utilized by the residents of the facility and will not generate additional parking demands. The previously approved ordinance had a reduction of 70 required parking spaces. The site is located within the *Northeast Area Plan* (2007), which recommends low density residential uses, and supports the inclusion of street trees and pedestrian access to

adjacent areas. Staff supports the request to allow flexibility for proposed and future expansion of the existing facility to meet the needs of the community. The proposal is consistent with the recommendations of the Plan, as the submitted site plan demonstrates pedestrian connection improvements and the installation of street trees along North Cassady Avenue.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2225 N. CASSADY AVE. (43219)**, to permit the expansion of a shared living facility with on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District; and to repeal Ordinance #1918-2016, passed July 21, 2016 (Council Variance # CV20-114) **and to declare an emergency.**

WHEREAS, by application No. CV20-114, the owner of the property at **2225 N. CASSADY AVE. (43219)**, is requesting a Variance to permit the expansion of an existing shared living facility with on-site counseling, crisis intervention, and general office areas with a reduction in the required number of parking spaces in the ARLD, Apartment Residential District and I, Institutional District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits shared living facility and accessory office uses in the ARLD, Apartment Residential District, while the applicant proposes a shared living facility with on-site counseling, crisis intervention, and general office areas; and

WHEREAS, Section 3349.03, Permitted uses, only permits shared living facilities for assisted living, nursing and rest homes, while the applicant proposes a shared living facility for victims of domestic violence with on-site counseling, crisis intervention, and general office areas; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires 1 parking space per 400 square feet for a shared living facility, and 1 parking space per 450 square feet of general office space, while the applicant proposes to provide no less than 50 percent of the minimum number of parking spaces required; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request would permit the expansion of an existing shared living facility and includes a site plan which incorporates street tree and pedestrian connection improvements as recommended by the *Northeast Area Plan*; 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 owners of the property located at **2225 N. CASSADY AVE. (43219)**, in using said property as desired;

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to expedite the time frame to get an occupancy permit for the expanded space at the CHOICES domestic violence shelter due to increased demand for services related to the COVID-19 pandemic for**

the immediate preservation of the public peace, property, health and safety; now therefore”

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance is hereby granted from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3349.03, Permitted uses; and 3312.49 Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2225 N. CASSADY AVE. (43219)**, insofar as said sections prohibit a shared living facility with on-site counseling, crisis intervention, and general office areas in the ARLD, Apartment Residential and I, Institutional districts, with a parking space reduction of no more than fifty (50) percent of the number of required parking spaces; said property being more particularly described as follows:

2225 N. CASSADY AVE. (43219), being 9.58± acres located on the west side of North Cassady Avenue, across from the intersection with Leon Avenue , and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1 North, Range 17 West, United States Military Lands, being 10.425 acres of land all out of that 23.087 acre tract as described in a deed to Richard D. Perry and Delois Perry, of record in Official Records Volume 14175 H13, (all reference being to records in the Recorder's Office, Franklin County, Ohio), said 10.425 acre tract being more particularly described as follows:

Beginning for reference at a railroad spike found at the intersection of centerlines of Agler Road and Cassady Avenue, South 0° 00' 00" East, along the center line of said Cassady Avenue, passing over a rail spike found at 1061.64 feet, a rail spike found 0.06 feet east a distance of 1161.58 feet, a total distance of 1277.26 feet to the Point of Beginning, being the northeasterly corner of said 23.807 acre tract (ORV 14175 H13), the southeasterly corner of a 5.001 acre tract described in a deed to Ohio Conference of the United Church of Christ, of record in Official Records Volume 06537, G04;

Thence South 0° 00' 00" East, continuing along the centerline of said Cassady Avenue, passing over a rail spike found at a distance of 444.35 feet, a total distance of 735.87 feet to a point being the southeasterly corner of said 23.807 acre tract, the northeasterly corner of a 2.39 acre tract described in a deed to Anna Bea Caton, of record in Deed Book 2650, Page 530;

Thence North 89° 10' 56" West, along the southerly line of said 23.807 acre tract, the northerly line of said 2.39 acre tract, passing a 1/2" iron pin found at a distance of 25.79 feet, a total distance of 618.06 feet to a 3/4" iron pipe set;

Thence North, along a line 618.00 feet westerly of and parallel to the centerline of said Cassady Avenue, a distance of 733.82 feet to a 3/4" iron pin set in the northerly line of said 23.807 acre tract, the southerly line of said 5.001 acre tract (ORV 06537 G04);

Thence South 89° 22' 17" East, along the northerly line of said 23.807 acre tract, the southerly line of said 5.001 acre tract, passing a 1 inch iron pipe found at a distance of 592.92 feet, a total distance of 618.04 feet to the place of beginning and containing 10.425 acres of land as prepared from an actual field survey in June, 1993, by Hockaden and Associates, Inc. Consulting Engineers.

For the purpose of this description all bearings were calculated based on a bearing of South based on the centerline of Cassady Avenue, as recorded in ORV 14175, H13.

Monuments set are 3/4" iron pipe with yellow cap stamped "Hockaden and Assoc".

Commonly known as 2225 N. Cassady Avenue, Columbus, Ohio 43219
PPN: 010-233703

The property address and/or tax parcel identification number listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.

LESS AND EXCEPTING THEREFROM the following 0.845 acre tract as conveyed by Lutheran Social Services of Central Ohio to the City of Columbus by Instrument No. 201710130143089:

Description of right of way split, Cassady Ave.

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military Lands, being part of Lots 5 and 6 of the Partition of the Estate of Ebenezer Dean on file in the Franklin County Court of Common Pleas Complete Record 22, pg. 184, and being all of a 10.425 acre tract conveyed to the Lutheran Social Services of Central Ohio in Instrument (Instr.) No. 201609010117776, Franklin County Recorder's Office;

All records referred to are those of record in the Franklin County Recorder's Office, unless otherwise noted;

Beginning at a set Mag nail at the intersection of the centerline of Cassady Ave. (width variable) and Leon Ave. (50' wide), as shown on the plat of Cassady Farms Subdivision No. 1, Plat Book 45, pg. 89, being a point on the east line of the said 10.425 acre tract;

THENCE South 03 degrees 07 minutes 03 seconds West, a distance of 146.85 feet, along the centerline of the said Cassady Ave. and the east line of the said 10.425 acre tract, to a set Mag nail, being the southeast corner of the said 10.425 acre tract and the northeast corner of 2.39 acre tract conveyed to Sunbury Urban Farm in Instr. No. 201708160113601;

THENCE North 86 degrees 04 minutes 01 seconds West, a distance of 50.01 feet, along the south line of the said 10.425 acre tract and the north line of the said 2.39 acre tract, passing a found 1/2" iron pin at 25.67 feet, to a set iron pin;

THENCE North 03 degrees 07 minutes 03 seconds East, a distance of 735.85 feet, crossing the said 10.425 acre tract, to a set iron pin, being a point in the north line of the said 10.425 acre tract and in the south line of a 5.001 acre tract conveyed to Advent United Church of Christ in Instr. No. 201506150079456;

THENCE South 86 degrees 15 minutes 41 seconds East, a distance of 50.00 feet, along the north line of the said 10.425 acre tract and the south line of the said 5.001 acre tract, to a set Mag nail, being the northeast corner of the said 10.425 acre tract and the southeast corner of the said 5001 acre tract, and begin a point on the centerline of the said Cassady Ave.;

THENCE South 03 degrees 07 minutes 03 seconds West, a distance of 589.17 feet, along the east line of the said 10.425 acre tract and the centerline of the said Cassady Ave., to the Point of Beginning, having an area of 36,797 square feet or 0.845 acres, of which the present road occupies 0.422 acres, according to a survey by J&J Surveying Services, Inc. in January of 2016, under the direct supervision of Raymond J. Wood, P.S. 7745;

The tract described herein is part of Parcel No. 010-233703;

The bearings described herein are based on the Ohio State Plane coordinate system, south zone, NAD83 (2011). Said bearings originated from a field traverse which was referenced to said coordinate system by GPS observations and observations of selected stations in the Ohio Department of Transportation Virtual Reference Station network. The portion of the centerline of Cassady Ave., having a bearing of South 03 degrees 07 minutes 03 seconds West is designated the "Basis of Bearing" for this survey.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a shared living facility with on-site counseling, crisis intervention, and general office areas, or those uses permitted in the ARLD, Apartment Residential, and I, Institutional districts.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE IMPROVEMENT PLAN FOR LSS NORTHEAST CAMPUS NEIGHBORHOOD 'G'**,"

dated February 18, 2021, and signed by Christopher Quick, Engineer for the Applicant. 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 adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment. Future additions to the building are permitted so long as the yard and setback standards of the underlying zoning districts and the 50% parking requirement are met unless otherwise approved by the Board of Zoning Adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**

SECTION 6. That Ordinance #1918-2016, passed July 21, 2016, be and is hereby repealed.