



## Legislation Details (With Text)

**File #:** 1989-2021      **Version:** 1

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

**File created:** 7/8/2021      **In control:** Zoning Committee

**On agenda:** 7/26/2021      **Final action:** 7/28/2021

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at 1535 N. CASSADY AVE. (43219), to permit commercial vehicular access and a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District and to repeal Ordinance #1262-2020, passed June 18, 2020 (Council Variance #CV21-045).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1989-2021\_Attachments, 2. ORD1989-2021\_Labels

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/28/2021 | 1    | CITY CLERK            | Attest                  |        |
| 7/27/2021 | 1    | MAYOR                 | Signed                  |        |
| 7/26/2021 | 1    | Zoning Committee      | Approved                | Pass   |
| 7/26/2021 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 7/19/2021 | 1    | Columbus City Council | Read for the First Time |        |

### Council Variance Application: CV21-045

**APPLICANT:** Woodfield Park LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development with commercial access and reduced perimeter yard.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will permit an access easement through property zoned L-AR-1, Limited Apartment Residential District (Ordinance #1261-2020; Z20-010) to be used for vehicular access to/from adjacent commercial properties. A variance is necessary because the AR-1, Apartment Residential District does not permit vehicular access for off-site commercial uses. The site is also subject to a perimeter yard reduction variance granted with Ordinance #1262-2020 (CV20-015), passed June 18, 2020. Staff supports the variance as it will allow a consolidated access point at a signalized intersection onto North Cassady Avenue as required by the Division of Traffic Management and the development texts of adjacent commercial zoning districts. The previously approved perimeter yard variance is being carried over with this request.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **1535 N. CASSADY AVE. (43219)**, to permit commercial vehicular access and a reduced perimeter yard for an apartment complex in the L-AR-1,

Limited Apartment Residential District and to repeal Ordinance #1262-2020, passed June 18, 2020 (Council Variance #CV21-045).

**WHEREAS**, by application #CV21-045, the owner of property at **1535 N. CASSADY AVE. (43219)**, is requesting a Council variance to permit commercial vehicular access and a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes vehicular access through the subject site for adjacent commercial properties; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards along the north, south, east, and west property lines of 0-10 feet, 0 feet, 5 feet, and 5 feet, respectively, as depicted on the Site Plan; and

**WHEREAS**, the Northeast Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variance will allow a consolidated access point at a signalized intersection along North Cassady Avenue as required by the Division of Traffic Management and the development texts of adjacent commercial zoning districts; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed apartment complex; 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 **1535 N. CASSADY AVE. (43219)**, 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 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; and 3333.255, Perimeter yard; of the Columbus City Codes, is hereby granted for the property located at **1535 N. CASSADY AVE. (43219)**, insofar as said sections prohibit commercial vehicular access in the L-AR-1, Limited Apartment Residential District, and a reduced perimeter yard for an apartment complex from 25 feet to 0-10 feet, 0 feet, 5 feet, and 5 feet along the north, south, east, and west property lines, respectively; said property being more particularly described as follows:

**1535 N. CASSADY AVE. (43219)**, being 9.95± acres located on the west side of North Cassady Avenue, 950± feet north of Airport Drive, and being more particularly described as follows:

**SUBAREA A - APARTMENT COMPLEX:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District, being a 10.077 acre tract of land, said 10.077 acre tract being part of a 30.908 acre tract of land, all of a 0.070 tract of land and part of a 0.669 acre tract of land, all being conveyed to Only Just LLC of record in Instrument Number 200312230402074, and being more particularly described as follows:

**Beginning**, at a pk nail set at northeasterly corner of said 30.908 acre tract, at a southeasterly corner of a 0.086 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument Number 200903100033148, in a westerly line of a 1.385 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200407140163519 and being in the centerline of Cassady Avenue (R/W-Varies);

Thence **S 03° 09' 45" W**, along the easterly line of said 30.908 acre tract and said 0.070 acre tract, along the westerly line of said 1.385 acre tract and along the centerline of said Cassady Avenue (R/W-Varies), **55.70 feet** to a pk nail set at the southeasterly corner of said 0.070 acre tract and also being a northeasterly corner of a 0.854 acre tract of land conveyed to Cassady Retail Investors LLC of record in Instrument Number 201811080152814;

Thence **N 87° 20' 19" W**, along the southerly line of said 0.070 acre tract, along the northerly line of said 0.854 acre tract, along the northerly line of a 2.109 acre tract of land conveyed to Shivji Hospitality LLC of record in Instrument Number 201606270081707 and leaving said centerline, **534.45 feet** to a 3/4" iron rod found with a plastic cap inscribed "Woolpert" at the southwesterly corner of said 0.070 acre tract, at the northwesterly corner of said 2.109 acre tract and being in a easterly line of said 30.908 acre tract;

Thence **S 04° 33' 39" W**, along the westerly line of said 2.109 acre tract, along the westerly line of a 3.785 acre tract of land conveyed to Friendly Inc. of record in Instrument Number 201106270079769, along a portion of the westerly line of a 1.805 acre tract of land conveyed to CNI THL Propco FE LLC of record in Instrument Number 201711170163360 and along the easterly line of said 30.908 acre tract, **744.53 feet** to an iron pipe found at a southeasterly corner of said 30.908 acre tract and the northeasterly corner of a 2.145 acre tract of land conveyed to GH Columbus Hotel Partners LLC of record in Instrument Number 201511180162859 (passing a iron rod found "damaged" at 315.14 feet);

Thence **N 86° 35' 17" W**, along the southerly line of said 30.908 acre tract and along the northerly line of said 2.145 acre tract, **378.46 feet** to an iron pipe found at a common corner thereof and being in the easterly line of a 6.453 acre tract of land conveyed to Airport Core Hotel LLC of record in Instrument Number 201411240156996;

Thence **N 04° 21' 46" E**, along the westerly line of said 30.908 acre tract and along the easterly line of said 6.453 acre tract, **49.50 feet** to an iron pipe found with a plastic cap inscribed "EP Faris" at a common corner thereof;

Thence across said 30.908 acre tract, the following three (3) courses;

**N 04° 12' 51" E, 50.00 feet** to an iron pin set at an angle point;

**S 85° 29' 20" E, 20.37 feet** to an iron pin set at an angle point;

**N 04° 31' 13" E, 836.62 feet** to an iron pin set at an angle point;

Thence **S 87° 20' 19" E**, continuing across said 30.908 acre tract, along the northerly line of said 0.669 acre tract, along the southerly line of a 0.110 acre tract of land conveyed to Investment Land Holdings Inc. of record in Instrument Number 199903100060293, and along the southerly line of a 0.863 acre tract of land conveyed to One More LLC of record in Instrument Number 200312230402066, **888.94 feet** to a pk nail set at a common corner of said 0.669 acre tract and said 0.863 acre tract, in a westerly line of said 1.385 acre tract and being in the centerline of said Cassady Avenue (R/W-Varies) (passing an iron pin found at 623.94 feet);

Thence **S 03° 09' 45" W**, along the easterly line of said 0.669 acre tract, along the westerly line of said 1.385 acre tract and along said centerline, **64.89 feet** to a pk nail set at the southeasterly corner of said 0.669 acre tract and a northeasterly corner of said 0.086 acre tract;

Thence **N 87° 20' 19" W**, along the southerly line of said 0.669 acre tract and along the northerly line of said 0.086 acre tract, **50.00 feet** to an iron pin set at a common corner thereof;

Thence **S 03° 09' 45" W**, along the easterly line of said 0.669 acre tract and the westerly line of said 0.086 acre tract, **75.23 feet** to an iron pin set at a common corner thereof and being in the northerly line of said 30.908 acre tract;

Thence **S 87° 20' 19" E**, along the southerly line of said 0.086 acre tract and the northerly line of said 30.908 acre tract,

**50.00 feet to the True Point of Beginning.** Containing about **10.077 acres**, more or less, of which 9.338 acres of land is out of APN: 010-258021 of which 0.034 acre is in the present right-of-way, 0.669 acre out of APN: 010-258019 of which 0.037 acre is in the present right-of-way and 0.070 acre out of APN: 010-220385 of which 0.004 acre is in the present right-of-way;

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on May 16, 2019 and is based on existing records from the Franklin County Auditor's and Recorder's Office and an actual field survey in January of 2018.

All iron pins set are 5/8" diameter, 30" long rebar with plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation.

**EXCEPTING THEREFROM:**

**Beginning for Reference**, at a pk nail set at a northeasterly corner of said 10.077 acre tract, also being a southeasterly corner of a 0.086 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200903100033148, also being in the westerly line of that 1.385 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200407140163519 and being in the centerline of Cassady Avenue (R/W-Varies);

Thence **N 03° 09' 45" E**, along the easterly line of said 0.086 acre tract, along the westerly line of said 1.385 acre tract and along said centerline, **75.23 feet** to a pk nail set at the northeasterly corner of said 0.086 acre tract and a common corner thereof, the **True Point of Beginning**;

Thence **N 87° 20' 19" W**, along a southerly line of said 10.077 acre tract, along the northerly line of said 0.086 acre tract and leaving said centerline, **50.00 feet** to a 5/8-inch rebar set at the northwesterly corner of said 0.086 acre tract and a southeasterly corner of said 10.007 acre tract;

Thence **N 03° 09' 45" E**, across said 10.077 acre tract, **64.89 feet** to an 5/8-inch rebar set in a northerly of said 10.077 acre tract and being in the southerly line of a 0.863 acre tract of land conveyed to One More LLC of record in Instrument Number 200312230402066;

Thence **S 87° 20' 19" E**, along the northerly line of said 10.077 acre tract and the southerly line of said 0.863 acre tract, **50.00 feet** to a pk nail set at a northeasterly corner of said 10.077 acre tract, the southeasterly corner of said 0.863 acre tract and being in said centerline;

Thence **S 03° 09' 45" W**, along the easterly line of said 10.077 acre, along the westerly line of said 1.385 acre tract and along said centerline, **64.89 feet** to the **True Point of Beginning**.

Containing about **0.074 acres**, more or less, of which 0.037 acre is in the present right-of-way;

**FURTHER EXCEPTING THEREFROM:**

**Beginning**, at a pk nail set at a northeasterly corner of said 10.077 acre tract, also being a southeasterly corner of a 0.086 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200903100033148, also being in the westerly line of that 1.385 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 200407140163519 and being in the centerline of Cassady Avenue (R/W-Varies);

Thence **S 03° 09' 45" W**, along the easterly line of said 10.077 acre, along the westerly line of said 1.385 acre tract and along the centerline of said Cassady Avenue (R/W-Varies), **55.70 feet** to a pk nail set at a southeasterly corner of said 10.077 acre tract and also being a northeasterly corner of a 0.854 acre tract of land conveyed to Shivji Hospitality LLC of record in Instrument Number 201606270081708;

Thence **N 87° 20' 19" W**, along a southerly line of said 10.077 acre tract, along the northerly line of said 0.854 acre tract and leaving said centerline, **50.00 feet** to a 5/8-inch rebar set;

Thence **N 03° 09' 45" E**, across said 10.077 acre tract, **55.70 feet** to an 5/8-inch rebar set at a northeasterly corner of said

10.077 acre tract, also being the southwesterly corner of said 0.086 acre tract

Thence **S 87° 20' 19" E**, along the northerly line of said 10.077 acre tract and the southerly line of said 0.086 acre tract, **50.00 feet** to the **True Point of Beginning**.

Containing about **0.064 acres**, more or less, of which 0.038 acre is in the present right-of-way;

**AND FURTHER EXCEPTING THEREFROM THE DRIVEWAY EASEMENT (SUBAREA B):**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District, being a 0.660 acre tract of land, said 0.660 acre tract being part of a 30.908 acre tract of land, being part of a 0.070 tract of land and being part of a 0.669 acre tract of land, all being conveyed to Only Just LLC of record in Instrument Number 200312230402074, and being more particularly described as follows:

**Beginning** at a southeasterly corner of said 0.070 acre tract and a proposed 10 acre tract of land and being in the centerline of Cassady Avenue (R/W-Varies);

Thence **N 87° 20' 19" W**, along the southerly line of said 0.070 acre tract, **301.05 feet** to a point;

Thence across said 0.070 acre tract, said proposed 10 acre tract and across said 30.908 acre tract, the following three (3) courses;

**N 50° 58' 23" W, 90.43 feet** to an angle point;

**N 13° 35' 13" W, 56.94 feet** to an angle point;

**N 02° 39' 41" E, 87.53 feet** to a point in the northerly line of a proposed 10 acre lot split;

Thence **S 87° 20' 19" E**, across said 30.908 acre tract, and along the northerly line of proposed 10 acre lot split line, **53 feet** to a point;

Thence across said 30.908 acre tract, said proposed 10 acre tract and said 0.669 acre tract, the following six (6) courses;

**S 02° 39' 41" W, 65.67 feet** to an angle point;

**S 13° 35' 13" E, 43.82 feet** to an angle point;

**S 50° 58' 23" E, 52.42 feet** to an angle point;

**S 87° 20' 19" E, 86.46 feet** to an angle point;

**N 84° 19' 57" E, 73.74 feet** to an angle point;

**S 87° 20' 19" E, 73.49 feet** to a point in the easterly line of said 0.669 acre tract;

Thence **S 03° 09' 45" W**, along the easterly line of said 0.669 acre tract and said proposed 10 acre tract, **11.98 feet** to a northerly line of said 30.908 acre tract;

Thence **S 87° 20' 19" E**, along the northerly line of said 30.908 acre tract, **50.00 feet** to a northeasterly corner thereof and being in the centerline of said Cassady Avenue;

Thence **S 03° 09' 45" W**, along the easterly line of said 30.908 acre tract, said proposed 10 acre tract and along said centerline, **55.70 feet** to the **True Point of Beginning**. Containing about **0.660 acres**, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced

Civil Design, Inc. on May 16, 2019 and is based on existing records from the Franklin County Auditor's and Recorder's Office and an actual field survey in January of 2018.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation.

**SUBAREA B - DRIVEWAY EASEMENT:**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 17, United States Military District, being a 0.660 acre tract of land, said 0.660 acre tract being part of a 30.908 acre tract of land, being part of a 0.070 tract of land and being part of a 0.669 acre tract of land, all being conveyed to Only Just LLC of record in Instrument Number 200312230402074, and being more particularly described as follows:

**Beginning** at a southeasterly corner of said 0.070 acre tract and a proposed 10 acre tract of land and being in the centerline of Cassady Avenue (R/W-Varies);

Thence **N 87° 20' 19" W**, along the southerly line of said 0.070 acre tract, **301.05 feet** to a point;

Thence across said 0.070 acre tract, said proposed 10 acre tract and across said 30.908 acre tract, the following three (3) courses;

**N 50° 58' 23" W, 90.43 feet** to an angle point;

**N 13° 35' 13" W, 56.94 feet** to an angle point;

**N 02° 39' 41" E, 87.53 feet** to a point in the northerly line of a proposed 10 acre lot split;

Thence **S 87° 20' 19" E**, across said 30.908 acre tract, and along the northerly line of proposed 10 acre lot split line, **53 feet** to a point;

Thence across said 30.908 acre tract, said proposed 10 acre tract and said 0.669 acre tract, the following six (6) courses;

**S 02° 39' 41" W, 65.67 feet** to an angle point;

**S 13° 35' 13" E, 43.82 feet** to an angle point;

**S 50° 58' 23" E, 52.42 feet** to an angle point;

**S 87° 20' 19" E, 86.46 feet** to an angle point;

**N 84° 19' 57" E, 73.74 feet** to an angle point;

**S 87° 20' 19" E, 73.49 feet** to a point in the easterly line of said 0.669 acre tract;

Thence **S 03° 09' 45" W**, along the easterly line of said 0.669 acre tract and said proposed 10 acre tract, **11.98 feet** to a northerly line of said 30.908 acre tract;

Thence **S 87° 20' 19" E**, along the northerly line of said 30.908 acre tract, **50.00 feet** to a northeasterly corner thereof and being in the centerline of said Cassady Avenue;

Thence **S 03° 09' 45" W**, along the easterly line of said 30.908 acre tract, said proposed 10 acre tract and along said centerline, **55.70 feet** to the **True Point of Beginning**. Containing about **0.660 acres**, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced

Civil Design, Inc. on May 16, 2019 and is based on existing records from the Franklin County Auditor's and Recorder's Office and an actual field survey in January of 2018.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial vehicular access or those uses permitted in the L-AR-1, Limited Apartment Residential District in accordance with Ordinance #1261-2020 (Z20-010).

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**DEVELOPMENT PLAN, WOODFIELD PARK,**" signed by Jeffrey L. Brown, Attorney for the Applicant, and dated May 18, 2020. 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 applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed apartment complex.

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

**SECTION 6.** That Ordinance #1262-2020, passed June 18, 2020, be and is hereby repealed.