



## Legislation Details (With Text)

**File #:** 0348-2023      **Version:** 1

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

**File created:** 1/26/2023      **In control:** Zoning Committee

**On agenda:** 2/13/2023      **Final action:** 2/15/2023

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3361.02, CPD permitted uses; and Section 3361.03, Development plan, of the Columbus City Codes; for the property located at 494 ST. CLAIR AVE. (43203), to permit a multi-unit residential development in the CPD, Commercial Planned Development District and R-2F, Residential District (Council Variance #CV22-145).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0348-2023\_Attachments, 2. ORD0348-2023\_Labels

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|--|--------|
| 2/15/2023 | 1    | CITY CLERK            | Attest   |        |
| 2/14/2023 | 1    | MAYOR                 | Signed   |        |
| 2/13/2023 | 1    | Zoning Committee      | Accept entire staff report into evidence as an exhibit | Pass   |
| 2/13/2023 | 1    | Zoning Committee      | Adopt the findings of staff as the findings of Council | Pass   |
| 2/13/2023 | 1    | Zoning Committee      | Approved   | Pass   |
| 2/13/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 2/6/2023  | 1    | Columbus City Council | Read for the First Time                                |        |

**Council Variance Application: CV22-145**

**APPLICANT:** National Church Residences; c/o Matthew Bierlein, Atty.; 2335 North Bank Drive; Columbus, OH 43220.

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

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels; one is developed with a parking lot in the CPD, Commercial Planned Development District and the other is undeveloped in the R-2F, Residential District. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not have a specific land use recommendation for this location. This proposed multi-unit residential development is aimed at providing affordable housing for senior and will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development (HUD), which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this federal funding application process as Rezoning Application #Z23-010, a request for the AR-O, Apartment Office District, has been filed and is in the formal review process.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3361.02, CPD permitted uses; and Section 3361.03, Development plan, of the Columbus City Codes; for the property located at **494 ST. CLAIR AVE. (43203)**, to permit a multi-unit residential development in the CPD, Commercial Planned Development District and R-2F, Residential District (Council Variance #CV22-145).

**WHEREAS**, by application #CV22-145, the owner of property at **494 ST. CLAIR AVE. (43203)**, is requesting a Council variance to permit a multi-unit residential development in the CPD, Commercial Planned Development District and R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, residential district, permits a maximum of two units in one building, while the applicant proposes a multi-unit residential development with up to 84 units; and

**WHEREAS**, Section 3361.02, CPD permitted uses, prohibits a multi-unit residential development, while the applicant proposes to redevelop the site with a multi-unit residential development with up to 84 units; and

**WHEREAS**, Section 3361.03, Development plan, reports the overall concept of a proposed development, which for this property specifically is a parking lot for an existing religious facility at 461 St. Clair Avenue as approved by Ordinance #2077-00 (Z00-003), while the applicant proposes a multi-unit residential development with up to 84 units; and

**WHEREAS**, the Near East Area Commission recommends approval of said zoning change, with stated conditions to be considered during review of Rezoning Application #Z23-010; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate federal funding requirements, and the multi-unit residential development will provide affordable housing for seniors, 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 **494 ST. CLAIR AVE. (43203)**, 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 3332.037, R-2F, residential district; 3361.02, CPD permitted uses; and Section 3361.03, Development plan, of the Columbus City Codes, is hereby granted for the property located at **494 ST. CLAIR AVE. (43203)**, insofar as said sections prohibit a multi-unit residential development containing a maximum of 84 units in the R-2F, Residential District and CPD, Commercial Planned Development District, as adopted with Ordinance #2077-00 (Z00-003); said property being more particularly described as follows:

**494 ST. CLAIR AVE. (43203)**, being 1.07± acres located on the east side of St. Clair Avenue, 60± feet south of Old Leonard Avenue, and being more particularly described as follows:

Parcel No. 1

**Tract One:**

Being Lot Number Thirty-Eight (38) of the RICHARD JONES ADDITION, as the same is numbered and delineated upon the record plat thereof, of record in Plat Book 7, Page 14, Recorder's Office, Franklin County, Ohio.

**Tract Two:**

Lot Number One Hundred and Twenty Eight thru One Hundred and Thirty Five (128 thru 135) of the Jones Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat thereof, of record in Plat Book Number 4, Page 348, Recorder's Office, Franklin County, Ohio.

**Parcel No. 2**

Being Lot Number Seven (7), Felton's Addition, as the same is Numbered and delineated upon the recorded Plat thereof, of Record in Plat Book 4, Page 85, Recorder's Office Franklin County, Ohio.

**Parcel No. 3**

Being Lots Number Forty-two (42) and Forty-three (43) of Richard Jones Addition, as the same is numbered and delineated upon the recorded Plat thereof, of record in Plat Book 37, Pages 14 and 15, Recorder's Office, Franklin County, Ohio.

Parcel IDs: 010-004474 & 010-026447

Property Address: 494 St. Clair Ave., Columbus, OH 43203

**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 84 units, or those uses permitted in the CPD, Commercial Planned Development District, as adopted with Ordinance #2077-00 (Z00-003), and those uses permitted in the R-2F, Residential District.

**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 #Z23-010 through City Council action within one year of the date of project funding being approved by the U.S. Department of Housing and Urban Development (HUD) or within two 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.