



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 0986-2018, **Version:** 2

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### **Council Variance Application: CV17-068**

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

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

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 4.2± acre site is developed with industrial warehouse buildings in the M, Manufacturing District. The requested Council variance will permit a multi-unit residential development containing up to 196 dwelling units arranged in five buildings. The request includes variances to reduce the required building and parking setbacks along East Second Avenue. The site is within the boundaries of the *Italian Village East Redevelopment Plan* (2000), which recommends manufacturing land uses at this location. However, City staff recognizes that the current market conditions and trends in the area support multi-unit residential development and that the proposed development is consistent with similar recent and ongoing residential urban infill projects. The proposed setbacks are supportable because they allow the buildings to be positioned closer to the street thereby complementing the residential building pattern along East Second Avenue. Staff's support of this request is conditioned on the applicant rezoning the site to an appropriate apartment residential district within one year of the effective date of this ordinance.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3312.27, Parking setback line; and 3363.24, Building lines in an M-manufacturing district, of the Columbus City codes; for the property located at **324 EAST SECOND AVENUE (43201)**, to permit a multi-unit residential development with reduced setbacks in the M, Manufacturing District (Council Variance # CV17-068) **and to declare an emergency.** (REPEALED BY ORD. 2885 -2019; PASSED 11/18/2019).

**WHEREAS**, by application No. CV17-068, the owner of property at **324 EAST SECOND AVENUE (43201)**, is requesting a Council Variance to permit a multi-unit residential development with reduced setbacks in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes a multi-unit residential development containing up to 196 dwelling units; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a parking setback of 25 feet along East Second Avenue, while the applicant proposes a setback of 10 feet; and

**WHEREAS**, Section 3363.24, Building lines in an M-manufacturing district, requires a building setback of no less than 25 feet from East Second Avenue, while the applicant proposes a setback of 2.75 feet; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested Council variance because the current market conditions and trends support multi-unit residential development in Italian Village, and because the request is consistent with similar recent and ongoing residential urban infill projects. Additionally, the reduced setback lines allow the development to complement the existing residential building pattern along East Second Avenue; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance 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 **324 EAST SECOND AVENUE (43201)**, 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 begin construction as soon as possible 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 from the provisions of Sections 3363.01, M-manufacturing districts; 3312.27, Parking setback line; and 3363.24, Building lines in an M-manufacturing district, of Columbus City Codes, are hereby granted for the property located at **324 EAST SECOND AVENUE (43201)**, insofar as said sections prohibit a multi-unit residential development in the M, Manufacturing District with a reduced parking setback from 25 feet to 10 feet along East Second Avenue, and a reduced building setback from 25 feet to 2.75 feet along East Second Avenue; said property being more particularly described as follows:

**324 EAST SECOND AVENUE (43201)**, being 4.2± acres located at the northeast corner of East Second Avenue and East Alley, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Section 4, Township 5, Range 22, Refugee Lands, and being part of the remainder of a 5.486 acre tract conveyed to Jana Holdings, LLC as described in Instrument Number 2011104220052853, and all of a 2.767 acre tract conveyed to Jana Holdings, LLC as described in Instrument Number 201104220052852, all records being of the Recorder's Office, Franklin County, Ohio;

BEGINNING at the southwest corner of said 2.767 acre tract, being at the intersection of the northerly right-of-way line of E. Second Avenue (60') and the easterly right-of-way of a 12 foot alley, said alley being the first alley east of North Sixth Street;

Thence along the west line of said 2.767 acre tract and the easterly right-of-way line of said 12 foot alley, North 3 degrees 36 minutes 30 seconds East, 405.50 feet to the northwest corner of said 2.767 acre tract, being in the center line of East Third Avenue, said point in said center line also being the point of termination of said East Third Avenue;

Thence along the north line of said 2.767 acre tract and the centerline of East Third Avenue projected easterly, South 86 degrees 46 minutes 11 seconds East, 299.23 feet to the northeast corner of said 2.767 acre tract;

Thence along the east line of said 2.767 acre tract, South 3 degrees 21 minutes 15 seconds West, 30.09 feet to the an angle point in the east line of said 2.767 acre tract, and being in the north line of the remainder of said 5.486 acre tract;

Thence along the north line of the remainder of said 5.486 acre tract, South 86 degrees 39 minutes 11 seconds East, 166.73 feet to the northeast corner of the remainder of said 5.486 acre tract;

Thence along the east line of the remainder of said 5.486 acre tract, South 3 degrees 30 minutes 38 seconds West, 375.53 feet to the southeast corner of the remainder of said 5.486 acre tract, being in the northerly right-of way line of E. Second Avenue;

Thence along the south line of the remainder of said 5.486 acre tract, the south line of said 2.767 acre tract, and the northerly right-of-way line of E. Second Avenue, North 86 degrees 42 minutes 43 seconds West, 466.73 feet to the POINT OF BEGINNING, CONTAINING 4.228 ACRES, MORE OR LESS.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development, or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, “**ACORN APARTMENTS,**” drawn by E.P. Ferris and Associates, Inc., dated March 20, 2018, and signed by Jeffrey L. Brown, Attorney 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 plan shall be subject to review and approval 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 Zoning Clearance for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the applicant or owner filing an application to rezone this property to an appropriate apartment residential district along with a concurrent Council variance (if applicable) for reduced development standards within one year of the effective date of this ordinance.

**SECTION 4.** ~~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.**