



Legislation Text

File #: 0193-2020, **Version:** 1

Council Variance Application: CV19-117

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

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel in the C-4, Commercial District. The applicant is requesting a Council variance to permit the development of a predominantly multi-unit residential development with on-site service uses included within the building. The site is within the boundaries of the *Northland I Area Plan* (2014), which recommends neighborhood commercial land uses at this location. This proposed development will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process; however, this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until a follow-up rezoning to an appropriate zoning district has been completed. The Planning Division supports the limited Council variance request despite the *Northland I Area Plan* recommendation because the site is largely flanked by residential uses, and the *Columbus Citywide Planning Policies' Guiding Principles* (2018) encourage highest density residential development along primary corridors with access to transit, which applies to the site's location along Cleveland Avenue as it is served by the CMAX Bus Rapid transit line. The Planning Division has requested the applicant preserve as many mature trees on the site as possible and provide a site plan and elevations to review against plan design guidelines and when the follow-up rezoning application is filed.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **4836 CLEVELAND AVE. (43231)**, to permit multi-unit residential development in the C-4, Commercial District (Council Variance #CV19-117).

WHEREAS, by application #CV19-117, the owner of property at **4836 CLEVELAND AVE. (43231)**, is requesting a Council variance to permit multi-unit residential development in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes multi-unit residential development; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements. However, the Applicant will not be issued a Certificate of Zoning Clearance for the proposed development until a follow-up rezoning to an appropriate zoning district is completed; 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 **4836 CLEVELAND AVE. (43231)**, 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 Section 3356.03, C-4 permitted uses, of the Columbus City Codes, is hereby granted for the property located at **4836 CLEVELAND AVE. (43231)**, insofar as said section prohibits multi-unit residential development in the C-4, Commercial District; said property being more particularly described as follows:

4836 CLEVELAND AVE. (43231), being 4.38± acres located on the southeast corner of Cleveland Avenue and Bretton Woods Drive, and being more particularly described as follows:

DESCRIPTION OF A 4.377 AC. TRACT

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 2, Range 17, United States Military Lands and being also a 4.377 acre portion of a 6.335 acre tract as conveyed to Edward Chung-Hong Liu and Ingrid Y. Liu by deed of record in Official Record Volume 48, Page B19, Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Beginning at an iron pin in the easterly limited access right-of-way line of Cleveland Avenue (said point being 40 feet distant from and at right angles to the centerline of said Cleveland Avenue), said iron pin being the southwesterly corner of the said 6.355 acre tract and said iron pin being also in the northerly line of Cleveland Heights No. 3 of record in Plat Book 18, Page 12, Recorder's Office, Franklin County, Ohio;

Thence along the easterly limited access right-of-way line of said Cleveland Avenue and along the southerly right-of-way line of Bretton Woods Drive (60 feet wide) by the following described four (4) courses:

- (1) N4°52'11"E, a distance of 526.68 feet to an iron pin;
- (2) along a curve to the right, said curve having a radius of 20.00 feet and a delta angle of 90°00'00", the chord of said curve bearing N49°52'11"E, 28.28 feet to an iron pin;
- (3) along a curve to the right, said curve having a radius of 405.00 feet and a delta angle of 60°53'01", the chord of said curve bearing S54°41'19"E, 410.40 feet to an iron pin;
- (4) along a curve to the left, said curve having a radius of 415.00 feet and a delta angle of 6°43'50", the chord of said curve bearing S27°36'43"E, 48.72 feet to an iron pin in the easterly line of the said 6.335 acre tract, said iron pin being in the westerly line of Brandywine Meadows of record in Plat Book 49, Pages 48 & 49 and said iron pin being also in the westerly line of Brandywine Meadows Section 2 of record in Plat Book 49, Page 51, all of the aforementioned references being to the Recorder's Office, Franklin County, Ohio;

Thence S4°52'11"W, along the easterly line of the said 6.355 acre tract, along the westerly line of said Brandywine Meadows and also along the westerly line of the said Brandywine Meadows Section 2, a distance of 294.57 feet to an iron pin at the southeasterly corner of the said 6.355 acre tract and said iron pin being also in the northerly line of the said Cleveland Heights No. 3;

Thence N85°34'16"W, along the southerly line of the said 6.355 acre tract and along the northerly line of the said Cleveland Heights No. 3, a distance of 400.00 feet to the point of beginning, containing 4.377 acres, more or less, subject to all easements, restrictions and rights-of-way of record.

Known as Parcel No: 600-129849

SECTION 2. That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until a follow-up rezoning to an appropriate zoning district is completed.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.