



Legislation Text

File #: 0117-2020, **Version:** 2

Council Variance Application: CV19-118

APPLICANT: Central Ohio Opportunity Fund, LLC; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and zoned in the M, Manufacturing District. The applicant is requesting a Council variance to permit the development of a multi-unit residential development. The site is within the boundaries of the *Near East Area Plan (2005)*, which recommends "Office/Light Industrial/Mixed 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. The Planning Division does not object to this limited Council variance request, recognizing that this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until Rezoning Application #Z19-095 is approved thereby establishing appropriate apartment residential zoning. Comments related to site design, building design, and other matters for the project will be provided at the time of rezoning, but the applicant is strongly encouraged to reach out to Planning Division Staff for feedback on the proposal.

To grant a Variance from the provisions of Section 3363.01, Manufacturing districts, of the Columbus City Codes; for the property located at **1750 MARYLAND AVE. (43203)**, to permit a multi-unit residential development in the M, Manufacturing District (Council Variance #CV19-118) **and to declare an emergency.**

WHEREAS, by application #CV19-118, the owner of property at **1750 MARYLAND AVE. (43203)**, is requesting a Council variance to permit a multi-unit residential development in the M, Manufacturing District; and

WHEREAS, Section 3363.01, Manufacturing districts, only permits a residence for on-site security persons or transient-type housing such as halfway houses, residential treatment centers, or temporary shelters, while the applicant proposes a multi-unit residential development; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements. However, a Certificate of Zoning Clearance will not be issued until follow-up Rezoning Application #Z19-095 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 **1750 MARYLAND AVE. (43203)**, 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 Section 3363.01, Manufacturing districts, of the Columbus City Codes, is hereby granted for the property located at **1750 MARYLAND AVE. (43203)**, insofar as said sections prohibit a multi-unit residential development in the M, Manufacturing District; said property being more particularly described as follows:

1750 MARYLAND AVE. (43203), being 4.93± acres located on the north side of Maryland Avenue, 175± feet west of Woodland Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being in Section 2, Township 5, Range 22 in the Refugee Lands, being portions of Lots 30, 31, 32, 33, 34, 35 and Lot 69 as delineated in Huling, Sherwood & Wirth's Norfolk Addition recorded in Plat Book 5, Page 90 and subsequently amended in Plat Book 7, Page 48, and, portions of Superior Street, a 15 foot wide unnamed alley and a 20 foot wide unnamed alley as dedicated in said subdivision and subsequently vacated by the City of Columbus in Ordinance Number 714-41, and being portions of railroad right-of-way, declared "Used in Operations", as conveyed to Norfolk and Western Railway Company in Deed Book 243, Page 257, Deed Book 251, Page 200, Deed Book 355, Page 491, Deed Book 355, Page 492, Deed Book 355, Page 494, Deed Book 363, Page 14, Deed Book 558, Page 397 and Deed Book 217, Page 344 (all documents referenced herein are of record in the Recorder's Office, Franklin County, Ohio) as being further described as follows;

Commencing at a 3/4" pipe found (Northing 720695.35, Easting 1840511.62) at the southeast corner of Lot 27 in said Huling, Sherwood & Wirth's Norfolk Addition, the southwest corner of Lot 28 in said Huling, Sherwood & Wirth's Norfolk Addition and being in the northerly right-of-way line of Maryland Avenue;

Thence leaving the northerly right-of-way line of Maryland Avenue across said Maryland Avenue, S 03° 59' 43" W, 30.00 feet to the centerline of said Maryland Avenue;

Thence with the centerline of Maryland Avenue, S 86° 00' 17" E, 196.21 feet to a magnail set at the southwest corner of the remainder of said Norfolk and Western Railway Company tract, the southeast corner of Maryland Avenue as dedicated in Plat Book 5, Page 90 as amended in Plat Book 7, Page 48, and being the TRUE POINT OF BEGINNING for land herein described as follows;

Thence with the west line of the remainder of said Norfolk and Western Railway Company tract and the east line of Maryland as dedicated in Plat Book 5, Page 90 as amended in Plat Book 7, Page 48 along a curve turning to the left having a central angle of 01° 25' 05", a radius of 1407.70 feet, an arc length of 34.84 feet, and a chord bearing a distance of N 26° 34' 10" W, 34.84 feet to an iron pin set at the northeast corner of Maryland Avenue right of way as created in Plat Book 5, Page 90 as amended in Plat Book 7, Page 48;

Thence with the northerly right of way line of Maryland Avenue and the west line of the remainder of the remainder of said Norfolk and Western Railway Company tract, N 86° 00' 17" W, 32.43 feet to an iron pin set at an angle point in the west line of the remainder of said Norfolk and Western Railway Company tract, the southeast corner of a tract as conveyed to Marilee A. Birchfield in Instrument Number 201406250080467 and being the south line of said Lot 31;

Thence with the west line of the remainder of said Norfolk and Western Railway Company tract, the east line of said Birchfield tract and through said Lot 31 and said 20 foot wide unnamed alley, N 03° 59' 43" E, 25.00 feet to an iron pin set;

Thence continuing with the west line of the remainder of said Norfolk and Western Railway Company tract, the east line of said Birchfield tract and through said 20 foot wide unnamed alley, said Lot 31, said Lot 30, said 15 foot wide unnamed alley and said Lot 32, N 34° 39' 53" W, 160.08 feet to an iron pin set;

Thence continuing with the west line of the remainder of said Norfolk and Western Railway Company tract, the east line of said Birchfield tract and through said Lot 32, said Lot 33, said Lot 34, said Lot 35 and said Superior Street, N 50° 21' 24" W, 265.95 feet to an iron pin set at an angle point in the west line of the remainder of said Norfolk and Western Railway Company tract, the northeast corner of said Birchfield Tract, and being in the northerly right of way line of said Superior Street (50' R/W) and the south line of Lot 69 acre created in Plat Book 7, Page 48;

Thence with the west line of the remainder of said Norfolk and Western Railway Company tract, the north line of said Birchfield tract, the northerly right of way line of Superior Street and the south line of said Lot 69, N 86° 00' 17" W, 299.46 feet to an iron pin set at the northwest corner of the remainder of said Norfolk and Western Railway Company tract and being an angle point in the south line of a 3.331 acre tract designated as Parcel Number 3005-WD (FRA-670-3.93) as conveyed to the State of Ohio in Instrument Number 199708040062308;

Thence the following four (4) courses along the south line of said 3.331 acre tract and the north line of the remainder of said Norfolk and Western Railway Company tract:

1. N 80° 14' 13" E, 191.14 feet to an iron pin set;
2. N 66° 32' 04" E, 112.51 feet to an iron pin set;
3. N 59° 25' 45" E, 169.26 feet to an iron pin set;
4. N 49° 15' 34" E, 112.95 feet to an iron pin set in the south line of a 23.663 acre tract designated as Parcel Number 3500-WD (FRA-670-3.93 RR) as conveyed to Norfolk & Western Railway Company in Instrument Number 200108270198107 and the north line of the remainder of said Norfolk and Western Railway Company tract;

Thence the following three (3) courses along the north line of the remainder of said Norfolk and Western Railway Company tract and the south line of said 23.663 acre tract:

1. N 85° 30' 24" E, 159.55 feet to an iron pin set;
2. S 04° 12' 45" W, 13.99 feet to an iron pin set;
3. N 85° 30' 24" E, 101.09 feet to an iron pin set at the northeast corner of the remainder of said Norfolk and Western Railway Company tract and being in the west line of a tract as conveyed to Elyot Lamont Ransom and Tina Denise Ransom in Instrument Number 199803020046508;

Thence with the east line of the remainder of said Norfolk and Western Railway Company tract and the west line of said Ransom property, S 04° 12' 45" W, 255.00 feet to an iron pin set;

Thence continuing with the east line of the remainder of said Norfolk and Western Railway Company tract and the west line of said Ransom property along a curve to the left having a central angle of 11° 42' 03", a radius of 1860.00 feet, an arc length of 379.85 feet, and a chord bearing a distance of S 01° 38' 17" E, 379.19 feet to a magnail set at the southeast corner of said Norfolk and Western Railway Company tract, the southwest corner of said Ransom property, and being in the centerline of Maryland Avenue;

Thence with the south line of said Norfolk and Western Railway Company tract and the centerline of Maryland Avenue, N 86° 00' 17" W, 133.37 feet to the TRUE POINT OF BEGINNING, containing 4.933 acres, more or less, 0.096 acres being in present road occupied.

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with an actual field survey performed March, 2018. A drawing of the above description is attached hereto and made a

part thereof.

All iron pins set are 5/8" rebar, 30" long iron pipe with plastic cap inscribed "Norfolk Southern Real Estate Engineering Department".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation and determine a portion of the centerline of Maryland Avenue having a bearing of N 86° 00' 17" W.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio.

SECTION 2. That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until Rezoning Application #Z19-095 is completed.

SECTION 3. ~~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.**