



# City of Columbus

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

## Legislation Text

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**File #: 2565-2020, Version: 1**

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### **Council Variance Application: CV20-046**

**APPLICANT:** WODA Group, Inc., c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Sixty-unit apartment building.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance #2565-2020; Z20-040) to the AR-1, Apartment Residential District. The subject site is being developed with a 60-unit apartment building as permitted by Ordinance #0275-2019 (CV18-097). This Council variance will carry over the previously-approved variances which are necessary in the newly-established AR-1 district. Variances for increased building height, reduced parking lot screening, and a reduction of 28 required parking spaces are included in the request. Staff recognizes these variances to be negligible as they conform the approved site plan for this apartment building, and are reflective of residential infill redevelopment projects in urban areas.

To grant a Variance from the provisions of Sections 3309.14(A), Height districts; 3312.21(D)(1), Landscaping and screening; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **27 W. JENKINS AVE. (43207)**, to permit reduced development standards for an apartment building in the AR-1, Apartment Residential District, (Council Variance #CV20-046).

**WHEREAS**, by application #CV20-046, the owner of property at **27 W. JENKINS AVE. (43207)**, is requesting a Council variance to permit reduced development standards for an apartment building in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3309.14, Height districts, requires a maximum building height of 35 feet in the H-35 height district, while the applicant proposes a building height of 40 feet; and

**WHEREAS**, Section 3312.21(D)(1), Landscaping and screening, requires screening of parking lots within 80 feet of residential zoning districts to be 5 feet high, while the applicant proposes screening that is 3 feet in height for the east 20 feet along the south property line adjacent to South Wall Street; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 90 parking spaces for 60 apartment units, while applicant proposes 62 parking spaces; and

**WHEREAS**, the Columbus Southside Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested variances as they conform the approved site plan for an apartment building undergoing construction in the AR-1, Apartment Residential District. Staff recognizes these

variances to be negligible, which are reflective of residential infill redevelopment projects in urban areas; and

**WHEREAS**, this 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 **27 W. JENKINS AVE. (43207)**, 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 3309.14(A), Height districts; 3312.21(D)(1), Landscaping and screening; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes, are hereby granted for the property located at **27 W. JENKINS AVE. (43207)**, insofar as said sections prohibit increased building height from 35 feet to 40 feet; reduced required height of parking lot screening from 5 feet to 3 feet for the east 20 feet along the south property line adjacent to South Wall Street; and a reduction in the required number of parking spaces from 90 to 62 spaces; said property being more particularly described as follows:

**27 W. JENKINS AVE. (43207)**, being 2.53± acres located at the southwest corner of West Jenkins Avenue and South Wall Street; 170± feet west of South High Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 42, Township 5, Range 22, Refugee Lands, being part of Lots 1, 2, 3, 4, and 5 of Frederick Sturtzers Heirs Subdivision, recorded in Plat Book 3, Page 438, and being all of Parcels 1, 2, and 3 as described in a deed to S.R. & J.S. Properties, of record in Instrument Number 201611140156699, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

**BEGINNING** at the intersection of the existing west right-of-way line for S. Wall Street and the existing south right-of-way line for W. Jenkins Avenue, being the northeast corner of said Parcel 1;

Thence **South 01 degrees 51 minutes 52 seconds East**, along the existing west right-of-way line for S. Wall Street, and along the east line of said Parcel 1, a distance of **155.83 feet** to the southeast corner of said Parcel 1, being the northeast corner of that tract described in a deed to Velio Wall LLC;

Thence **North 86 degrees 10 minutes 26 seconds West**, along the south line of said Parcel 1, and along the north line of said Velio tract, a distance of **125.88 feet** to the northeast corner of said Parcel 2, being the northwest corner of said Velio tract;

Thence **South 02 degrees 20 minutes 20 seconds East**, along the east line of said Parcel 2, and along the west line of said Velio tract, a distance of **80.87 feet** to the southeast corner of said Parcel 2, being the southwest corner of said Velio tract, and being on the north line of another tract described in a deed to Velio Wall LLC;

Thence **North 86 degrees 19 minutes 07 seconds West**, along the south line of said Parcel 2, and along the north line of said Velio tract, a distance of **91.89 feet** to the southwest corner of said Parcel 2, being the northwest corner of said Velio tract, and being on the east line of said Parcel 3;

Thence **South 02 degrees 08 minutes 18 seconds East**, along the east line of said Parcel 3, along the west line of said Velio tract, along the west line of those tracts described in deeds to Gezim J. Velio, Jerome Lewis, and along the existing west right-of-way line for a 10-foot public alley, a distance of **259.98 feet** to the southwest corner of the existing right-of-way for said 10-foot public alley;

Thence **South 02 degrees 08 minutes 44 seconds East**, continuing along the east line of said Parcel 3, along the west line that tract described in a deed to Brosh Properties LLC, and along the existing west right-of-way line for W. Markison Avenue, a distance of **146.90 feet** to a point at the southeast corner of said Parcel 3, being on the existing west right-of-way line for W. Markison Avenue, and being on the existing east right-of-way line for an existing railroad;

Thence along said existing east railroad right-of-way line along the following four (4) described courses:

1. **North 85 degrees 59 minutes 49 seconds West**, along the south line of said Parcel 3, a distance of **54.43 feet** to the southwest corner of said Parcel 3;
2. **North 09 degrees 53 minutes 25 seconds West**, along the west line of said Parcel 3, a distance of **499.52 feet** to the northwest corner of said Parcel 3, being on the south line of said Parcel 1;
3. **North 86 degrees 09 minutes 14 seconds West**, along the south line of said Parcel 1, a distance of **35.78 feet** to the southwest corner of said Parcel 1;
4. **North 10 degrees 05 minutes 07 seconds West**, along the west line of said Parcel 1, a distance of **158.75 feet** to the northwest corner of said Parcel 1, being the southwest corner of the existing right-of-way for W. Jenkins Avenue;

Thence **South 86 degrees 17 minutes 31 seconds East**, along the existing south right-of-way line for W. Jenkins Avenue, and along the north line of said Parcel 1, a distance of **398.16 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **2.526 acres**.

This description was prepared based on GIS and is intended for zoning purposes only.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**ZONING SITE PLAN FOR JENKINS STREET LOFTS**," dated October 30, 2020, signed by David Perry, Agent for the Applicant, and Donald Plank, 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 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 use.

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