



# City of Columbus

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

## Legislation Text

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**File #: 0177-2021, Version: 2**

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### **Council Variance Application: CV20-095**

**APPLICANT:** Loeffler Opportunity Funds, LLC; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** ~~Not available.~~ **Approval.**

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels in the C-4, Commercial District, and four parcels in the R-3, Residential District. The requested Council variance will permit multi-unit residential development containing up to ~~65~~ **44** units. A Council variance is required because the R-3 district permits only single-unit dwelling residential uses and the C-4 district permits residential uses only above certain commercial uses. This proposed development will be subject to a competitive funding process with the Ohio Housing Finance Agency which requires certain land attributes including compliant zoning. The Council variance process is supported to assist in this state funding application process as Rezoning Application #Z21-002, a request for the AR-1, Apartment Residential District, has been filed and is in the formal review process. The proposed multi-unit residential development is consistent with the *South Linden Land Use Plan's* (2018) recommendation of "Mixed Use 3" and "Medium Density Residential" for this site.

**Emergency Justification:** to immediately submit for financing under deadline to bring a new affordable housing development to the community.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **844 E. 11TH AVE. (43211)**, to permit a multi-unit residential development containing up to ~~65~~ **44** units in the R-3, Residential District and C-4, Commercial District (Council Variance #CV20-095) **and to declare an emergency.**

**WHEREAS**, by application #CV20-095, the owner of the property at **844 E. 11TH AVE. (43211)**, is requesting a Council variance to permit a multi-unit residential development containing up to ~~65~~ **44** units in the R-3, Residential District and C-4, Commercial District; and

**WHEREAS**, Section 3332.035, R-3 residential district, prohibits multi-unit residential development, while the applicant proposes such a development containing up to ~~65~~ **44** units; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit ground floor residential use, and only permits dwelling units above specified commercial uses, while the applicant proposes a multi-unit residential development containing up to ~~65~~ **44** units; and

**WHEREAS**, the South Linden Area Commission ~~recommendation of said zoning change was not available~~ **recommends approval;** and

**WHEREAS**, City Departments recommend approval because the *South Linden Land Use Plan* recommends the site for “Mixed Use 3” and “Medium Density Residential” land uses which is consistent with the proposed multi-unit residential development. The Applicant is required to complete Rezoning Application #Z21-002 as a condition of this ordinance; 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 **844 E. 11TH AVE. (43211)**, in using said property as desired; and

**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 3332.035, R-3 residential district; and 3356.03, C-4 permitted uses, of the Columbus City Codes, is hereby granted for the property located at **844 E. 11TH AVE. (43211)**, insofar as said sections prohibit a multi-unit residential development containing up to **65 44** units in the R-3, Residential and C-4, Commercial districts; said property being more particularly described as follows:

**844 E. 11TH AVE. (43211)**, being 1.20± acres located at the northwest corner of East Eleventh Avenue and Jefferson Avenue, and being more particularly described as follows:

**Tract 1:**

Situated in the City of Columbus, County of Franklin and State of Ohio:

Part of Lot #7 and all of Lot #8 through 10, inclusive, of "Abram Dow's Heirs Addition" as shown of record in Plat Book 5, Page 454, Recorder's Office, Franklin County, Ohio, described as follows:

Beginning at a point where the easterly right of way line of Kingry Street intersects the northerly right of way line of 11th Avenue, being also the original southwesterly corner of said Lot #7, thence along the easterly right of way line of the said Kingry Street, or, the westerly line of said Lot #7, North 3 degrees 39 minutes East 17.0 feet to an iron pin, being the true place of beginning of the lots herein intended to be described; thence continuing along the said line, North 3 degrees 30 minutes East 108.0 feet to a drill hole at the northwesterly corner of the said Lot #7, being also in the southerly line of a 15 foot alley; thence along the northerly lines of Lot #7 through 10 of the Addition, or, the southerly line of the said 15 foot alley, South 86 degrees 21 minutes East, 125.16 feet to an iron pin at the northeasterly corner of the said Lot #10, or, the northwesterly corner of Lot #11 of the said Addition; thence along the easterly line of the said Lot #10, or the westerly line of the said Lot #11 of the said Addition, South 3 degrees 35 minutes West, 125.0 feet to an iron pin at the southeasterly corner of the said Lot #10, or the southwesterly corner of the said Lot #11 said iron pin being also in the northerly right of way line of the said 11th Avenue; thence along the southerly lines of Lot #7 through 10, inclusive, of the said Addition, or, the northerly right of way line of the said 11th Avenue, North 86 degrees 21 minutes West, 108.15 feet to an iron pin in the said Lot #7; thence across the said Lot #7, North 41 degrees 21 minutes West 24.04 feet to the place

of beginning.

**Tract 2:**

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

And being Lots 11, 12, 13 and 14 in Abram Dow's Heirs Addition of record in Plat Book 5, Page 454, Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the Southeasterly corner of said Lot 14, said point also being the intersection of the northerly line of Eleventh Avenue (60 feet in width) with the westerly line of Jefferson Avenue (50 feet in width);

Thence N. 87 deg. 58' 30" W, with the southerly lines of said Lot Nos. 11, 12, 13 and 14, the northerly line of said Eleventh Avenue, a distance of 125.00 feet to a point in the southwesterly corner of said Lot 11;

Thence N. 2 deg. 00' 00" E, with the westerly line of said Lot 11, a distance of 125.00 feet to a point in the northwesterly corner of said Lot 11, said point also being in the southerly line of an alley (15 feet in width);

Thence S. 87 deg. 58' 30" E, with the northerly lines of said Lot Nos. 11, 12, 13 and 14, the southerly line of said 15 foot wide alley, a distance of 125.00 feet to a point in the northeasterly corner of said Lot 14, the westerly line of said Jefferson Avenue;

Thence S. 2 deg. 00' 00" W, with the easterly line of said Lot 14, the westerly line of said Jefferson Avenue, a distance of 125.00 feet to the place of beginning and containing 0.359 acres of land, more or less.

Being the same land as described in that certain Warranty Deed dated December 26, 1961, between Alfred B. Ashman and Helen B. Ashman, Grantors, and Humble Oil & Refining Company, a Delaware Corporation, Grantee, recorded in Volume 2369, Page 530 of the Deed Records of Franklin County, Ohio.

ALSO

Being the same land as described in that certain Warranty Deed dated December 22, 1961, between Robert A. Shaw, Nellie T. Frank and Lottie Shaw, aka, Lottie Bray, Grantors, and Humble Oil & Refining Company, a Delaware Corporation, Grantee, recorded in Volume 2369, Page 532 of the Deed Records of Franklin County, Ohio.

Humble Oil & Refining Company, a Delaware Corporation, merged into Exxon Corporation, a New Jersey Corporation, on January 1, 1973.

**Tract 3:**

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, being all of Lot 95, 96, 107, and 108 of the ABRAM DOW'S HEIRS ADDITION as the same are numbered and delineated on the recorded plat thereof, of record in Plat Book 5, Page 454, Recorder's Office, Franklin County, Ohio. Further including all of the 20 feet alley south of the northern limits between the aforementioned Lot 96 and Lot 107, and all of the 15 foot alley from Kingry Street on the West to Jefferson Avenue on the East.

**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 containing up to ~~65~~ **44** units, or those uses permitted in the R-3, Residential and C-4, Commercial districts.

**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 #Z21-002 through City Council action within one year of the date of passage of this ordinance.

**SECTION 5.** ~~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.**