



## Legislation Text

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**File #:** 0618-2021, **Version:** 1

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### **Council Variance Application: CV20-130**

**APPLICANT:** Woda Cooper Companies, 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:** Multi-unit residential development.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with the former Starling Middle School zoned in the R-4, Residential, and C-4, Commercial districts. The requested Council variance will permit the conversion of the original school building into a 50-unit apartment building, and will allow the construction of two new apartment buildings consisting of 52 units, for a total of 102 proposed units. The request also includes variances to building height, parking setback, building lines, and a parking space reduction from 153 spaces to 129 spaces. The site is within the boundaries of the *West Franklinton Plan C2P2* (2014), which recommends institutional land uses at this location, in recognition of the site's previous use as a school. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). 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. Staff supports the Council variance process to assist in this state funding application process, as Rezoning Application #Z21-019, a request for the AR-1, Apartment Residential District, has been filed and is in process.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3356.03, C-4 Permitted Uses; 3309.14, Height districts; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3332.21, Building lines, of the Columbus City Codes; for the property located at **120 S. CENTRAL AVE. (43222)**, to permit a 102-unit apartment complex with reduced development standards in the R-4, Residential and C-4, Commercial Districts (Council Variance #CV20-130).

**WHEREAS**, by application #CV20-130, the owner of the property at **120 S. CENTRAL AVE. (43222)**, is requesting a Council variance to permit a 102-unit apartment complex with reduced development standards in the R-4, Residential and C-4, Commercial Districts; and

**WHEREAS**, Section 3332.039, R-4, Residential District, only permits three- and four-unit dwellings within a multiple dwelling development, while the applicant proposes a multi-unit residential development containing a maximum of 102 units within three apartment buildings; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits apartment uses only above certain commercial uses, while the applicant proposes a multi-unit residential development containing a maximum of 102 units; and

**WHEREAS**, Section 3309.14, Height districts, requires that buildings in the H-35 Height District not exceed 35 feet in height, while the applicant proposes a building height of 55 feet and 40 feet for the existing and proposed buildings; and

**WHEREAS**, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet from a street frontage, while the applicant proposes parking setback lines of 3 feet along West State Street, 6 feet along Brehl Avenue, and 8 feet along West Town Street, as shown on the site plan; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 153 parking spaces, while the applicant proposes a total of 129 parking spaces; and

**WHEREAS**, Section 3332.21, Building lines, requires the building setback line to be 40 feet along South Central Avenue and West Town Street, and 25 feet along Brehl Avenue, while the applicant proposes building setback lines of 22 feet along South Central Avenue, 8 feet for the eastern building and 12 feet for the western building along West Town Street, and 6 feet along Brehl Avenue; and

**WHEREAS**, the Franklinton Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements. The Applicant is required to complete Rezoning Application #Z21-019 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 **120 S. CENTRAL AVE. (43222)**, in using said property as desired; and

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Sections 3332.039, R-4, Residential District; 3356.03, C-4 Permitted Uses; 3309.14, Height districts; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; and 3332.21, Building lines, of the Columbus City Codes, is hereby granted for the property located at **120 S. CENTRAL AVE. (43222)**, insofar as said sections prohibit a 102-unit apartment complex in the R-4, Residential and C-4, Commercial Districts; with increased building heights from 35 feet to 55 feet and 40 feet for the existing and proposed buildings; reduced parking setbacks from 25 feet to 3 feet along West State Street, 6 feet along Brehl Avenue, and 8 feet along West Town Street; a parking space reduction from 153 required spaces to 129 provided spaces; and reduced building lines from 40 feet along South Central Avenue and West Town Street, and 25 feet along Brehl Avenue, to 22 feet along South Central Avenue, 8 feet for the eastern building and 12 feet for the western building along West Town Street, and 6 feet along Brehl Avenue, said property being more particularly described as follows:

**120 S. CENTRAL AVE. (43222)**, being 3.10± acres located at the northeast corner of South Central Avenue and West Town Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey No.1393, being all of Lots 78 through 109 inclusive, and all of that Alley between State Street and Town Street in the N. L. Doren's Central Avenue Addition as recorded in Plat Book volume 7, page 82 (all records are to the records of the Franklin County Ohio, Recorder, unless otherwise stated), as conveyed to The Board of Education of The City School District of Columbus, Ohio by the instruments filed as Deed Book volume 369, page 308, Deed Book volume 369, page 310, Deed Book

volume 878, page 107, Deed Book volume 879, page 280, Deed Book volume 888, page 620, Deed Book volume 1716, page 619, and City of Columbus Ordinance Nos. 346-53 & 39190 , and being more particularly described as follows;

BEGINNING for reference at the intersection of the easterly right-of-way line of Central Avenue (R/W varies - Public) and the northerly right-of-way line of Town Street (60' R/W - Public) and being the southwest corner of the said Lot 109 and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the said easterly right-of-way line of Central Avenue and the westerly lines of Lots 109 through 94 inclusive, North 08 degrees 23 minutes 17 seconds West for a distance of 487.84 feet to the intersection of the said easterly right-of-way line of Central Avenue and the southerly right-of-way line of State Street (60' R/W - Public) and being the northwest corner of the said Lot 94;

Thence along the said southerly right-of-way line of State Street, the northerly line of the said Lot 94, the northerly line of that portion the said Alley and the northerly line of Lot 78, North 81 degrees 42 minutes 32 seconds East for a distance of 276.69 feet to the intersection of the said southerly right-of-way line of State Street and the westerly right-of-way line of Brehl Avenue (50' R/W -Public) and being the northeast corner of the said Lot 78;

Thence along the said westerly right-of-way line of Brehl Avenue and the easterly lines of the said Lots 78 through 93 inclusive, South 08 degrees 28 minutes 06 seconds East for a distance of 487.40 feet to the intersection of the said westerly right-of-way line of Brehl Avenue and the said northerly right-of-way line of Town Street and being the southeast corner of the said Lot 93;

Thence along the said northerly right-of-way line of Town Street, the southerly line of the said Lot 93, the southerly line of that portion of the said Alley and the southerly line of the said Lot 109, South 81 degrees 37 minutes 07 seconds West for a distance of 277.37 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 3.101, all of which is located within Franklin County Auditor's Parcel Number 010-066699.

**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 a maximum of 102 units within three apartment buildings, or those uses permitted in the R-4, Residential and C-4, Commercial Districts.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**ZONING PLAN FOR 120 S. CENTRAL AVE,**" signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated February 11, 2021. 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 plans 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 is further conditioned on the Applicant completing Rezoning Application #Z21-019 through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA) or within two years of the effective date of this ordinance, whichever occurs first.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.