



Legislation Text

File #: 0883-2021, **Version:** 1

Council Variance Application: CV20-124

APPLICANT: Metro Development LLC; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the L-AR-1, Limited Apartment Residential District (Ordinance #0882-2021; Z20-110) to permit the development of a multi-unit residential development with a maximum of 264 dwelling units. This variance is requested to reduce the required building setback along Cassady Avenue from 50 feet to 25 feet for buildings and 19 feet for balconies. Staff supports the variance as it will allow the apartment complex to be designed with parking to the side or rear of the buildings, and will allow the buildings to be moved closer to Cassady Avenue to achieve a pedestrian friendly environment as recommended by the *Northeast Area Plan* (2007).

To grant a Variance from the provisions of Section 3333.18, Building lines, of the Columbus City Codes; for the property located at **2337 N. CASSADY AVE. (43219)**, to permit a reduced building line for an apartment complex in the L-AR-1, Limited Apartment Residential District (Council Variance #CV20-124).

WHEREAS, by application #CV20-124, the owner of property at **2337 N. CASSADY AVE. (43219)**, is requesting a Council variance to permit a reduced building line for an apartment complex in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 50 feet along Cassady Avenue, while the applicant proposes a building line of 25 feet for buildings, and 19 feet for porches and balconies; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variance will allow multi-unit residential development with desirable site design elements that are compatible with the development pattern of the area; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **2337 N. CASSADY AVE. (43219)**, 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 3333.18, Building lines; of the Columbus City Codes, is hereby granted for the property located at **2337 N. CASSADY AVE. (43219)**, insofar as said section prohibit a reduced building line for an apartment complex from 50 feet to 25 feet for buildngs and 19 feet for balconies along Cassady Avenue; said property being more particularly described as follows:

2337 N. CASSADY AVE. (43219), being 11.46± acres located on the west side of North Cassady Avenue, 560± feet south of Agler Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 3, Township 1, Range 17 in the United States Military Lands, also being in a 11.458 acre tract as conveyed to Thomas D. Phillips, III in Official Record 27296H09, and being more particularly described as follows;

Commencing in the centerline of Cassady Avenue as created in Road Record 13, Page 161, the southeast corner of said 11.458 acre tract, and the northeast corner of a 5.001 acre tract as conveyed to Advent United Church of Christ in Instrument Number 201506150079456 and being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the north line of said 5.001 acre tract and the south line of said 11.458 acre tract, **N 86° 13' 49" W, 670.3 feet ±** to the northwest corner of said 5.001 acre tract and an angle point in the south line of said 11.458 acre tract;

Thence with the west line of said 5.001 acre tract and the south line of said 11.458 acre tract, **S 03° 06' 41" W, 325.0 feet ±** to an angle point in the south line of said 11.458 acre tract, the southwest corner of said 5.001 acre tract, and being in the north line of a 5.000 acre tract as conveyed to Charles P. Cook in Instrument Number 200807010100917;

Thence with the north line of said 5.000 acre tract and the south line of said 11.458 acre tract, **N 86° 18' 19" W, 341.2 feet ±** to the southwest corner of said 11.458 acre tract and the southeast corner of a 0.380 acre tract as conveyed to Beverly Vaughn in Instrument Number 201504100045989;

Thence with the east line of said 0.380 acre tract and the west line of said 11.458 acre tract, **N 01° 17' 31" E, 167.5 feet ±** to the northeast corner of said 0.380 acre tract and the southeast corner of a 1.2282 acre tract as conveyed to Bertha L. Powell in Instrument Number 200203180069409;

Thence with the east line of said 1.2282 acre tract, the west line of said 11.458 acre tract, the east line of a 0.627 acre tract as conveyed to David M. Phinney in Instrument Number 202007210105005, the east line of a 0.275 acre tract as conveyed to Pamela E. Harris in Official Record 23935J14, and the east line of a 0.888 acre tract as conveyed to Mary Jane Hinson in Instrument Number 201301180010298, **N 01° 15' 41" E, 533.7 feet ±** to the northwest corner of said 11.458 acre tract, the northeast corner of said 0.888 acre tract, and being in the south line of a 3 acre tract conveyed to Agler Joint Venture LLC in Instrument Number 202012140198390;

Thence with the north line of said 11.458 acre tract, the south line of said 3 acre tract, and the south line of a 5.136 acre tract as conveyed to Agler Joint Venture in Instrument Number 202012140198390, **S 86° 19' 19" E, 1034.0 feet ±** to the northeast corner of said 11.458 acre tract, the southeast corner of said 5.136 acre tract, and being in the center line of Cassady Avenue;

Thence with the centerline of Cassady Avenue and the east line of said 11.458 acre tract, **S 03° 06' 41" W, 376.8 feet ±**

to the **TRUE POINT OF BEGINNING**, containing **11.46 ± acres**, more or less.

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records. A drawing of the above description is attached hereto and made a part thereof.

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

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 L-AR-1, Limited Apartment Residential District in accordance with Ordinance #0882-2021 (Z20-110).

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 shall take effect and be in force from and after the earliest period allowed by law.