



# City of Columbus

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

## Legislation Text

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**File #:** 1734-2022, **Version:** 1

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### **Council Variance Application: CV21-151**

**APPLICANT:** Woda Cooper Companies; 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:** Mixed-use development.

**LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a 54,269± square foot warehouse and is zoned in the M, Manufacturing District. The requested Council variance will permit a mixed-use development containing up to 124 apartment units and 5,500 square feet of commercial space. A Council variance is necessary because multi-unit residential uses are not permitted in the M, Manufacturing District. The request also includes variances to increase the building height from 35 feet to 46 feet, to reduce the number of parking spaces from 227 to 160, and to reduce the East Livingston Avenue and Rhoads Avenue building lines. 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 #Z22-042, a request for the AR-2, Apartment Residential District, has been filed and is in the formal review process. The site is within the planning boundaries of the *Near Southside Plan* (2011), which recommends "employment center" land uses at this location, and includes the adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Planning Division staff is supportive of the proposal as the inclusion of a commercial component is compatible with the prevalent mixed-use development pattern along Livingston Avenue. Staff has also reviewed conceptual building elevations to confirm consistency with the Plan's and C2P2's design guidelines.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3309.14(A), Height districts; 3312.49, Minimum number of parking spaces required; 3363.24(D)(2), Building lines; and 3363.27(b)(1), Height and area regulations, of the Columbus City Codes; for the property located at **1826 E. LIVINGSTON AVE. (43205)**, to permit a mixed-use development with reduced development standards in the M, Manufacturing District (Council Variance #CV21-151).

**WHEREAS**, by application #CV21-151, the owner of the property at **1826 E. LIVINGSTON AVE. (43205)**, is requesting a Council variance to permit a mixed-use development containing up to 124 apartment units and 5,500 square feet of commercial space with reduced development standards in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes such a development containing up to 124 units; and

**WHEREAS**, Section 3309.14(A), Height districts, requires that within a 35 foot height district, no building or structure shall be erected to a height in excess of 35 feet while the applicant proposes to increase building height to 46 feet in the H-35 height district; and

**WHEREAS**, Section 3312.49(B), Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit; one parking space per 75 square feet of eating and drinking establishment space; and one parking space per 250 square feet of retail space, for a total of 227 required parking spaces for 124 dwelling-units, 2,000 square feet of eating and drinking establishment space, and 3,500 square feet of retail space, while the applicant proposes 160 total parking spaces; and

**WHEREAS**, Section 3363.24(D)(2), Building lines in an M-manufacturing district, requires a minimum building line of 60 feet along East Livingston Avenue, and a minimum building line of 12 feet along Rhoads Avenue, while the applicant proposes a reduced building lines of 25 feet and 10 feet, respectively; and

**WHEREAS**, Section 3363.27(b)(1), Height and area regulations, requires a minimum building line for front and side yards of 25 feet from Rhoads Avenue, while the applicant proposes a reduced building line of 10 feet from Rhoads Avenue; and

**WHEREAS**, the Livingston Avenue Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposal for mixed-use development is more compatible with the development pattern of Livingston Avenue than the employment center uses recommended by the *Near Southside Plan*. Additionally, the Applicant is required to complete Rezoning Application #Z22-042 as a condition of this ordinance; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1826 E. LIVINGSTON AVE. (43205)**, 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 3363.01, M-manufacturing districts; 3309.14(A), Height districts; 3312.49(B), Minimum number of parking spaces required; 3362.24(D)(2), Building lines in an M-manufacturing district; and 3363.27(b)(1), Height and area regulations, of the Columbus City Codes, is hereby granted for the property located at **1826 E. LIVINGSTON AVE. (43205)**, insofar as said sections prohibit multi-unit residential development in the M, Manufacturing District, with increased height of buildings from 35 feet to 46 feet; a reduction in parking from 227 required to 160 provided spaces; a reduction in the building setback line from 60 feet to 25 feet along East Livingston

Avenue, and from 12 feet to 10 feet along Rhoads Avenue; and a reduced frontage setback from 25 feet to 10 feet along Rhoads Avenue; said property being more particularly described as follows:

**1826 E. LIVINGSTON AVE. (43205)**, being 3.27± acres located at the northeast corner of East Livingston Avenue and Rhoads Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, and bounded and described as follows:

Tract No. 1:

Being Lots Numbers Ten, Eleven, Twelve, Thirteen and Fourteen (10, 11, 12, 13 and 14) of Martha Holmes Lowell Subdivision, as the same are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book No. 10, page 62, Recorder's Office, Franklin County, Ohio.

Tract No. 2:

Being Parcels "P", "Q", "R", "S", "T" and "U" of Bulen's Extension to Fairwood Park Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 16, page 45, Recorder's Office, Franklin County, Ohio.

LESS AND EXCEPT THE FOLLOWING:

Situated in the City of Columbus, County of Franklin, State of Ohio and being a portion of Lot "U" of Bulen's Extension to Fairwood Park Addition, Plat Book 16, page 45, Franklin County Recorder's Office, and being more particularly described as follows:

Beginning at an Iron Pin Set at the northwest corner of said Lot "U", thence South 89 degrees 25 minutes 13 seconds East, 199.14 feet, along the north line of Lot "U" and the south line of Lot "V" to a 3/4" Iron Pipe Found (East - 0.22') at the northeast corner of Lot "U", also being the westerly right-of-way of the Norfolk and Western Railway.

Thence, South 00 degrees 10 minutes 04 seconds East, 44.00 feet, along the east line of said Lot "U" and the westerly right-of-way of the Norfolk and Western Railway to an Iron Pin Set;

Thence, North 88 degrees 24 minutes 53 seconds West, 199.33 feet, crossing said Lot "U" to an Iron Pin Set in the west line of said Lot "U", also being the easterly right-of-way of Rhoads Avenue;

Thence, North 00 degrees 00 minutes 00 seconds East, 40.50 feet, along the west line of said Lot "U" and the easterly right-of-way of Rhoads Avenue, to the point of beginning, containing 8415.67 square feet.

Basic of bearings for this survey is assumed due North on Rhoads Avenue. No bearings are shown on recorded plat of this subdivision.

Parcel No. 010-076843

And known as: 1826 E. Livingston Avenue, Columbus, Ohio

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development containing up to 124 dwelling-units and 5,500 square feet of commercial use, or those uses permitted in the underlying M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**SITE PLAN**," signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated May 17, 2022. 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 Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance is further conditioned on the Applicant completing Rezoning Application #Z22-042 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.