



Legislation Text

File #: 2527-2023, Version: 2

Council Variance Application: CV23-067

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.

NORTH CENTRAL AREA COMMISSION RECOMMENDATION: ~~Pending.~~ **Disapproval.**

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of five parcels in the SR, Suburban Residential District, two of which are developed with single-unit dwellings. The requested Council variance will allow redevelopment of the site with a 76-unit apartment complex. A Council variance is necessary because the proposed use is not allowed in the SR district. Variances to reduce the building line and to utilize a perimeter yard as opposed to side and rear yards in the SR district are included in this request. This proposed development will be subject to a competitive funding process by the Ohio Housing Finance Agency (OHFA) which requires certain land attributes including compliant zoning. The site is within the planning area of the *North Central Plan* (2002), which recommends "Single-family Residential" land use. The Council variance process is supported to assist in this state funding application process because the proposed multi-unit residential development will provide mixed-income affordable and workforce housing consistent with the City's objectives. A rezoning application requesting an appropriate apartment residential district will be submitted and will be in the formal review process before the project can be submitted for final site compliance review.

To grant a Variance from the provisions of Sections 3332.033, SR suburban residential district; 3332.21(B), Building lines; and 3332.285, Perimeter yard, for the property located at **1456-1472 BRENTNELL AVE. (43219)**, to allow an apartment complex with reduced development standards in the SR, Suburban Residential District (Council Variance #CV23-067).

WHEREAS, by application #CV23-067, the owner of property at **1456-1472 BRENTNELL AVE. (43219)**, is requesting a Council variance to allow an apartment complex with reduced development standards in the SR, Suburban Residential District; and

WHEREAS, Section 3332.029, SR suburban residential district, prohibits multi-unit residential developments in said district, while the applicant proposes an apartment complex containing up to 76 units; and

WHEREAS, Section 3332.21(B), Building lines, requires the building setback line to be one-half of the designated right-of-way width of the frontage street as shown on the Columbus thoroughfare plan, while the applicant proposes a reduced building line from 40 feet to 20 feet along Brentnell; and

WHEREAS, Section 3332.285, Perimeter yard, requires a perimeter yard only for multiple dwelling developments in the R-4, Residential District, while the applicant proposes a perimeter yard for an apartment complex in the SR, Suburban Residential District as opposed to side and rear yards; and

WHEREAS, the North Central Area Commission recommendation is ~~pending~~ **for disapproval**; and

WHEREAS, City Departments recommend approval because the requested variance will help facilitate state funding requirements, and the proposed multi-unit residential development will provide mixed-income affordable and workforce housing consistent with the City's objectives; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate 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 **1456-1472 BRETNELL 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 is hereby granted from the provisions of Sections 3332.033, SR, suburban residential district; 3332.21(B), Building lines; and 3332.285, Perimeter yard, of the Columbus City Codes; for the property located at **1456-1472 BRETNELL AVE. (43219)**, insofar as said sections prohibit an apartment complex in the SR, Suburban Residential District; with a reduced building setback line from 40 feet to 20 feet; and a perimeter yard in lieu of side and rear yards as required by the SR district; said property being more particularly described as follows:

1456-1472 BRETNELL AVE. (43219), being 6.0 ± acres located at the southeast corner of Brentnell Avenue and East 17th Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a 2.00 acre tract as conveyed to Christopher S. Corbin in Instrument Number 2015080701109080 and a 4.00 acre tract as conveyed to Ronald L. Hoover in Instrument Number 202202160026960 at the Franklin County Recorder's office, being bounded and described as follows;

Commencing at a point in the centerline of Brentnel Road (60.00 foot right of way) at the southwest corner of a 1.00 acre tract owned by the City if Columbus and being the **TRUE POINT OF BEGINNING**;

Thence **South 86 degrees 45 minutes 14 seconds East**, with the south line of said 1.00 acre tract, a distance of **820.73 feet** to a point in the west line of a 7.22 acre tract owned by the City of Columbus;

Thence **South 03 degrees 42 minutes 23 seconds West**, with the west line of said 7.22 acre tract, and the west line of a 6.545 acre tract owned by the City of Columbus, a distance of **318.85 feet** to a point at the southwest corner of said 6.545 acre tract, and the northeast corner of Oriole Heights Subdivision as shown and delineated in Plat Book 32 Page 31;

Thence **North 86 degrees 45 minutes 15 seconds West**, with the north line of said subdivision, a distance of **818.09 feet** to a point in the centerline of Brentnell Road;

Thence **North 03 degrees 13 minutes 55 seconds East**, with said centerline, a distance of **318.84 feet** to the **TRUE POINT OF BEGINNING**.

The preceding description is for **5.998 acres** in Franklin County Auditors Tax Parcel Numbers 010-108796, 010-108772,

010-108668, 010-108784 and 010-108673.

Bearings are assumed and are to be used to denote angles only.

This description is based on record information and not from a actual field survey of the premises. And also is to be used for zoning purposes only.

Property Address: 1472 Brentnell Ave., Columbus, Ohio 43219

Parcel Nos.: 010-108796, 010-108772, 010-108668, 010-108784 and 010-108673

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment complex containing up to 76 units, or those uses permitted in the SR, Suburban Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed development.

SECTION 4. That this ordinance is further conditioned on the Applicant submitting a rezoning application for an appropriate apartment residential district with a concurrent variance application (if applicable) for formal review and resolution of site plan related City Department comments prior to submitting for final site compliance review. Said rezoning application must be completed through City Council action within one year of the date of project funding being approved by the Ohio Housing Finance Agency (OHFA) or other applicable funding agency, or within three years of the effective date of this ordinance, whichever occurs first.

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