



## Legislation Text

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**File #:** 3043-2022, **Version:** 1

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### **Council Variance Application: CV22-054**

**APPLICANT:** The Robert Weiler Company; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3042-2022; Z22-040) to the L-AR-1, Limited Apartment Residential District for a multi-unit residential development containing up to 96-units. The requested Council variance permits a reduced perimeter yard of 5 feet along the eastern property. This proposal is an expansion of the existing development to the east, and therefore Staff supports the variance.

To grant a Variance from the provisions of Section 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5159 CENTRAL COLLEGE RD. (43081)**, to permit a reduced perimeter yard for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance #CV22-054).

**WHEREAS**, by application #CV22-054, the owner of property at **5159 CENTRAL COLLEGE RD. (43081)**, is requesting a Council variance to permit a reduced perimeter yard for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a 25-foot wide perimeter yard for an apartment complex, while the applicant proposes a reduced perimeter yard of 5 feet along the eastern property line; and

**WHEREAS**, the City Departments recommend approval because the requested variance will have a negligible effect on neighboring properties; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates 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 **5159 CENTRAL COLLEGE RD. (43081)**, 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 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5159 CENTRAL COLLEGE RD. (43081)**, insofar as said section prohibits a reduced perimeter yard along the eastern property line from 25 feet to 5 feet; said property being more particularly described as follows:

**5159 CENTRAL COLLEGE RD. (43081)**, being 5.0± acres located on the south side of Central College Road, 660± feet west of North Hamilton Road, and being more particularly described as follows:

**Zoning Description 5.0± Acres:**

Situated in the State of Ohio, Plain Township, Franklin County, being part of the East half of the Northwest quarter of Section 15, Township 2, Range 16, United States Military Survey, being a 5.00± acre tract of land conveyed to Marjorie G. Bevelhymer in Instrument Number 200005120093584, and being more particularly described as follows;

**Beginning for reference**, at the southeast corner of a 9.003 acre tract as conveyed to Fenimore LTD in Instrument Number 201801220008916, the northeast corner of a 0.060 acre tract of land conveyed to Albany Reserve, LP in Instrument Number 201409120120752, being in the westerly right-of-way line of Hamilton Road (100' R/W) as dedicated in P.B. 100, Pg. 03;

Thence **N 85°36'46" W**, with the south line of said 9.003 acre tract, the north line of said 0.060 acre tract, the north line of The Albany Reserve Condominium Community Ninth Amendment as numbered and delineated in C.P.B. 248, Pg. 82, **681.09 feet ±** to the **True Point of Beginning**, being in the east line of the parcel herein described;

Thence **S 03°35'14" W**, with the west line of said Ninth Amendment, the west line of The Albany Reserve Condominium Community Eighth Amendment as numbered and delineated in C.P.B. 244, Pg. 95, a portion of the west line of the Albany Reserve Condominium Community Seventh Amendment as numbered and delineated in C.P.B. 239, Pg. 56, **276.79 feet ±** to a point at a northeasterly corner of a 0.857 acre tract as dedicated in P.B. 106, Pg. 65 as Reserve "P-1";

Thence **N 85°37'19" W**, with a northerly line of said Reserve "P-1", **210.00 feet ±** to an angle point;

Thence **N 03°35'06" E**, with an easterly line of said Reserve "P-1", the east line of a 0.378 acre tract as dedicated in P.B. 116, Pg. 41 as Reserve "TT", an east line of a 3.366 acre tract as dedicated in P.B. 116, Pg. 43 as Reserve "WW", the east line of a 0.689 acre tract conveyed to Carrie McMillan in Instrument Number 200912150180920, **1036.78 feet ±** to the northeast corner of said 0.689 acre tract, the centerline of said Central College Road (R/W Varies), the south line of a 5.001 acre tract as conveyed to Aleks Babamovski in Instrument Number 201710260149962, being in the north line of Section 15 and the south line of Section 6;

Thence **S 85°37'19" E**, with the centerline of said Central College Road, the south lines of said 5.001 acre tract, a 0.172 acre tract as conveyed to the City of Columbus in Instrument Number 200712180215640, with the north line of said Section 15 and the south line of said Section 6, **210.00 feet ±** to a point in the centerline of said Central College Road, the southeast corner of said 0.172 acre tract, the southwest corner of a 3.00 acre tract as conveyed to Steven L. Dunbar and Cindy L. Ward, in Official Record 16550E06;

Thence **S 03°34'48" W**, across the right-of-way of said Central College Road, **50.01 feet ±** to the northwest corner of said 9.003 acre tract;

Thence **S 03°35'04" W**, with the west line of said 9.003 acre tract, **709.98 feet ±** to the **True Point of Beginning**, containing **5.00 ±** acres more or less.

Property Parcel: 010-249597

Property Address: 5159 Central College Rd., Columbus, OH (43081).

**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, specified by Ordinance #3042-2022; Z22-040.

**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.