



Legislation Text

File #: 3307-2022, **Version:** 1

Council Variance Application: CV22-092

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.

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 #3305-2022; Z22-068) to allow a multi-unit residential development. Variances are requested to modify the driveway, maneuvering, parking space size, building lines, perimeter yard, and private garage height requirements, most of which are technical variances due to this site and the L-AR-1 district to the east sharing a driveway and a parcel line dividing some provided parking spaces. Staff is supportive of the requested variances, as they allow a multi-unit residential development with desirable site design elements compatible with the design principles recommended by the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).

To grant a Variance from the provisions of Sections 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.35(G), Private garage, of the Columbus City Codes; for the property located at **5314 AVERY RD. (43016)**, to permit reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance #CV22-092).

WHEREAS, by application #CV22-092, the owner of property at **5314 AVERY RD. (43016)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3312.13, Driveway, requires driveways that are a minimum of ten feet wide as access corridors on residential lots, while the applicant proposes to permit a driveway being divided by a parcel line, subject to the minimum required width of the driveway being provided; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering across parcel lines, subject to the minimum required maneuvering area being provided; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet by 18 feet, while the applicant proposes parking spaces to be divided between parcels, subject to the minimum required parking space size being provided; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 80 feet along the extension of Tuttle Crossing Boulevard, and 60 feet along Avery Road, while the applicant proposes building lines of 25 feet, with porches and balconies encroaching into the setback area up to 6.5 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant

proposes a reduced perimeter yard of 10 feet along the south property line and 0 feet along the east property line; and

WHEREAS, Section 3333.35(G), Private garage, restricts the height of a private detached garage to 15 feet, while the applicant proposes to increase the permitted height to 16 feet; and

WHEREAS, the City Departments recommend approval because the requested variances will allow a multi-unit residential development with desirable site design elements, compatible with the design principles recommended by the C2P2 Design Guidelines; 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 **5314 AVERY RD. (43016)**, 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 Sections 3312.13, Driveway; 3312.25, Maneuvering; 3312.29, Parking space; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.35(G), Private garage, of the Columbus City Codes, is hereby granted for the property located at **5314 AVERY RD. (43016)**, insofar as said sections prohibit a driveway being divided by a parcel line; maneuvering over parcel lines; parking spaces to be divided between parcel lines; reduced building lines from 80 feet along Tuttle Crossing Boulevard and 60 feet along Avery Road to 25 feet, with porches and balconies encroaching into the setback area up to 6.5 feet; a reduced perimeter yard from 25 feet to 10 feet along the south property line and 0 feet along the east property line; and an increased private garage height from 15 feet to 16 feet; said property being more particularly described as follows:

5314 AVERY RD. (43016), being 2.7± acres located at the northeast corner of Avery Road and Avery Run Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located within Virginia Military Survey 3004, and being part of that 6.808 acre tract as described in deed to Bruce D. Bergmann, Trustee, of record in Official Record 21540 A20, and that 6.167 acre tract as described in deed to Bruce D. Bergmann, Trustee, of record in Official Record 21539 B17, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

BEGINNING FOR REFERENCE at Franklin County Monument 1934 at the centerline intersection on Avery Road and Rings Road;

Thence South 10 deg. 44' 47" West, with the centerline of Avery Road, a distance of 1538.45 feet, to a mag nail set at the westerly common corner of said 6.808 acre tract and that 6.057 acre tract as described in deed to the City of Dublin, of record in Instrument Number 200605190097737;

Thence South 79 deg. 29' 34" East, with the common line of said 6.808 acre tract and said 6.057 acre tract, a distance of 61.18 feet, passing a ¾" iron pipe found at 42.28 feet, to a ¾" iron pipe found at an angle point in aforesaid common line;

Thence North 85 deg. 47' 21" East, continuing with the common line of said 6.808 acre tract and said 6.057 acre tract, a distance of 19.48 feet, to an iron pin set, being the POINT OF TRUE BEGINNING;

Thence North 85 deg. 47' 21" East, with aforesaid common line, a distance of 343.61 feet, to an iron pin set;

Thence South 10 deg. 43' 41" West, though said 6.167 acre tract and said 6.808 acre tract, a distance of 352.97 feet, to an iron pin set in the common line of said 6.167 acre tract and that 30.00 acre tract as described in deed to A.R. Associates, of record in Official Record 11789 I04;

Thence South 84 deg. 40' 31" West, with aforesaid common line, a distance of 345.59 feet, to an iron pin set;

Thence North 10 deg. 44' 47" East, though said 6.167 acre tract and said 6.808 acre tract, a distance of 359.96 feet, to the POINT OF TRUE BEGINNING, and containing 2.717 acres, more or less.

Subject to all easements, restrictions and right of way of record.

All iron pins set are 5/8-inch rebar, 30 inches in length, with a cap bearing the name "CEC".

The bearings shown above are based on the bearing of North 10 deg. 44' 47" East for the centerline of Avery Road in between Franklin County Monuments 1934 and 8855, as determined by GPS observations using ODOT VRS, based on NAD 83 (2011), Ohio State Plane South Zone, at the time of the survey.

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 #3305-2022 (Z22-068).

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

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.