



## Legislation Details (With Text)

**File #:** 0532-2010      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/23/2010      **In control:** Zoning Committee

**On agenda:** 4/12/2010      **Final action:** 4/14/2010

**Title:** To grant a variance from the provisions of Sections 3320.15, Thoroughfare standards; and 3320.19 (B) 19 and 20, Private buildings, of the City codes, for the property located at 5005 CENTRAL COLLEGE ROAD (43081), to eliminate the garage setback requirements and vary the tree planting pattern requirements for a single-family residential development in the NE, Neighborhood Edge District (Council Variance # CV09-032).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0532-2010Attachments.pdf, 2. ORD0532-2010Labels.pdf, 3. ORD0532-2010DataSheet.pdf

Date	Ver.	Action By	Action	Result
4/14/2010	1	CITY CLERK	Attest	
4/13/2010	1	MAYOR	Signed	
4/12/2010	1	COUNCIL PRESIDENT	Signed	
4/12/2010	1	Zoning Committee	Approved	Pass
4/5/2010	1	Columbus City Council	Read for the First Time	
3/25/2010	1	Dev Zoning Drafter	Sent for Approval	
3/25/2010	1	Dev Zoning Reviewer	Reviewed and Approved	
3/25/2010	1	Dev Zoning Drafter	Sent for Approval	
3/25/2010	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
3/25/2010	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	

**Council Variance Application # CV09-032**

**APPLICANT:** Dominion Homes, Inc.; c/o Robert A. Meyer, Jr., Atty.; Porter, Wright, Morris & Arthur LLP; 41 South High Street; Columbus, Ohio 43215.

**PROPOSED USE:** Eliminate the garage setback requirements and vary the tree planting pattern requirements in the NE, Neighborhood Edge District.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and Development Commission for a concurrent rezoning (Z09-038) from the NG, Neighborhood General District to the NE, Neighborhood Edge District for the development of sixty-eight (68) single-family dwellings. The applicant is requesting variances to eliminate the garage setback requirements and vary the tree planting pattern requirements in the NE District. The request is substantially consistent with variances approved by the Columbus Board of Zoning Adjustment for developed areas within this Traditional Neighborhood Development (TND). Although Staff recommended disapproval on the 2004 BZA variance, this request is to continue the same development pattern on a newly zoned section of the original TND site; therefore Staff has no objections to the proposed variances. The applicant has committed to similar conditions that were included in the previously approved BZA variances, and this request is supported by the Rocky Fork/Blacklick Accord Panel.

To grant a variance from the provisions of Sections 3320.15, Thoroughfare standards; and 3320.19 (B) 19 and 20, Private buildings, of the City codes, for the property located at **5005 CENTRAL COLLEGE ROAD (43081)**, to eliminate the garage setback requirements and vary the tree planting pattern requirements for a single-family residential development in the NE, Neighborhood Edge District (Council Variance # CV09-032).

**WHEREAS**, by application No. CV09-032, the owner of property at **5005 CENTRAL COLLEGE ROAD (43081)** is requesting a Council Variance to eliminate the garage setback requirements and vary the tree planting pattern requirements in the NE, Neighborhood Edge District; and

**WHEREAS**, Section 3320.15, Thoroughfare standards, requires trees to be planted on both sides of residential streets at thirty (30) feet on center, while the applicant proposes a random tree-planting pattern with a maximum spacing between trees of sixty (60) feet and a minimum equivalent of one street tree per forty (40) lineal feet of street frontage for both sides of the street; and

**WHEREAS**, Section 3320.19 (B) 19 and 20, Private buildings, requires attached garages to be recessed two (2) feet from the front façade of the main building for double-width driveways, and twenty (20) feet for single-width driveways, while the applicant proposes garages to project a maximum of eight (8) feet forward of the building façade on a maximum of forty percent (40%) of the units built within the site; and

**WHEREAS**, the City Departments recommend approval because the request is substantially consistent with variances approved by the Columbus Board of Zoning Adjustment for developed areas within this Traditional Neighborhood Development (TND). Although Staff recommended disapproval on the 2004 BZA variance, this request is to continue the same development pattern on a newly zoned section of the original TND site; therefore Staff has no objections to the proposed variances. The applicant has committed to similar conditions that were included in the previously approved BZA variances, and this request is supported by the Rocky Fork/Blacklick Accord Panel; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate 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 **5005 CENTRAL COLLEGE ROAD (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 Sections 3320.15, Thoroughfare standards; and 3320.19 (B) 19 and 20, Private buildings, of the Columbus City Codes are hereby granted for the property located at **5005 CENTRAL COLLEGE ROAD (43081)** in so far as said sections prohibit a random street tree-planting pattern with a maximum spacing between trees of sixty (60) feet and a minimum equivalent of one street tree per forty (40) lineal feet of street frontage for both sides of the street, and garages to project a maximum of eight (8) feet forward of the building façade on a maximum of forty percent (40%) of the units built in the NE, Neighborhood Edge District, said property being more particularly described as follows:

**5005 CENTRAL COLLEGE ROAD (43081)**, being 15.9± acres located at the southwest corner of Central College Road and Course Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Section 15, Township 2, Range 16, United States Military Lands, and being part of that 16.499 acre tract conveyed to Dominion Homes, Inc. by deed of record in Instrument Number 200509230199388 and part of that original 60.492 acre tract conveyed to Dominion Homes, Inc. by deed of record in Instrument Number 200311040353156 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and described as follows:

Beginning, for reference, at the intersection of Central College Road with Course Drive;

thence South  $03^{\circ} 27' 56''$  West, across the right-of-way of said Central College Road, a distance of 50.00 feet to a point on the southerly right-of-way line of said Central College Road, being the TRUE POINT OF BEGINNING;

thence across said 16.499 and 60.492 acre tract, the following courses and distances:

South  $03^{\circ} 30' 32''$  West, a distance of 132.85 feet to a point of curvature to the right;

with the arc of said curve to the right, having a central angle of  $24^{\circ} 37' 53''$ , a radius of 250.00 feet, an arc length of 107.47 feet, a chord bearing and distance of South  $15^{\circ} 48' 32''$  West, 106.65 feet to a point;

South  $28^{\circ} 17' 00''$  West, a distance of 210.19 feet to a point of curvature;

with the arc of said curve to the left, having a central angle of  $24^{\circ} 30' 48''$ , a radius of 210.02 feet, an arc length of 89.85 feet, a chord bearing and distance of South  $16^{\circ} 01' 36''$  West, 89.17 feet to a point;

South  $03^{\circ} 32' 11''$  West, a distance of 370.86 feet to a point;

North  $86^{\circ} 27' 50''$  West, a distance of 702.45 feet to a point;

South  $06^{\circ} 46' 05''$  West, a distance of 58.27 feet to a point;

South  $03^{\circ} 31' 14''$  West, a distance of 227.19 feet to a point;

North  $86^{\circ} 40' 35''$  West, a distance of 124.24 feet to the southeasterly corner of that 18.003 acre tract conveyed to Quest Community Church by deed of record in Instrument Number 200512160264890;

thence North  $03^{\circ} 25' 12''$  East, with the line common to said 16.499 and 18.003 acre tracts, a distance of 746.75 feet to the southwesterly corner of that 1.457 acre tract conveyed to Quest Community Church by deed of record in Instrument Number 200512160264896;

thence South  $86^{\circ} 49' 36''$  East, with the line common to said 16.499 and 1.457 acre tracts, a distance of 134.75 feet to the southeasterly corner of said 1.457 acre tract;

thence North  $03^{\circ} 25' 12''$  East, with the line common to said 16.499 and 1.457 acre tracts, a distance of 190.00 feet to the southwesterly corner of that 1.064 acre tract conveyed to Kevin P. Price by deed of record in Official Record 19037F10;

thence South  $86^{\circ} 49' 36''$  East, with the line common to said 16.499 and 1.064 acre tracts, a distance of 165.00 feet to the southeasterly corner of said 1.064 acre tract;

thence North  $03^{\circ} 25' 12''$  East, with the line common to said 16.499 and 1.064 acre tracts, a distance of 232.73 feet to a point on the southerly right-of-way line of said Central College Road;

thence South  $86^{\circ} 29' 28''$  East, with said southerly right-of-way line, a distance of 299.37 feet to a northwesterly corner of said 16.499 acre tract;

thence South  $03^{\circ} 32' 06''$  West, with the line common to said 16.499 acre tract and that 0.689 acre tract conveyed to Erick S. Smith by deed of record in Instrument Number 200409130213613, a distance of 250.00 feet to the southwesterly corner of said 0.689 acre tract;

thence South  $86^{\circ} 29' 28''$  East, with the line common to said original 60.492 and 0.689 acre tracts, a distance of 100.00 feet to the southeasterly corner of said 0.689 acre tract;

thence North  $03^{\circ} 32' 06''$  East, with the line common to said original 60.492 and 0.689 acre tracts, a distance of 250.00 feet to a point on the southerly right-of-way line of said Central College Road;

thence South  $86^{\circ} 29' 28''$  East, with said southerly right-of-way line, a distance of 263.06 feet to the TRUE POINT OF BEGINNING and containing 15.9 acres of land, more or less.

This description is for zoning purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TITLON, INC.

**SECTION 2.** That this ordinance is further conditioned upon the following:

1. All homes constructed on the 15.9 acre site shall incorporate either a front architectural element (such as a wall segment) or an architectural accent feature (such as a water table) of natural materials (including brick, stone, stucco stone, cementitious siding).
2. For any lot with a forward-sitting garage, there will not be a resultant reduction in the required front or rear setbacks.
3. Each home with a garage-forward design shall have a minimum 100 square foot open porch with railing. Additionally, the same material used on the garage façade will be used on the return to the house's façade wall.
4. No more than 40 percent of the homes constructed on the 15.9 acre site shall have a forward-sitting garage, and no homes with forward-sitting garages shall be located either on a corner lot or next to another home with a forward-sitting garage.
5. The overall number of street trees shall be equivalent to one street tree per 40 lineal feet of street frontage. The overall number of trees planted on the site shall not be less than the number of street trees that would be planted if the variance were not granted (i.e., street trees at 30 feet on center), with additional trees above the number planted as street trees being planted within common open spaces.

**SECTION 3.** That this ordinance is further conditioned upon 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.