



## Legislation Details (With Text)

**File #:** 1242-2005      **Version:** 2

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

**File created:** 6/28/2005      **In control:** Zoning Committee

**On agenda:** 7/25/2005      **Final action:** 7/27/2005

**Title:** To grant a Variance from the provisions of Section 3333.10, AR-12, AR-12 Area District Requirements, of Columbus City Codes; for the property located at 5542 CHANTRY DRIVE (43232), to permit a 100 dwelling-unit apartment complex in the L-AR-12, Limited Apartment Residential District. (CV05-035)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1242-2005Hdshp.pdf, 2. ORD1242-2005.Zone.pdf, 3. ORD1242-2005.GIS.pdf, 4. ORD1242-2005.Plan.pdf, 5. ORD1242-2005prjdscl.pdf, 6. ORD1242-2005lbs.pdf, 7. City Council Data FormCV05-035.pdf

Date	Ver.	Action By	Action	Result
7/27/2005	2	MAYOR	Signed	
7/27/2005	2	CITY CLERK	Attest	
7/25/2005	1	Zoning Committee	Approved as Amended	Pass
7/25/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
7/25/2005	2	COUNCIL PRESIDENT	Signed	
7/18/2005	1	Columbus City Council	Read for the First Time	
7/12/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
7/12/2005	1	Dev Zoning Reviewer	Sent for Approval	
7/12/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/12/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
6/29/2005	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV05-035**

**APPLICANT:** National Church Residences; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street; Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** A 100 dwelling-unit apartment complex.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. A Council variance (CV04-004) was passed by Council on March 10, 2003 for 100 dwelling units on the north and south side of Chantry Drive. There is a need for a regional detention basin which is to be located on the subject property on the south side of Chantry Drive. The applicant is seeking to relocate all 100 dwelling units to the north side of Chantry Drive via amendment Z02-107A. A Council variance is necessary in that the L-AR-12, Limited Apartment Residential District does not allow residential densities over 12 dwelling units per acre. This proposal would allow 13.85 dwelling units per acre. This higher density is due to the shifting of all of the dwelling units to the north side of Chantry Drive.

To grant a Variance from the provisions of Section 3333.10, AR-12, AR-12 Area District Requirements, of Columbus City Codes; for

the property located at **5542 CHANTRY DRIVE (43232)**, to permit a 100 dwelling-unit apartment complex in the L-AR-12, Limited Apartment Residential District. (CV05-035)

**WHEREAS**, by application #CV05-035, the owner of property at **5542 CHANTRY DRIVE (43232)**, is requesting a Council Variance to permit an 100 dwelling-unit apartment complex in the L-AR-12, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.10, AR-12, Apartment Residential District, prohibits residential densities in excess of 12 dwelling units per acre, while the applicant proposes to develop a 100 dwelling-unit apartment complex on 7.22 acres with a density of 13.85 dwelling units; 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 **5542 CHANTRY DRIVE (43232)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That variances from the provisions of Sections 3333.10, AR-12, Apartment Residential District of Columbus City Codes are hereby granted for the property located at **5542 CHANTRY DRIVE (43232)**, insofar as said sections prohibit a 100 dwelling unit apartment complex with a density exceeding 12 units per acre, said property being more particularly described as follows:

**7.222 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of that tract of land conveyed to Western Land Investment Company by deed of record in Deed Book 3003, Page 446 (all reference being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Park Crescent Drive and Chantry Drive;

thence North  $31^{\circ} 09' 49''$  East, with the centerline of said Park Crescent Drive, a distance of 321.41 feet to a point;

thence South  $58^{\circ} 40' 18''$  East, a distance of 39.24 feet to a northwesterly corner of said Western Land Investment Company tract in the easterly right-of-way line of said Park Crescent Drive, the True Point of Beginning for this description;

thence the following courses and distances:

South  $58^{\circ} 40' 18''$  East, a distance of 520.26 feet to a point;

South  $85^{\circ} 41' 05''$  East, a distance of 400.03 feet to a point; and

South  $04^{\circ} 29' 12''$  West, a distance of 395.01 feet to a point in the northerly right-of-way line of said Chantry Drive;

thence with said northerly right-of-way line the following courses and distances:

North  $85^{\circ} 18' 57''$  West, a distance of 53.31 feet to a point of curvature to the right;

with the arc of said curve (Delta =  $27^{\circ} 57' 53''$ , Radius = 800.70 feet) a chord bearing and distance of North  $71^{\circ} 43' 03''$  West, 386.94 feet to a point;

North 58° 45' 06" West, a distance of 550.29 to a point of curvature to the right; and

with the arc of said curve (Delta = 90° 25' 18", Radius = 80.00 feet) a chord bearing and distance of North 13° 11' 21" West, 113.55 feet to a point;

thence North 31° 12' 03" East, with said easterly right-of-way line, a distance of 201.77 feet to the True Point of Beginning, containing 7.222 acres of land, more or less.

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 100 dwelling-unit apartment complex, or those uses permitted in the L-AR-12, Limited Apartment Residential District.

**Section 3.** That this ordinance is conditioned upon the developer providing a twenty-five foot deep perimeter yard except for those portions of the property lines which are adjacent to Chantry Drive **and Park Crescent Drive.** ~~The developer shall install a row of evergreen trees and shade trees along the perimeter of the site except for those portions of the property lines which are adjacent to Chantry Drive. The minimum size of plant material at time of installation shall be as follows: Deciduous Tree – 2 ½" caliper, Ornamental Tree – 1 ½" caliper, Evergreen Tree – six (6) feet.~~

~~**Section 4.** That this ordinance is further conditioned on the applicant extending a sidewalk from the building entrances to the sidewalk along Chantry Drive.~~

**Section 54.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.