



Legislation Details (With Text)

File #: 1317-2013 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 5/23/2013 **In control:** Zoning Committee
On agenda: 6/24/2013 **Final action:** 6/27/2013
Title: To grant a Variance from the provisions of Section 3333.02, ARLD, Apartment Residential District Use, of the Columbus City Codes, for the property located at 2393 WEST DUBLIN GRANVILLE ROAD (43235), to permit two-unit dwellings in the L-ARLD, Limited Apartment Residential District. (Council Variance # CV12-052).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1317-2013attachments, 2. Notice Of Public Hearing - Council Mtg20130624

Date	Ver.	Action By	Action	Result
6/27/2013	1	CITY CLERK	Attest	
6/25/2013	1	MAYOR	Signed	
6/24/2013	1	COUNCIL PRESIDENT	Signed	
6/24/2013	1	Zoning Committee	Approved	Pass
6/17/2013	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV12-052

APPLICANT: Connie J. Klema, Atty; 145 East Rich Street; 2nd Floor; Columbus, Ohio 43215.

PROPOSED USE: Allow two-unit dwellings in the L-ARLD, Limited Apartment Residential District concurrent with Z12-060.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This application is to allow two-unit dwellings in the L-ARLD Limited Apartment Residential District proposed in rezoning Z12-060. Staff finds that the allowance for a different dwelling-unit configuration in this development will have no negative impact of the residents in and around this development.

To grant a Variance from the provisions of Section 3333.02, ARLD, Apartment Residential District Use, of the Columbus City Codes, for the property located at **2393 WEST DUBLIN GRANVILLE ROAD (43235)**, to permit two-unit dwellings in the L-ARLD, Limited Apartment Residential District. (Council Variance # CV12-052).

WHEREAS, by application #CV12-052, the owner of property **2393 WEST DUBLIN GRANVILLE ROAD (43235)**, is requesting a Variance to permit two-unit dwellings in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, ARLD, Apartment Residential District Use, prohibits two-unit dwellings in the ARLD, Apartment Residential District; and

WHEREAS, City Departments recommend approval for this noting that a different dwelling-unit configuration in this development will have no negative impact of the residents in and around this development; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **2393 WEST DUBLIN GRANVILLE ROAD (43235)**, in using said property as desired and

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

SECTION 1. Variances from the provisions of Section 3333.02, ARLD, Apartment Residential District Use; of the Columbus City Codes are hereby granted for the property located at **2393 WEST DUBLIN GRANVILLE ROAD (43235)**, insofar as said section prohibits two-unit dwellings, and with said property being more particularly described as follows:

2393 WEST DUBLIN GRANVILLE ROAD (43235), being 20.38± acres located on the south side of West Dublin-Granville Road, 625± feet east of McVey Boulevard, and being more particularly described as follows:

**DESCRIPTION OF A 20.384 ACRE TRACT
SOUTH OF DUBLIN-GRANVILLE ROAD
WEST OF THE CHESAPEAKE & OHIO RAILWAY**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 4, Township 2, Range 19, United States Military District, and being Tract Numbers One through Eight inclusive as described in a deed to

Linworth Village Center, of record in Official Record Volume 11137, page J09, on file at the Office of the Recorder, Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at the intersection of the centerline of Dublin-Granville Road and the west right-of-way line for the Chesapeake and Ohio Railroad, being the northeast corner of that 5.00 acre tract described in a deed to Savko Bros. Properties VII, LLC, of record in Instrument Number 20100040130418;

Thence North 87 degrees 52 minutes 39 seconds West, along the centerline of said Dublin-Granville Road, a distance of 261.88 feet to the original northeast corner of said Tract Number Three, being the northeast corner of that 0.520 acre right-of-way parcel described in a deed to City of Columbus, of record in Official Record 5474, page I01, being the northwest corner of that 0.083 acre right-of-way parcel described in a deed to City of Columbus, of record in Official Record 5474, page H18;

Thence South 02 degrees 03 minutes 51 seconds West, along an original east line of said Tract Number Three, along the east line of said 0.520 acre right-of-way parcel, along the west line of said 0.083 acre right-of-way parcel, a distance of **60.00 feet** to the existing south right-of-way line for said Dublin-Granville Road, being the southeast corner of said 0.520 acre right-of-way parcel, being the southwest corner of said 0.083 acre right-of-way parcel, being the northwest corner of that 0.359 acre tract described in a deed to Michael L. DiCarlo, Trustee of the Michael L. DiCarlo Trust Agreement dated August 13, 2003, of record in Instrument Number 20030900282730, and being the TRUE POINT OF BEGINNING for this zoning description, (reference a 5/8" iron pin found with no cap South 08 degrees 52 minutes 35 seconds East at a distance of 1.29 feet);

Thence South 02 degrees 03 minutes 51 seconds West, continuing along an east line of said Tract Number Three, along the west line of said 0.359 acre tract, a distance of 237.00 feet to an iron pin set at a northeast corner of said Tract Number Three, being the southwest corner of said 0.359 acre tract;

Thence South 87 degrees 52 minutes 39 seconds East, along a north line of said Tract Number Three, along the south line of said 0.359 acre tract, along the south line of that 0.4091 acre tract described in a deed to Central Ohio School of Diving Northwest, Inc., of record in Official Record 11826, page C10, (passing a 1.5" iron pipe found at the southeast corner of said 0.359 acre tract and the southwest corner of said 0.4091 acre tract at a distance of 66.00 feet), a total distance of 132.00 feet to an iron pin set at a northeast corner of said Tract Number Three, being the southeast corner of said 0.4091 acre tract, and being on the west line of that 1.573 acre tract described in a deed to McCullough's Tree Service, Inc., of record in Instrument Number 201111100146219;

Thence South 02 degrees 03 minutes 51 seconds West, along the east line of said Tract Number Three, along the west line of said 1.573 acre tract, along the west line of that 5.0 acre tract described in a deed to Savko Bros. Properties VII, LLC, of record in Instrument Number 201010040130418, (passing a 3/4" iron pipe found at the southwest corner of said 1.573 acre tract and the northwest corner of said 5.0 acre tract at a distance of 160.06 feet), a total distance of 869.03 feet to the southeast corner of said Tract Number Three, being the southwest corner of said 5.0 acre tract, being on the north line of that 21.25 acre tract described in a deed to The State of Ohio, of record in Deed Volume 1966, page 57, (reference a 1" iron pin found bent North 76 degrees 44 minutes 16 seconds East at a distance of 0.23 feet);

Thence North 88 degrees 08 minutes 41 seconds West, along the south line of said Tract Number Three, along the south line of Tract Number Two, along the south line of Tract Number One, along the north line of said 21.25 acre tract, and along the north line of that original 102 acre tract described in a deed to State of Ohio, of record in Deed Volume 1957, page 195 (passing the northwest corner of said 21.25 acre tract and a northeast corner of said original 102 acre tract at a

distance of 564.77 feet, passing the southwest corner of said Tract Number Three and the southeast corner of said Tract Number Two at a distance of 572.25 feet, passing the southwest corner of said Tract Number Two and the southeast corner of said Tract Number One at distance of 717.25 feet), a total distance of 829.24 feet to the southwest corner of said Tract Number One, being the southeast corner of that 7.981 acre tract described in a deed to Tansky Properties, LLC, of record in Instrument Number 200407120161022, (reference a 1" iron pin found with no cap South 24 degrees 44 minutes 56 seconds West at a distance of 0.87 feet);

Thence North 02 degrees 02 minutes 21 seconds East, along the west line of said Tract Number One, along the east line of said 7.981 acre tract, a distance of 1,109.90 feet to the existing south right-of-way line for said Dublin-Granville Road, being the southwest corner of that 0.354 acre right-of-way parcel described in a deed to City of Columbus, of record in Official Record 5747, page I01, being the northeast corner of said 7.981 acre tract, being the southeast corner for that 0.477 acre right-of-way parcel described in a deed to City of Columbus, of record in Official Record 5474, page H12, (reference a 5/8" iron pin found South 02 degrees 02 minutes 21 seconds West at a distance of 0.18 feet);

Thence South 87 degrees 52 minutes 39 seconds East, across said Tract Number One through said Tract Number Eight inclusive, along the existing south said Tract Number Two, along the existing south right-of-way line for said Dublin-Granville Road, along the south line of said 0.354 acre right-of-way parcel and said 0.520 acre right-of-way parcel, (passing the east line of said Tract Number One and the west line of said Tract Number Two at a distance of 112.00 feet, passing the east line said Tract Number Two and the west line of said Tract Number Eight at a distance of 257.00 feet, passing the east line of said Tract Number Eight and the west line of said Tract Number Six at distance of 317.00 feet, passing the east line of said Tract Number Six and the West line of said Tract Number Five at a distance of 377.00 feet, passing the east line of said Tract Number Five and the west line of said Tract Number seven at a distance of 437.00 feet, passing the east line of said Tract Number Seven and the west line of said Tract Number 4 at a distance of 497.00 feet, and passing the east line of said Tract Number Four and the west line of said Tract Number Three at a distance of 617.00 feet), a total distance of 697.72 feet to the TRUE POINT OF BEGINNING for this description.

The above description contains a total area of 20.380 acres (including 0.000 acres within the present road occupied), of which:

- 2.853 acres is within Franklin County Auditor's tax parcel number 610-198857 (Tract No. One);
- 3.692 acres is within Franklin County Auditor's tax parcel number 610-198849 (Tract No. Two);
- 12.677 acres is within Franklin County Auditor's tax parcel number 610-198850 (Tract No. Three);
- 0.386 acres is within Franklin County Auditor's tax parcel number 610-198847 (Tract No. Four);
- 0.193 acres is within Franklin County Auditor's tax parcel number 610-198852 (Tract No. Five);
- 0.193 acres is within Franklin County Auditor's tax parcel number 610-198854 (Tract No. Six);
- 0.193 acres is within Franklin County Auditor's tax parcel number 610-198858 (Tract No. Seven);
- 0.193 acres is within Franklin County Auditor's tax parcel number 610-198855 (Tract No. Eight).

Bearings shown are based on the bearing of South 87 degrees 52 minutes 39 seconds East for the centerline of State Route 161 (Dublin Granville Road) and grid north, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (NSRS 2007 Adjustment) as established utilizing a GPS survey originating on Franklin County Engineer survey control monuments "Frank 74" and "Frank 174".

Iron pins set are 5/8" diameter by 30" long rebar with yellow plastic caps stamped "ASI - PS 8438".

This description was prepared and reviewed on August 28, 2012 by Brian P. Bingham, Registered Professional Surveyor Number 8438, is based on an actual field survey performed by American Structurepoint, Inc., meets the requirements set

forth in OAC Chapter 4733-37, more commonly known as the “Minimum Standards for Boundary Surveys”, and is true and correct to best of my knowledge.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two-unit dwellings or those uses permitted in the L-ARLD, Limited Apartment Residential District established with Z12-060.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.