



## Legislation Details (With Text)

**File #:** 1932-2019      **Version:** 1

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

**File created:** 7/3/2019      **In control:** Zoning Committee

**On agenda:** 7/22/2019      **Final action:** 7/25/2019

**Title:** To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at 999 E. DUBLIN-GRANVILLE RD. (43229), to permit ground floor residential uses in the C-4, Commercial District (Council Variance #CV19-055).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1932-2019\_Attachments, 2. ORD1932-2019\_Labels

Date	Ver.	Action By	Action	Result
7/25/2019	1	CITY CLERK	Attest	
7/24/2019	1	MAYOR	Signed	
7/22/2019	1	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Zoning Committee	Approved	Pass
7/15/2019	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV19-055

**APPLICANT:** National Church Residences; c/o Matthew Bierlein, Atty.; 2335 North Bank Drive; Columbus, OH 43220.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the C-4, Commercial District. The applicant is requesting a Council variance to permit the development of a predominantly multi-unit residential development with social service office uses included within the building. The site is within the boundaries of the *Northland I Area Plan* (2014), which recommends community commercial land uses at this location. This proposed development will be subject to a competitive funding process by the U.S. Department of Housing and Urban Development which requires certain land attributes including compliant zoning. Staff supports the Council variance process to assist in this state funding application process; however, this ordinance includes a condition that a Certificate of Zoning Clearance will not be issued until a follow-up rezoning to an appropriate zoning district has been completed.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **999 E. DUBLIN-GRANVILLE RD. (43229)**, to permit ground floor residential uses in the C-4, Commercial District (Council Variance #CV19-055).

**WHEREAS**, by application #CV19-055, the owner of property at **999 E. DUBLIN-GRANVILLE RD. (43229)**, is

requesting a Council variance to permit ground floor residential uses in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes ground floor residential uses at this location; and

**WHEREAS**, City Departments recommend approval because the requested variance will help facilitate state funding requirements. However, the Applicant will not be issued a Certificate of Zoning Clearance for the proposed development until a follow-up rezoning to an appropriate zoning district is completed; 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 **999 E. DUBLIN-GRANVILLE RD. (43229)**, 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 3356.03, C-4 permitted uses, of the Columbus City Codes, is hereby granted for the property located at **999 E. DUBLIN-GRANVILLE RD. (43229)**, insofar as said section prohibits ground floor residential uses in the C-4, Commercial District; said property being more particularly described as follows:

**999 E. DUBLIN-GRANVILLE RD. (43229)**, being 1.5± acres located on the south side of East Dublin-Granville Road, 350± feet east of North Meadows Boulevard, and being more particularly described as follows:

**DESCRIPTION OF 4.548 ACRES OF LAND  
LOCATED ON THE SOUTHERLY SIDE OF STATE ROUTE  
161 (DUBLIN-GRANVILLE ROAD) AND WEST OF ROCHE DRIVE,  
IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 4, Township 2, Range 18, United States Military Lands, containing 4.548 acres of land, more or less, said 4.548 acres being out of that 5.483 acre tract of land designated as PARCEL NO. 1 and described in the deed to Columbus Motor Lodges, Inc., of record in Deed Book 2750, Page 573, said 4.548 acres being all of Reserve "D" as the same is designated and delineated upon the recorded plat of Salem Village No. 2, of record in Plat Book 33, Pages 114 and 115, both being of record in the Recorder's Office, Franklin County, Ohio, said 4.548 acres of land being more particularly described as follows:

Beginning at a ¾-inch (I.D.) iron pipe at the southwesterly corner of said Reserve "D" in the southerly line of said PARCEL NO. 1, the same being the northwesterly corner of Reserve "C" of said Salem Village No. 2;

Thence N-4° 58' 15" E, with the westerly line of said Reserve "D", with a westerly line of said PARCEL NO. 1 and with the easterly line of that 1.667 acre tract of land described in the deed to William M. Morrow and Mary H. Waits, of record in Official Record 03729-C04, Recorder's Office, Franklin County, Ohio, crossing a ¾-inch (I.D.) iron pipe at both a corner of said PARCEL NO. 1 and the southeasterly corner of said 1.667 acre tract a distance of 212.50 feet, a total distance of 533.09 feet to a pinch top iron pin at the northwesterly corner of said Reserve "D", the same being a northwesterly corner of said PARCEL NO. 1, said iron pin also being the northeasterly corner of said 1.667 acre tract and in a southerly right-of-way line of State Route 161 (Dublin-Granville Road);

Thence eastwardly, with southerly right-of-way lines of said Route 161, with the northerly boundary of said PARCEL

NO. 1 and with the northerly boundary of said Reserve "D", the following two courses and distances:

- 1.) S-84° 45' 25" E, a distance of 124.87 feet to a 1-inch (I.D.) iron pipe;
- 2.) N-81° 31' 05" E, a distance of 35.55 feet to a 1-inch (I.D.) iron pipe at an angle point in the northerly boundary of said PARCEL NO. 1, the same being an angle point in the northerly boundary of said Reserve "D" and in a southwesterly right-of-way line of Roche Drive, sixty feet in width, as said Roche Drive is designated and delineated upon the recorded plat of said Salem Village No. 2;

Thence southeastwardly and southwardly, with southwesterly and westerly right-of-way lines of said Roche Drive, with northeasterly and easterly lines of said PARCEL NO. 1 and with northeasterly and easterly lines of said Reserve "D", the following three courses and distances:

- 1.) S-51° 40' 09" E, a distance of 192.19 feet to a pinch top iron pin at a point of curvature;
- 2.) Southeastwardly, with the arc of curve to the right having a radius of 200.00 feet, a central angle of 56° 38' 24" and a chord that bears S-23° 20' 57" E, a chord distance of 189.76 feet to a pinch top iron pin at a point of tangency;
- 3.) S-4° 58' 15" W, a distance of 268.05 feet to a pinch top iron pin at the southeasterly corner of said PARCEL NO. 1, the same being the southeasterly corner of said Reserve "D" and the northeasterly corner of said RESERVE "C";

Thence N-85° 01' 45" W, with the southerly line of said PARCEL NO. 1, with the southerly line of said RESERVE "C", a distance of 410.00 feet to the point of beginning and containing 4.548 acres of land, more or less.

Subject to all right-of-ways, easements and restrictions, if any, of previous record.

We hereby certify that the foregoing description was prepared from information obtaining from actual field surveys conducted on November 18, 1985 and on April 29, 1986.

The bearings given in the foregoing description correspond to the bearings shown on the recorded plat of said Salem Village No. 2.

Parcel Number: 010-130884

Address: Roche Drive (Vacant Lot)

**LESS AND EXCEPTING THEREFROM** the following 1.055 acre tract as conveyed by RAAS HOTEL GROUP, INC., to the Fergus Company, LLC, by Instrument Number 200603150048722.

**DESCRIPTION OF 1.055 ACRES**

**SOUTH OF DUBLIN-GRANVILLE ROAD (STATE ROUTE 161)**

**EAST OF NORTH MEADOWS BOULEVARD, COLUMBUS, OHIO**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 18, United States Military Lands, being 1.055 acres of that 4.548 acre tract as described in a deed to Raas Hotel Group, Inc., of record in Official Record Volume 33819, Page F17, also being part of Reserve "D" as shown and delineated upon the plat "Salem Village No. 2", a subdivision of record in Plat Book 33, Page 114, all references herein being to the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning FOR REFERENCE at a 1" O.D. pipe found at the southwesterly corner of said Reserve "D" at the southeasterly corner of that 0.845 acre tract as described in a deed to Columbus-Meadows, LLC, of record in Instrument No. 200501060003951; thence North 04° 58' 15" East, along the easterly line of said 0.845 acre tract and the westerly line of Reserve "D", a distance of 192.48 feet to an iron pin set at the northeasterly corner of said 0.845 acre tract and the southeasterly corner of that 1.758 acre tract as described in a deed to Columbus-Meadows, LLC, of record in Instrument No. 200501060003951 and the TRUE PLACE OF BEGINNING;

Thence North 04° 58' 15" East, continuing along the westerly line of said Reserve "D" and the easterly line of said 1.758 acre tract, a distance of 340.61 feet to an iron pin set in the southerly right-of-way line of Dublin-Granville Road (State

Route 161) at the northeasterly corner of said 1.758 acre tract and the northwesterly corner of said 4.548 acre tract;

Thence South 84° 45' 25" East, along said southerly right-of-way line and the northerly line of said 4.548 acre tract and the northerly line of Reserve "D", a distance of 124.87 feet to an iron pin set;

Thence North 81° 31' 05" East, continuing along said southerly right-of-way line and said northerly lines, a distance of 10.42 feet to an iron pin set;

Thence South 04° 58' 15" West, through said Reserve "D" and said 4.548 acre tract with a new division line, a distance of 342.44 feet to an iron pin set;

Thence North 85° 01' 41" West, continuing through said Reserve "D" and said 4.548 acre tract, a distance of 135.00 feet to the TRUE PLACE OF BEGINNING and containing 1.055 acres of land.

Bearings shown hereon are based on South 84° 45' 25" East, for the southerly right-of-way line of Dublin-Granville Road as shown on the referenced plat "Salem Village No. 2", of record in Plat Book 33, Page 114.

Iron pins set consist of a 1" (O.D.) iron pipe, 30" long with a plastic cap inscribed "M-E Companies/S- 6872."

This description was prepared by M-E Companies, Inc., and is based on a survey performed in the field in August of 2005.

**LESS AND EXCEPTING THEREFROM** the following 1.954 acre tract as conveyed by RAAS HOTEL GROUP, INC., to the National Church Residences of East Dublin-Granville Rd. Columbus, OH, by Instrument Number 200901270010141:

#### **DESCRIPTION OF 1.954 ACRES**

Situated in the City of Columbus, County of Franklin and State of Ohio; also being a part of Quarter Township 4, Township 2, Range 18, United States Military Lands, also being a part of a 4.548 acre tract as conveyed to Raas Hotel Group, Inc., as recorded in Official Record 33819, Page F-17, Parcel One, also being a part of Reserve "D" of Salem Village No. 2 as shown on Plat Book 33, Page 114 and being more particularly described as follows: Commencing at the intersection of the northerly right-of-way line of Covington Road (50' right-of-way) and the westerly right-of-way line of Roche Drive (60' right-of-way), said point also being the southeasterly corner of a 4.716 acre tract as conveyed to Wentwood Laurel Lakes I, L.P. as described in Official Record 34677, Page G-02, said point also being a southeasterly corner of Reserve "C" of said Salem Village No. 2; thence,

Along the westerly right-of-way line of Roche Drive, also being along the easterly line of said 4.716 acre tract, also being along an easterly line of said Reserve "C" North 03° 03' 09 East for a distance of one hundred thirty and zero one-hundredths feet (130.00') to a 1" iron pipe found, said point being at the northeasterly corner of Reserve "C" of said Salem Village No. 2, said point also being the southeasterly corner of Reserve "D" of said Salem Village No. 2, said point also being the northeasterly corner of said 4.716 acre tract, said point also being the TRUE POINT OF BEGINNING and from said beginning point running thence:

Along the northerly line of said 4.716 acre tract, also being along the northerly line of said Reserve "C", also being along the southerly line of said Reserve "D" North 86° 56' 51" West for a distance of four hundred ten and zero one-hundredths feet (410.00') to a 1" iron pipe found, said point being the southeasterly corner of a 0.096 acre tract of land as conveyed to 5880 North Meadows, LTD as recorded in Instrument Number 200505270102297, said point also being the northwesterly corner of said 4.716 acre tract, said point also being the northeasterly corner of a 0.518 acre tract as conveyed to 5880 North Meadows, LTD as recorded in Instrument Number 200505270102285, said point also being the northwesterly corner of said Reserve "C", said point also being the southwest corner of said Reserve "D"; thence,

Along the easterly line of said 0.096 acre tract, and then along the easterly line of a 0.845 acre tract as conveyed to

Columbus-Meadows, LLC as described in Instrument Number 200501060003951 North 03° 03' 14" East for a distance of one hundred ninety-two and fifty one-hundredths feet (192.50') to an iron pin set, said point being the northeasterly corner of said 0.845 acre tract, said point also being the southeasterly corner of a 1.758 acre tract of land as conveyed to Walgreen Co. as described in Instrument Number 200509130190401, said point also being the southwesterly corner of said 1.055 acre tract; thence,

Along the southerly line of said 1.055 acre tract and then along a new line through said 4.548 acre tract South 86° 56' 39" East for a distance of three hundred ten and zero one-hundredths feet (310.00') to an iron pin set; thence the following two courses along new lines through said 4.548 acre tract,

North 03° 03' 09" East for a distance of sixty-two and zero one-hundredths feet (62.00') to an iron pin set; thence,

South 86° 56' 52" East for a distance of one hundred and zero one-hundredths feet (100.00') to an iron pin set, said point being along the westerly right-of-way line of Roche Drive; thence,

Along the westerly right-of-way line of Roche Drive South 03° 03' 09" West for a distance of two hundred fifty-four and forty-eight one-hundredths feet (254.48') to the point of beginning, containing 1.954 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by Kleingers & Associates in March, 2008.

Basis of bearings for the above-described courses is the Ohio State Plane Coordinate System, Ohio South Zone (NAD83-CORS), with a portion of the centerline of Roche Drive being South 53° 35' 15" East, as determined by a GPS survey utilizing CORS station "COLB" as maintained by the Ohio Department of Transportation.

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "Kleingers & Assoc".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

Known as Parcel No: 010-130884

**SECTION 2.** That this ordinance is further conditioned on no Certificate of Zoning Clearance being granted until a follow-up rezoning to an appropriate zoning district is completed.

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