



Legislation Text

File #: 0377-2016, **Version:** 1

Council Variance Application: CV15-039

APPLICANT: M/I Homes of Central Ohio; c/o Laura MacGregor Comek, Atty.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

PROPOSED USE: Single- and 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 Traditional Neighborhood Development (TND) rezoning (Ord. No. 0376-2016; Z15-034) to reallocate NE, Neighborhood Edge, NG, Neighborhood General, and NC, Neighborhood Center Districts for the development of 482 residential units. The applicant is requesting variances to increase the percentage of the NE, Neighborhood Edge District within the TND project area, to eliminate the requirement for a playground ("tot lot") in the northwest extension of the site, and to increase the permitted percentage of frontage and maximum setback for garages. The increased NE district percentage is supported because the alley-based dwelling development required in other TND districts does not meet the marketing objectives of the applicant, and have proven to be less desirable to potential home buyers in this area who prefer a more traditional suburban lot. The elimination of the playground is supported because there is a playground within walking distance in the adjacent Albany West subdivision located to the west that will also serve this extension of that subdivision. There is a civic space provided in this northwest extension area, but it will instead be utilized for tree preservation and passive recreation. The request relating to garages is consistent with variances approved by City Council and the Columbus Board of Zoning Adjustment for developed TND sites in this area. This request is to continue the same type of development pattern on an extended TND site; therefore, Staff has no objections to the proposed variances. The applicant has committed to conditions that are similar to those that were included in the previously approved Council and BZA variances, and this request is supported by the Rocky Fork/Blacklick Accord Panel.

To grant a variance from the provisions of Sections 3320.13(A)(13), Administration; 3320.17(B)(8), Civic spaces and civic buildings; and 3320.19(B) (8),(19),(20), Private buildings, of the City codes; for the property located at **5372 CENTRAL COLLEGE ROAD (43081)**, to permit 59.1 percent of the TND project area to be in the NE, Neighborhood Edge District, to eliminate the playground requirement, and to increase the permitted percentage of frontage and maximum setback for garages for a TND development in the NE, Neighborhood Edge, NG, Neighborhood General, and NC, Neighborhood Center Districts established by Rezoning Application No. Z15-034 (Council Variance # CV15-039).

WHEREAS, by application No. CV15-039 the owner of property at **5372 CENTRAL COLLEGE ROAD (43081)** is requesting a Council variance to eliminate the requirement for a playground and increase the permitted percentage of frontage and maximum setback for garages for a single-unit residential development in the NE, Neighborhood Edge, and NG, Neighborhood General Districts; and

WHEREAS, Section 3320.13(A)(13), Administration, requires that no more than fifty (50) percent of any TND project area shall be allocated to the Neighborhood Edge District, while the applicant proposes 50.47 acres in the NE district in Zoning Application No. Z15-034, which is 59.1 percent of the 85.4-acre project area; and

WHEREAS, Section 3320.17(B)(8), Civic spaces and civic buildings, requires that at least one civic space in each

Neighborhood General, Neighborhood Edge, and Neighborhood Center district containing single-unit dwellings be furnished with play equipment for children according to Civic Space Improvement and Landscape Standards, while the applicant proposes no play equipment in the civic space in the NE district in the northwest extension of the TND because there is a “tot lot” within walking distance of the proposed dwellings in the adjacent TND development to the west, and this development will serve as an extension of that development; and

WHEREAS, Section 3320.19(B)(8), Private buildings, requires garage door opening(s) facing a frontage to not exceed forty (40) percent of the width of the house facade (including the garage), while the applicant proposes an increase to forty-three (43) percent; and

WHEREAS, Section 3320.19(B)(19),(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 ten (10) feet forward of the building façade on a maximum of forty (40) percent of the units built; and

WHEREAS, the City Departments recommend approval because the request will allow extension of the Neighborhood Edge development pattern from the west, and is consistent with variances approved by City Council and the Columbus Board of Zoning Adjustment for developed TND sites in this area. The applicant has committed to conditions that are similar to those that were included in previously approved variances, and this request is also 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 **5372 CENTRAL COLLEGE ROAD (43081)**, in using said property as desired; and

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

SECTION 1. That a Variance from the provisions of Sections 3320.13(A)(13), Administration; 3320.17(B)(8), Civic spaces and civic buildings; and 3320.19(B) (8),(19),(20), Private buildings, of the Columbus City Codes, is hereby granted for the property located at **5372 CENTRAL COLLEGE ROAD (43081)** in so far as said sections prohibit an increase from fifty (50) percent to 59.1 percent of the 85.4-acre TND project area to be in the NE, Neighborhood Edge District; with no civic space containing playground equipment in the northwest extension of the project; an increased garage width from forty (40) percent to forty-three (43) percent of the front façade; and increased garage setback to project a maximum of ten (10) feet forward of the building façade on a maximum of forty (40) percent of the units built, said property being more particularly described as follows:

5372 CENTRAL COLLEGE ROAD (43081), being 85.4± acres located on the north side of Central College Road, 3,040± feet west of Harlem Road, and being more particularly described as follows:

TRACT 1: NEIGHBORHOOD EDGE - 34.41 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 2, Range 16, United States Military Lands and being 30.71 acres out of that land conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828 (all references refer to the records of the Recorder’s Office, Franklin County,

Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Central College Road;

thence with the centerline of said Central College Road the following courses and distances:

South 85° 37' 16" East, a distance of 366.06 feet to a point;

South 84° 56' 41" East, a distance of 274.89 feet to a point the southeast corner of that 0.582 acre tract conveyed to Lloyd R. and Beatrice Carlyle be deed of record in Deed Book 3004, Page 94, the southwest corner of that 0.862 acre tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828, the TRUE POINT OF BEGINNING;

thence North 05° 04' 10" East, with the westerly line of said 0.862 acre tract, a distance of 248.74 feet to a point on the southerly line of "Jo-El Acres" as recorded in Plat Book 46, Page 6;

thence North 85° 16' 57" West, with said southerly line, a distance of 431.88 feet to a point;

thence across said "Jo-El Acres", the following courses and distances:

North 34° 29' 08" East, a distance of 163.20 feet to a point on the arc of a curve;

with the arc of a curve to the right, having a central angle of 60° 09' 52", a radius of 151.00 feet, an arc length of 158.56 feet, a chord bearing of North 25° 25' 56" West and chord distance of 151.38 feet to a point of tangency;

North 04° 39' 00" East, a distance of 181.78 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 19° 32' 20", a radius of 376.00 feet, an arc length of 128.22 feet, a chord bearing of North 14° 25' 10" East and chord distance of 127.60 feet to a point;

South 65° 48' 40" East, a distance of 185.86 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 90° 00' 00", a radius of 46.00 feet, an arc length of 72.26 feet, a chord bearing of North 69° 11' 20" East and chord distance of 65.05 feet to a point of tangency;

North 24° 11' 20" East, a distance of 216.60 feet to a point of curvature;

with the arc of a curve to the left, having a central angle of 90° 00' 00", a radius of 46.00 feet, an arc length of 72.26 feet, a chord bearing of North 20° 48' 40" West and chord distance of 65.05 feet to a point of tangency;

North 65° 48' 40" West, a distance of 185.86 feet to a point;

North 24° 11' 20" East, a distance of 200.31 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 21° 19' 04", a radius of 126.00 feet, an arc length of 46.88 feet, a chord bearing of North 34° 50' 52" East and chord distance of 46.61 feet to a point of tangency;

with the arc of a curve to the left, having a central angle of 40° 51' 23", a radius of 20.00 feet, an arc length of 14.26 feet, a chord bearing of North 25° 04' 42" East and chord distance of 13.96 feet to a point of tangency;

North 04° 39' 00" East, a distance of 221.49 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 83° 44' 51", a radius of 101.00 feet, an arc length of 147.63 feet, a chord bearing of North 46° 31' 26" East and chord distance of 134.83 feet to a point;

North 04° 39' 00" East, a distance of 122.06 feet to a point;

South 85° 53' 54" East, a distance of 773.04 feet to a point;

South 04° 41' 18" West, a distance of 309.54 feet to a point;

South 61° 09' 14" East, a distance of 106.75 feet to a point;

South 44° 21' 12" East, a distance of 119.01 feet to a point;

South 14° 50' 55" East, a distance of 102.63 feet to a point;

South 38° 17' 25" East, a distance of 101.67 feet to a point;

South 68° 15' 40" West, a distance of 85.05 feet to a point;

North 50° 16' 39" West, a distance of 265.23 feet to a point;

North 87° 17' 37" West, a distance of 27.53 feet to a point;

South 03° 37' 14" West, a distance of 1079.96 feet to a point;

North 85° 07' 48" West, a distance of 500.61 feet to a point;

South 03° 49' 53" West, a distance of 247.78 feet to a point;

North 85° 02' 04" West, a distance of 150.51 feet to the TRUE POINT OF BEGINNING containing 34.41 acre, more or less.

TRACT 2: NEIGHBORHOOD CENTER - 26.06 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 2, Range 16, United States Military Lands and being 26.06 acres out of that tract conveyed to Homewood Corporation by deed of record in

Instrument Number 200505060086828 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Central College Road; thence with the centerline of said Central College Road, the following courses and distances:

South 85° 37' 16" East, a distance of 366.06 feet to a point; and

South 84° 56' 41" East, a distance of 274.89 feet to a point the southeast corner of that 0.582 acre tract conveyed to Lloyd R. and Beatrice Carlyle be deed of record in Deed Book 3004, Page 94, the southwest corner of that 0.862 acre tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828;

thence North 05° 04' 10" East, with the line common to said 0.582 acre and 0.862 acre tracts, a distance of 248.74 feet to a point on the southerly line of "Jo-El Acres" as recorded in Plat Book 46, Page 6;

thence North 85° 16' 57" West, with said southerly line, a distance of 580.68 feet to a point, the TRUE POINT OF BEGINNING;

thence, continuing with the perimeter of said "Jo-El Acres", the following courses and distances:

North 85° 16' 57" West, a distance of 583.35 feet to a point;

North 03° 19' 11" East, a distance of 402.38 feet to a point;

North 84° 59' 58" West, a distance of 200.76 feet to a point; and

North 03° 38' 06" East, a distance of 749.21 feet to a point;

thence across said "Jo-El Acres" the following courses and distances:

South 86° 28' 41" East, a distance of 319.69 feet to a point;

North 74° 18' 11" East, a distance of 109.43 feet to a point;

North 55° 48' 02" East, a distance of 414.49 feet to a point; and

North 34° 11' 58" West, a distance of 120.00 feet to a northeasterly corner of said "Jo-El Acres";

thence South 85° 53' 54" East, with a northerly line of said "Jo-El Acres", a distance of 449.93 feet to a point;

thence across said "Jo-El Acres" the following courses and distances:

South 07° 07' 52" West, a distance of 103.39 feet to a point;

with the arc of a curve to the right, having a central angle of 17° 03' 29", a radius of 1060.00 feet, an arc length of 315.58 feet and a chord that bears South 15° 39' 36" West, a chord distance of 314.42 feet to a point;

South 24° 11' 20" West, a distance of 494.85 feet to a point;

with the arc of a curve to the left, having a central angle of 19° 32' 20", a radius of 1440.00 feet, an arc length of 491.07 feet and a chord that bears South 14° 25' 11" West, a chord distance of 488.69 feet to a point; and

South 04° 39' 00" West, a distance of 195.50 feet to the TRUE POINT OF BEGINNING, containing 26.06 acres, more or less.

TRACT 3: NEIGHBORHOOD EDGE - 16.33 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 2, Range 16, United States Military Lands and being 16.33 acres out of that tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Central College Road; thence with the centerline of said Central College Road, the following courses and distances:

South 85° 37' 16" East, a distance of 366.06 feet to a point; and

South 84° 56' 41" East, a distance of 274.89 feet to a point the southeast corner of that 0.582 acre tract conveyed to Lloyd R. and Beatrice Carlyle be deed of record in Deed Book 3004, Page 94, the southwest corner of that 0.862 acre tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828;

thence North 05° 04' 10" East, with the line common to said 0.582 acre and 0.862 acre tracts, a distance of 248.74 feet to a point on the southerly line of "Jo-El Acres" as recorded in Plat Book 46, Page 6;

thence with the perimeter of said "Jo-El Acres", the following courses and distances:

North 85° 16' 57" West, a distance of 1164.03 feet to a point;

North 03° 19' 11" East, a distance of 402.38 feet to a point;

North 84° 59' 58" West, a distance of 200.76 feet to a point; and

North 03° 38' 06" East, a distance of 869.21 feet to the TRUE POINT OF BEGINNING;

thence continuing with said perimeter, the following courses and distances:

North 03° 38' 06" East, a distance of 1129.26 feet to a point;

South 86° 02' 01" East, a distance of 665.79 feet to a point; and
South 02° 54' 26" West, a distance of 859.61 feet to a point;
thence across said "Jo-El Acres", the following courses and distances:
South 55° 48' 02" West, a distance of 328.18 feet to a point of curvature;
with the arc of a curve to the right having a central angle of 37° 43' 17", a radius of 305.00 feet, an arc length of 200.80 feet and a chord that bears South 74° 39' 40" West, a chord distance of 197.19 feet to a point of tangency;
North 86° 28' 41" West, a distance of 231.03 feet to the TRUE POINT OF BEGINNING, containing 16.33 acres, more or less.

TRACT 4: NEIGHBORHOOD GENERAL - 6.45 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 2, Range 16, United States Military Lands and being 10.15 acres out of that land conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Central College Road;

thence with the centerline of said Central College Road, the following courses and distances:

South 85° 37' 16" East, a distance of 366.06 feet to a point; and

South 84° 56' 41" East, a distance of 274.89 feet to a point the southeast corner of that 0.582 acre tract conveyed to Lloyd R. and Beatrice Carlyle by deed of record in Deed Book 3004, Page 94, the southwest corner of that 0.862 acre tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828;

thence North 05° 04' 10" East, with the line common to said 0.582 acre and 0.862 acre tracts, a distance of 248.74 feet to a point on the southerly line of "Jo-El Acres" as recorded in Plat Book 46, Page 6;

thence North 85° 16' 57" West, with said southerly line, a distance of 431.88 feet to a point, the TRUE POINT OF BEGINNING;

thence North 85° 16' 57" West, with said southerly line, a distance of 148.80 feet to a point;

thence across said "Jo-El Acres", the following courses and distances:

North 04° 39' 00" East, a distance of 195.50 feet to a point of curvature; with the arc of a curve to the right, having a central angle of 19° 32' 20", a radius of 1440.00 feet, an arc length of 491.06 feet, a chord bearing of North 14° 25' 10" East and chord distance of 488.69 feet to a point of tangency;

North 24° 11' 20" East, a distance of 495.18 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 17° 03' 29", a radius of 1058.92 feet, an arc length of 315.26 feet, a chord bearing of North 15° 39' 04" East and chord distance of 314.10 feet to a point of tangency; and

North 07° 07' 52" East, a distance of 103.39 feet to a point in the northerly line thereof;

thence South 85° 53' 54" East, with said northerly line, a distance of 151.35 feet to a point;

thence across said "Jo-El Acres", the following courses and distances:

South 04° 39' 00" West, a distance of 122.06 feet to a point on the arc of a curve;

with the arc of a curve to the left, having a central angle of 83° 44' 51", a radius of 101.00 feet, an arc length of 147.63 feet, a chord bearing of South 46° 31' 26" West and chord distance of 134.83 feet to a point of tangency;

South 04° 39' 00" West, a distance of 221.49 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 40° 51' 23", a radius of 20.00 feet, an arc length of 14.26 feet, a chord bearing of South 25° 04' 42" West and chord distance of 13.96 feet to a point of tangency;

with the arc of a curve to the left, having a central angle of 21° 19' 04", a radius of 126.00 feet, an arc length of 46.88 feet, a chord bearing of South 34° 50' 52" West and chord distance of 46.61 feet to a point of tangency;

South 24° 11' 20" West, a distance of 200.31 feet to a point;

South 65° 48' 40" East, a distance of 185.86 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 90° 00' 00", a radius of 46.00 feet, an arc length of 72.26 feet, a chord bearing of South 20° 48' 40" East and chord distance of 65.05 feet to a point of tangency;

South 24° 11' 20" West, a distance of 216.60 feet to a point of curvature;

with the arc of a curve to the right, having a central angle of 90° 00' 00", a radius of 46.00 feet, an arc length of 72.26 feet, a chord bearing of South 69° 11' 20" West and chord distance of 65.05 feet to a point of tangency;

North 65° 48' 40" West, a distance of 185.86 feet to a point on the arc of a curve;

with the arc of a curve to the left, having a central angle of 19° 32' 20", a radius of 376.00 feet, an arc length of 128.22

feet, a chord bearing of South 14° 25' 10" West and chord distance of 127.60 feet to a point of tangency; South 04° 39' 00" West, a distance of 181.78 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 60° 09' 52", a radius of 151.00 feet, an arc length of 158.56 feet, a chord bearing of South 25° 25' 56" East and chord distance of 151.38 feet to a point; South 34° 29' 08" West, a distance of 163.20 feet to the TRUE POINT OF BEGINNING containing 6.45 acres, more or less.

TRACT 5: NEIGHBORHOOD GENERAL - 2.23ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township 2, Range 16, United States Military Lands and being 2.23 acres out of that tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Central College Road; thence with the centerline of said Central College Road, the following courses and distances: South 85° 37' 16" East, a distance of 366.06 feet to a point; and South 84° 56' 41" East, a distance of 274.89 feet to a point the southeast corner of that 0.582 acre tract conveyed to Lloyd R. and Beatrice Carlyle by deed of record in Deed Book 3004, Page 94, the southwest corner of that 0.862 acre tract conveyed to Homewood Corporation by deed of record in Instrument Number 200505060086828; thence North 05° 04' 10" East, with the line common to said 0.582 acre and 0.862 acre tracts, a distance of 248.74 feet to a point on the southerly line of "Jo-El Acres" as recorded in Plat Book 46, Page 6; thence with the perimeter of said "Jo-El Acres", the following courses and distances: North 85° 16' 57" West, a distance of 1164.03 feet to a point; North 03° 19' 11" East, a distance of 402.38 feet to a point; North 84° 59' 58" West, a distance of 200.76 feet to a point; and North 03° 38' 06" East, a distance of 749.21 feet to the TRUE POINT OF BEGINNING; thence North 03° 38' 06" East, continuing with said perimeter, a distance of 120.00 feet to a point; thence across said "Jo-El Acres", the following courses and distances: South 86° 28' 41" East, a distance of 231.03 feet to a point of curvature; with the arc of a curve to the left, having a central angle of 37° 43' 17", a radius of 305.00 feet, an arc length of 200.80 feet, a chord bearing of North 74° 39' 40" East and chord distance of 197.19 feet to a point of tangency; North 55° 48' 02" East, a distance of 328.18 feet to a point; South 34° 11' 58" East, a distance of 120.00 feet to a point; South 55° 48' 02" West, a distance of 414.49 feet to a point; South 74° 18' 11" West, a distance of 109.43 feet to a point; and North 86° 28' 41" West, a distance of 319.69 feet to the TRUE POINT OF BEGINNING, containing 2.23 acres, 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 Traditional Neighborhood Development in accordance with the plans submitted with Rezoning Application No. Z15-034 (Ord. No. 0376-2016), establishing the NE, Neighborhood Edge, NG, Neighborhood General, and NC, Neighborhood Center Districts.

SECTION 3. That this ordinance is further conditioned upon the following:

1. Garages may make up a maximum of forty-three (43) percent of the front façade on lots with a minimum width of fifty (50) feet.
2. Homes with garage-forward designs may allow the garage to project a maximum of ten (10) feet forward of the building façade.
3. No more than forty (40) percent of the homes constructed shall have a garage-forward design, and no homes with garage-forward designs shall be located either on a corner lot or next to another home with a garage-forward design. Building plans that show the front edge of the porch at the same plane or forward of the garage, having met the spirit of the TND code, shall be exempt from these restrictions (e.g. 40% of homes, adjacencies, and corner lots);
4. Each home with a garage-forward design shall have a minimum one-hundred (100) square foot front porch. For garage-forward designs that project less than six (6) feet forward of the front façade AND in which the front edge of the porch is

at the same plane or forward of the garage, shall have a minimum seventy (70) square foot porch.

5. In addition to the above variances and conditions, all Neighborhood Edge Lots a minimum of 50 feet in width or greater shall require the garage to be setback no more than two feet from the front façade of the building.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.