



## Legislation Text

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**File #:** 0169-2008, **Version:** 1

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**Council Variance Application: CV07-060**

**APPLICANT:** Columbus Housing Partnership; c/o George F. Tabit; 562 East Main Street; Columbus, OH 43215.

**PROPOSED USE:** Single-family residential development.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council Variance will allow single-family residential development on 10.28± acres that will connect to an existing subdivision to the north. Single-family dwellings are not permitted in the I, Institutional District. The L-I District was established in 2004 (Z03-003), and the 106± acre site that is intended for housing for the elderly has remained undeveloped. The subdivision will be developed in accordance with R-2, Residential District development standards, and the applicant has committed to filing a follow-up rezoning application to the R-2, Residential District prior to submitting for subdivision plat approval. Staff finds the proposed single-family residential development compatible and consistent with the established zoning and development pattern of the area.

To grant a Variance from the provisions of Section 3349.03, Permitted uses; 3349.04 (b)(c), Height, area and yard regulations; 3370.06, Standards; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at **3480 REFUGEE ROAD (43232)**, to permit single-family residential development in the L-I, Limited Institutional District (Council Variance # CV07-060).

**WHEREAS**, by application #CV07-060, the owner of property at **3480 REFUGEE ROAD (43232)**, is requesting a Variance to permit a fifty-four unit single-family subdivision in compliance with Chapter 3332, Residential Districts, in the L-I, Limited Institutional District; and

**WHEREAS**, Section 3349.03, Permitted uses, prohibits single-family dwellings, while the applicant proposes single-family residential development; and

**WHEREAS**, Section 3349.04 (b), Height, area and yard regulations, requires that a lot or parcel shall have an area of not less than one (1) acre with a minimum frontage of not less than one hundred (100) feet, while the applicant proposes single-family residential development on lots of no less than five thousand (5,000) square feet with a minimum frontage of fifty (50) feet; and

**WHEREAS**, Section 3349.04 (c), Height, area and yard regulations, requires a front setback of fifty (50) feet from the street right-of-way, a minimum side yard of twenty feet (20) on each side of a building, and a rear yard area of fifty (50) feet, while the applicant proposes setback and yard regulations that are in compliance with Chapter 3332, Residential Districts, as they apply to the R-2, Residential District; and

**WHEREAS**, Section 3370.06, Standards, requires any use to meet or exceed each minimum development standard of the underlying zoning classification unless more limited standards are specifically identified in the limited overlay development plan in which event such more limited standards shall apply, while the applicant requests deviation from all of the standards of the underlying I, Institutional District and all of the limitations contained in the limitation text of Z03-003, and instead proposes compliance with Chapter 3332, Residential Districts, as they apply to the R-2, Residential District; and

**WHEREAS**, Section 3370.07, Conditions and limitations, requires any use to conform to each condition or limitation specifically identified and imposed in the development plan, while the applicant does not wish to comply with any of the zoning text requirements in Z03-003, and instead proposes compliance with Chapter 3332, Residential Districts, as they apply to the R-2, Residential District; and

**WHEREAS**, this variance will permit single-family residential development in accordance with R-2, Residential District development standards in the L-I, Limited Institutional District; and

**WHEREAS**, City Departments recommend approval because the proposed single-family residential development allows connection to the existing stub streets, and is compatible and consistent with the established zoning and development pattern of the area; and

**WHEREAS**, The applicant requests the variance to expedite the allowance for single-family residential development due to timing constraints, and has committed to filing a follow-up rezoning application for the R-2, Residential District prior to filing a subdivision plat with the City of Columbus; 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 **3480 REFUGEE ROAD (43232)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Section 3349.03, Permitted uses; 3349.04 (b)(c), Height, area and yard regulations; 3370.06, Standards; and 3370.07, Conditions and limitations; of the Columbus City Codes is hereby granted for the property located at **3480 REFUGEE ROAD (43232)**, insofar as said sections prohibit a single-family residential development in accordance with R-2, Residential District development standards, with no compliance to the limitation text requirements in Z03-003; said property being more particularly described as follows:

**3480 REFUGEE ROAD (43232)**, being 10.28± acres located on the north side of Refugee Road, 1850± feet north of Refugee Road, and 600± feet east of James Road, and being more particularly described as follows:

Situated in the State of Ohio, county of Franklin, city of Columbus, located in Sections 29 and 30, Township 12, Range 21, Refugee Lands, being out of that 123.920 acre tract as conveyed to First Church of God, Inc., by deed of record in Instrument Number 199802230039216 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference, at the centerline intersection of Easthaven Drive South of record in Plat Book 36, Page 62, with Wadsworth Drive of record in Plat Book 36, Page 62;

Thence South 03° 49' 30" West, with the centerline of said Wadsworth Drive, a distance of 150.09 feet to the TRUE POINT OF BEGINNING;

Thence South 86° 15' 23" East, with the southerly line of "Glenbrook Section 2: of record in Plat Book 36, Page 62 and Glenbrook Green Condominium of record in Condominium Plat Book 2, Page 536, a distance of 422.01 feet to a point;

Thence across said 123.920 acre tract, the following courses and distances:

South 04° 11' 16" West, a distance of 250.02 feet to a point;

North 86° 15' 23" West, a distance of 421.14 feet to a point;

North 85° 45' 58" West, a distance of 1149.06 feet to a point;

North 85° 24' 59" West, a distance of 342.70 feet to a point; and

North 48° 38' 11" East, a distance of 347.85 feet to a point in the southerly line of Lot 224 of record in said "Glenbrook Section 2";

Thence South 85° 24' 59" East, with the southerly line of said "Glenbrook Section 2", a distance of 100.00 feet to a point;

Thence South 85° 45' 58" East, continuing with said southerly line, a distance of 1147.30 feet to the TRUE POINT OF BEGINNING and containing 10.280 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 developed with single-family residential development in compliance with Chapter 3332, Residential Districts, as they apply to the R-2, Residential District, or those uses permitted in the L-I, Limited Institutional District established by application No. Z03-003.

**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 is further conditioned on the applicant filing a rezoning application with Building Services Division to rezone the L-I, Limited Institutional District to an R-2, Residential District prior to filing a subdivision plat with the City of Columbus.

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