



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1755-2008, Version: 3

Council Variance Application: CV08-032

APPLICANT: The NPR Group, LLC c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Multi-family Dwellings.

NORTH CENTRAL AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests this Council variance concurrently with rezoning application Z08-031 to allow maximum of seventy-four (74) multi-family dwelling units and parking in the L-AR-12, Limited Apartment Residential District with a reduced perimeter yard and allowing commercial traffic from an existing adjacent commercial site to continue to travel through ~~an existing easement~~ **a commercial driveway** across residentially zoned property. The perimeter yard reduction is necessitated by a request from the City of Columbus Division of Transportation to align this site's Hudson Street access with Delbert Road and also due to a four foot drop in grade at the southeast corner of the site.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use, 3333.255, Perimeter yard; of the Columbus City Codes for the property located at 1891 EAST HUDSON STREET (43211), permit a maximum of seventy-four dwelling units with reduced development standards in the L-AR-12, Limited Apartment Residential District **and to declare an emergency.** (CV08-032)

WHEREAS, by application #CV08-032 the owner of property at 1891 EAST HUDSON STREET (43211), is requesting a Council Variance to permit a maximum of seventy-four dwelling units with reduced development standards in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1 apartment residential district use, does not permit commercial traffic to travel through the parcel, while the applicant proposes to maintain ~~an existing easement~~ **a commercial driveway** to continue to allow the commercial traffic from the property to the north of the site to travel through the proposed L-AR-12, Limited Apartment Residential District; and

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety;** and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of twenty-five (25) feet, while the applicant proposes a perimeter yard of zero (0) feet along the north side of the Parkwood Avenue access and eight (8) feet along the western property line; and

WHEREAS, the North Central Area Commission recommends approval; and

WHEREAS, the City Departments note that a hardship exists in that the applicants are maintaining ~~an existing easement~~ **a commercial driveway** and that perimeter yard reduction is necessitated by a request from the City of Columbus Division of

Transportation to align this site's Hudson Street access with Delbert Road and also due to a four foot drop in grade at the southeast corner of the site;

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood;

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the property owner located at 1891 EAST HUDSON STREET (43211), 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 Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use, 3333.255, Perimeter yard of the Columbus City Codes are hereby granted for the property located at 1891 EAST HUDSON STREET (43211), to permit maximum of seventy-four (74) multi-family dwelling units in the L-AR-12, Limited Apartment Residential District with a perimeter yard of zero (0) feet along the north side of the Parkwood Avenue access and eight (8) feet along the western property line and with commercial traffic allowed across residentially zoned property, said property being more particularly described as follows:

Legal Description of North Central Village 7339 Igl.doc August 13, 2008 Page 1 of 2

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Lot Number 24 of George Stevenson's Heir's Subdivision of Quarter Township No. 4, Township No. 1, Range No. 18, United States Military Lands out of Hudson M.P.H., LLC, 8.85 Acre tract as found in Inst No. 200710050175350 of the Franklin County Recorders Office, and all of Country Acres Mobile Home Park, Inc., 0.23 Acre tract as found in Volume 8718, Page 600 of the Franklin County Recorders Office, and being further bounded and described as follows: Beginning at the northeast corner of said Lot No. 24 also being the intersection of the centerline of East Hudson Street, 60 feet wide, (formerly Mock Road) with the centerline of Parkwood Avenue, 60 feet wide; thence along the easterly line of said Lot No. 24 also being the centerline of Parkwood Avenue, South 03°26'30" West, a distance of 276.67 feet to the TRUE POINT OF BEGINNING;

Course 1 thence continuing along the easterly line of said Lot No. 24 also being the centerline of Parkwood Avenue, South 03°26'30" West, a distance of 282.66 feet to a railroad spike found at the northeasterly corner of Lot E in the partition of the Estate of Windsor Atcheson as found in Plat Book 3, Page 368 of the Franklin County Recorders Office;

Course 2 thence along the northerly line of said Lot E, North 86°22'18" West, a distance of 777.38 feet to a 5/8" iron pin set at the southeasterly corner of a 5 acre tract of land conveyed by Sara E. Miller to Everal G. Burwell as found in Deed Book 479, Page 51 of the Franklin County Recorders Office;

Course 3 thence along the easterly line of said 5 acre tract, North 03°33'59" East, a distance of 200.17 feet to a 5/8" iron pin set at the southeasterly corner of a 3.156 acre tract of land conveyed to Hudson Street Limited Partnership as found in Official Record 15627 C02 of the Franklin County Recorders Office;

Course 4 thence along the easterly line of said 3.156 acre tract, North 03°23'59" East, a distance of 354.70 feet to northerly line of aforesaid Lot No. 24 also being the centerline of East Hudson Street;

Course 5 thence along the northerly line of aforesaid Lot No. 24 also being the centerline of East Hudson Street, South 86°42'01" East, a distance of 608.26 feet to a point being westerly 168.95 feet from the centerline of Parkwood Avenue;

Course 6 thence parallel with the centerline of Parkwood Avenue, South 03°26'30" West, a distance of 220.93 feet to a 5/8" iron pin set;

Course 7 thence North 86°58'56" West, a distance of 5.01 feet to a 5/8" iron pin set;

Course 8 thence South 04°05'49" West, a distance of 54.33 feet to a nail set in asphalt;

Course 9 thence South 86°14'33" East, a distance of 174.59 feet to the true point of beginning and containing 8.8617 acres of land to centerline and 8.2480 acres of land to right-of-way according to a survey by Matthew C. Neff, Ohio Professional Surveyor #7315, of the M Neff Design Group dated July 24, 2008, be the same more or less but subject to all legal highways.

NOTE: Bearings shown hereon are to State Plane Coordinates derived from City of Columbus data. Monuments described as 5/8" iron pins set are 5/8" diameter by 30" long rebar with cap stamped 'M NEFF 7315'.

SECTION 2. That this ordinance is conditional on and shall remain in effect only for so long as said property is used for seventy-four (74) multi-family dwellings or those uses in the L-AR-12, Limited Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**