



## Legislation Text

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**File #: 0847-2021, Version: 3**

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**Council Variance Application: CV20-094**

**APPLICANT:** Preferred Living; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the AR-3, Apartment Residential District (Ordinance #0846-2021; Z20-083) to allow a multi-unit residential development. The requested Council variance proposes a 71-unit apartment building. The request includes variances to landscaping and screening, parking setback line, parking space, lot area, building lines, and rear yard. Staff supports the variances for this proposal as it achieves the mixed residential recommendation of the *5th by Northwest Area Plan* (2009), and is also consistent with recent urban infill development projects that have been approved in this neighborhood.

To grant a Variance from the provisions of Sections 3312.21(A), Landscaping and screening; 3312.27(2), Parking setback line; 3312.29, Parking space; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1550 KENNY RD. (43212)**, to permit reduced development standards for a 71-unit apartment building in the AR-3, Apartment Residential District (Council Variance #CV20-094) **and to declare an emergency.**

**WHEREAS**, by application #CV20-094, the owner of property at **1550 KENNY RD. (43212)**, is requesting a Council variance to permit reduced development standards for a 71-unit apartment building in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 5 trees being required for 44 spaces, while the applicant proposes 1 tree within an island or peninsula and 4 additional trees on the site, as shown on the landscaping plan; and

**WHEREAS**, Section 3312.27(2), Parking setback line, requires the parking setback line to be 25 feet along public streets, while the applicant proposes a parking setback line of 10 feet; and

**WHEREAS**, Section 3312.29, Parking space, does not allow stacked parking spaces, while the applicant proposes a maximum of 6 stacked parking spaces, all to be counted toward the total number of required parking spaces, as shown on the submitted site plan; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 53 percent; and

**WHEREAS**, Section 3333.18, Building lines, requires a building setback equal to one-half of the designated right-of-way

width, or 30 feet, while the applicant proposes a reduced building setback of 25 feet along the frontage **and to allow above ground vaults and utility enclosures within the building setback line**; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of 0 percent of the total lot area; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances are consistent with recent urban infill development projects that have been approved in this neighborhood, and achieve the mixed residential recommendation of the *5<sup>th</sup> by Northwest Area Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 roads, 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 **1550 KENNY RD. (43212)**, in using said property as desired,

**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 conclude permitting and commence construction for redevelopment of the property which includes a provision for affordable housing for the immediate preservation of the public peace, property, health and safety; now therefore:

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

**SECTION 1.** That variances from the provisions of Sections 3312.21(A), Landscaping and screening; 3312.27(2), Parking setback line; 3312.29, Parking space; 3333.15(C), Basis of computing area; 3333.18, Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1550 KENNY RD. (43212)**, insofar as said sections prohibit a reduction in the number of parking lot shade trees from 5 to 1; a reduced parking setback line from 25 feet to 10 feet along Kenny Road; 6 stacked parking spaces, all to be counted toward the total number of required parking spaces; increased maximum lot coverage from 50 to 53 percent; a reduced building line along Kenny Road from 30 to 25 feet **and to allow above ground vaults and utility enclosures within the building setback line**; and a reduced rear yard from 25 to zero percent; said property being more particularly described as follows:

**1550 KENNY RD. (43212)**, being 1.04± acres located on the east side of Kenny Road, 220± feet south of King Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, In Quarter Township 3, Township 1 North, Range 18 West, United States Military Lands and being all of a 0.147 acre of land conveyed to as Tract 2 and all of a 0.896 acre tract of land (0.895 acres by recent survey) conveyed as Tract 1 to Wendt-Bristol Diagnostics Company by deed of record In Instrument 199904210099569, all references to the Recorders Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point In the centerline of Kenny Road (50 feet in width), at the northwest corner of said 0.895 acre tract and at the southwest corner of a 0.944 acre tract of land conveyed lo Randall Benderson 1993-1 Trust by deeds of record

In Instrument 199808100142866 (Land) and Instrument 199806100142870 (Improvements), said point being S 03 deg. 20' 00" W a distance of 231.47 feet from a point at the centerline intersection of Kenny Road with King Avenue (60 feet in width);

thence S 87 deg. 16' 01" E along a portion of the north line of said 0.895 acre tract and along a south line of said 0.944 acre tract a distance of 177.91 feet to a 3/4" ID Iron pipe found at the southeast corner of said 0.944 acre tract and at the southwest corner of said 0.147 acre tract (passing a 3/4" ID. Iron pipe set in the east line of Kenny Road at 25.00 feet);

thence N 03 deg. 22' 12" E along the west line of said 0.147 acre tract and along a portion of the east line of said 0.944 acre tract a distance of 43.37 feet to a 3/4" ID Iron pipe found at the northwest corner of said 0.147 acre tract and at the southwest corner of a 0.666 acre tract of land conveyed to Magna National Realty, LLC, by deed of record In Instrument 199912270315294;

thence S 86 deg. 11' 20" E along the north line of said 0.147 acre tract and along the south line of said 0.666 acre tract a distance of 152.79 feet to a 3/4" ID Iron pipe found at the northeast corner of said 0.147 acre tract at the southeast corner of said 0.666 acre tract and in the west end of Western Avenue (40 feet in width), as shown upon the plat of the David M. Elliott Subdivision of record in Plat Book 5, Page 224;

thence S 03 deg. 40' 16" W along a portion of the west end of Western Avenue, along the east line of said 0.147 acre tract, along a portion of the west line of Lot No. 18, as shown upon said plat of David M. Elliott Subdivision and along the west line of said 0.895 acre tract a distance of 160.24 feet to a 3/4" ID Iron pipe set at the southeast corner of said 0.895 acre tract and at the northeast corner of a 1.901 acre tract of land conveyed as Tract III by deed of record In Official Record 30856, Page G 17;

thence N 86 deg. 41' 53" W along the south line of said 0.895 acre tract and along the north line of said 1,901 acre tract a distance of 329.76 feet to a point in the centerline of Kenny Road, at the southwest corner of said 0.895 acre tract and at the northwest corner of said 1.901 acre tract (passing a point in the east line of Kenny Road at 304.76 feet, said point being referenced by a 3/4" ID Iron pipe found at S 03 deg. 20' 00" W a distance of 1.00 feet);

thence N 03 deg. 20' 0" E along the centerline of Kenny Road and along the west line of said 0.895 acre tract a distance of 118.48 feet to the place of beginning; containing 1.042 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 those uses permitted in the AR-3, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibits titled, "SITE PLAN, 1550 KENNY ROAD," "LANDSCAPE ENLARGEMENT, 1550 KENNY ROAD," and "ELEVATIONS," all dated February 22, 2021, and signed by Eric Zartman, Attorney for the Applicant. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on 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.~~ **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.**

