



Legislation Text

File #: 0321-2019, **Version:** 1

Council Variance Application: CV18-102

APPLICANT: Chantry Drive Ltd. No. 2; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FAR EAST 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 (Ordinance No. 0320-2019; Z18-031) to the L-ARLD, Limited Apartment Residential District for a multi-unit residential development containing a maximum of 66 dwelling units. A variance to reduce the perimeter yard is included in this request. The reduced perimeter yard is consistent with the perimeter yard of the adjacent multi-unit residential development. The request is supportable because this development is a natural extension of adjacent residential development to the north and west.

To grant a Variance from the provisions of Section 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5704 CHANTRY DRIVE (43232)**, to permit a multi-unit residential development with reduced perimeter yard in the L-ARLD, Limited Apartment Residential District (Council Variance #CV18-102).

WHEREAS, by application #CV18-102, the owner of property at **5704 CHANTRY DRIVE (43232)**, is requesting a Council variance to permit a multi-unit residential development with reduced perimeter yard in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yard of 7.5 feet along the northern, eastern, and western property lines; and

WHEREAS, the Far East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the variance is compatible with the adjacent multi-unit residential development to the north and west; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates 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 **5704 CHANTRY DRIVE (43232)**, 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 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5704 CHANTRY DRIVE (43232)**, insofar as said section prohibits a reduced perimeter yard from 25 feet to 7.5 along the northern, eastern, and western property lines; said property being more particularly described as follows:

5704 CHANTRY DRIVE (43232), being 4.29± acres located on the north side of Chantry Drive, 1,500 feet west of Brice Road, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, LYING IN HALF SECTION 45, SECTION 26, TOWNSHIP 12, RANGE 21, REFUGEE LANDS, AND BEING 4.291 ACRES OF THAT 24.506 ACRE TRACT AS CONVEYED TO ROSS DEVELOPMENT CORPORATION BY DEED OF RECORD IN INSTRUMENT NUMBER 200101080004733, (ALL RECORDS HEREIN ARE FROM THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN, FOR REFERENCE AT THE INTERSECTION OF THE CENTERLINE OF CHANTRY DRIVE (80 FEET IN WIDTH) AS SHOWN ON THE PLAT ENTITLED "DEDICATION OF SCARBOUGH BOULEVARD, CHANTRY DRIVE, PARK CRESENT, ALSHIRE ROAD AND EASEMENTS" A PLAT OF RECORD IN PLAT BOOK 46, PAGES 52-55 AND THE LINE COMMON TO HALF SECTION 45 AND HALF SECTION 46;

THENCE NORTH 04° 21' 40" EAST, A DISTANCE OF 40.00 FEET, ALONG SAID LINE COMMON TO HALF SECTION 45 AND HALF SECTION 46 TO AN IRON PIN SET ON THE NORTHERLY RIGHT-OF-WAY LINE OF CHANTRY DRIVE;

THENCE SOUTH 85° 38' 31" EAST, A DISTANCE OF 416.00 FEET, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CHANTRY DRIVE; TO AN IRON PIN SET, AND BEING TRUE POINT OF BEGINNING;

THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ACROSS SAID 24.506 ACRE TRACT;

1. NORTH 04° 25' 48" EAST, A DISTANCE OF 250.50 FEET, TO AN IRON PIN SET;
2. SOUTH 85° 35' 12" EAST, A DISTANCE OF 753.74 FEET, TO AN IRON PIN SET ON THE LINE COMMON TO SAID 24.506 ACRE TRACT AND THAT 35.489 ACRE TRACT (PARCEL 1) AS CONVEYED TO MEIJER PROPERTIES, INC. BY DEED OF RECORD IN OFFICIAL RECORD 8021 D08;

THENCE SOUTH 04° 21' 29" WEST, A DISTANCE OF 214.77 FEET, TO AN IRON PIN SET ON THE NORTHERLY RIGHT-OF-WAY LINE OF CHANTRY DRIVE;

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CHANTRY DRIVE;

1. NORTH 85° 38' 31" WEST, A DISTANCE OF 40.00 FEET, TO AN IRON PIN SET ON A CURVE;
2. ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 90° 00' 00", A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 54.98 FEET, A CHORD BEARING SOUTH 49° 21' 33" WEST AND A CHORD DISTANCE OF 49.50 FEET, TO AN IRON PIN SET AT A POINT OF TANGENCY;
3. NORTH 85° 38' 31" WEST, A DISTANCE OF 679.06 FEET TO THE TRUE POINT OF BEGINNING,

CONTAINING 4.291 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS IN THE ABOVE DESCRIPTION ARE FROM A SERIES OF GPS OBSERVATIONS BETWEEN FRANKLIN COUNTY GEODETIC SURVEY MONUMENTS FRANK 132 FRANK 32 WHICH HAS A BEARING OF NORTH 57° 12' 05" WEST.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-ARLD, Limited Apartment Residential District, specified by Ordinance No. 0320-2019; Z18-031.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates 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.