



## Legislation Text

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**File #:** 1456-2010, **Version:** 1

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### **Council Variance Application # CV10-029**

**APPLICANT:** Preferred Real Estate Investments II, LLC; c/o Jill S. Tangeman, Atty.; 52 East Gay Street; Columbus, OH 43215.

**PROPOSED USE:** Reduced perimeter yard for an apartment complex.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Development Commission for a concurrent rezoning (Ord. No. 1455-2010; Z10-016) to the L-AR-1, Limited Apartment Residential District for the development of a 186-unit apartment complex. The applicant is requesting a variance to reduce the required perimeter yard of the subject property from twenty-five (25) feet to five (5) feet along the west property line. The proposed perimeter yard variance is supported because the site was designed to provide interior open space for the residents, while increasing the required setback along Thompson Road. In addition, the requested variance will not negatively impact the institutional use located to the immediate west which is required to have a minimum twenty-five (25) foot side yard. Staff believes that the combined thirty (30) foot wide side yard that will be accomplished between the two developments is sufficient.

To grant a variance from the provisions of Section 3333.255, Perimeter yard, of the City codes, for the property located at **5101 THOMPSON ROAD (43230)**, to permit a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District (Council Variance # CV10-029).

**WHEREAS**, by application No. CV10-029, the owner of property at **5101 THOMPSON ROAD (43230)** is requesting a Council Variance to permit a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for an apartment complex, while the applicant proposes a five (5) foot perimeter yard along the west property line; and

**WHEREAS**, the City Departments recommend approval because the requested variance will not negatively impact the institutional use located to the immediate west which is required to have a minimum twenty-five (25) foot side yard. Staff believes that the combined thirty (30) foot wide side yard that will be accomplished between the two developments is sufficient; 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 **5101 THOMPSON ROAD**, 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, is hereby granted for the property located at **5101 THOMPSON ROAD (43230)**, in so far as said section prohibits a reduced perimeter yard from twenty-five (25) feet to five (5) feet along the west property line in the L-AR-1, Limited Apartment Residential District, said property being more particularly

described as follows:

**5101 THOMPSON ROAD (43230)**, being 7.2± acres located on the south side of Thompson Road, 980± feet east of Chestnut Hill Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Situated in the State of Ohio, County of Franklin, Township of Plain, Quarter Township 3, Township 2, Range 16, United States Military District, and being all the residuum of that tract conveyed to Daniel J. Galiardi of record in Official Record 18002B02 and Instrument Number 200312150394705 (A.P.N. 220-000634) and all the residuum of those tracts conveyed to Judith A. Davis of record in Deed Book 3251, Page 357, Deed Book 3555, Page 361 and Official Record 30152J08 (A.P.N. 220-000597), and described as follows:

Beginning at the current northeast corner of said Galiardi tract, the same being the southeast corner of that tract conveyed to City of Columbus of record in Instrument Number 200502040022202 and in the south right-of-way line for Thompson Road, being in an existing City of Columbus Corporation Line (Case No. 42-99, Ord. No. 0018-00, I.N. 200003170052263);

Thence Southerly, with the east line of said Galiardi tract, being said corporation line, about 438 feet to the southeast corner of said Galiardi tract;

Thence Westerly, with the south line of said Galiardi tract, being said corporation line and existing City of Columbus Corporation Lines (Ord No. 639-89, O.R. 13292D07 and Case No. 55-90, Ord. No. 935-91, O.R. 16932H09), about 272 feet to the southwest corner of said Galiardi tract, in the east line of said Davis tract;

Thence Southerly, with the east line of said Davis tract, being said corporation line, about 263 feet to the current southeast corner of said Davis tract;

Thence Southwesterly, with a current south line of said Davis tract, about 92 feet to a current corner of said Davis tract, in an existing City of Columbus Corporation Line (Case No. 4-78, Ord. No. 1441-78, M.R. 170, Pg. 555);

Thence Northerly, with a west line of said Davis tract, being said corporation line, about 54 feet to a corner of said Davis tract;

Thence Westerly, with a south line of said Davis tract, being said corporation line, about 200 feet to the southwest corner of said Davis tract;

Thence Northerly, with the west line of said Davis tract, being an existing City of Columbus Corporation Line (Case No. 89-88, Ord. No. 642-89, O.R. 13292F10), about 691 feet to the current northwest corner of said Davis tract, the same being the southwest corner of that tract conveyed to City of Columbus of record in Instrument Number 200309270310626 and in said south right-of-way line for Thompson Road;

Thence Easterly, with said south right-of-way line, being a south line of Pending Annexation Case No. 08-09, about 549 feet to the Point of Beginning, and containing approximately 7.2 acres of land, more or less. The above description was written by John C. Dodgion, P.S. 8069 on June 04, 2009. A drawing of the above description has been prepared and is a part hereof.

The total length of the annexation perimeter is about 2559 feet, of which about 1918 feet are contiguous with existing City of Columbus Corporation Lines, being about 75% contiguous. This annexation does not create any islands of township property.

This description was written for annexation purposes only and was not intended to be used in the transfer of lands.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with an apartment complex, or those uses permitted in the L-AR-1, Limited Apartment Residential District.

**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 shall take effect and be in force from and after the earliest period allowed by law.