



## Legislation Text

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File #: 0741-2023, Version: 2

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### Council Variance Application: CV22-138

**APPLICANT:** Homeport; c/o Laura MacGregor Comek, Atty.; 17 South High Street, Suite 700; Columbus, OH 43215.

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

**FAR SOUTH COLUMBUS 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 #0740-2023; Z22-001) to the AR-12, Apartment Residential District. The applicant proposes a multi-unit residential development up to 40 apartment units. A variance to reduce the building setback along Alum Creek Drive is included in this request. The reduced building setback will permit a multi-residential development with a consistent setback along Alum Creek Drive as exists with the development both north and south of the subject site.

To grant a Variance from the provisions of Section 3333.18, Building lines, of the Columbus City Codes; for the property located at **2870 ALUM CREEK DR. (43207)**, to permit a reduced building line in the AR-12, Apartment Residential District for a multi-unit residential development (Council Variance #CV22-138).

**WHEREAS**, by application #CV22-138, the owner of property at **2870 ALUM CREEK DR. (43207)**, is requesting a Council variance to permit a reduced building line in the AR-12, Apartment Residential District for a multi-unit residential development; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of ~~60~~ **80** feet along Alum Creek Drive, while the applicant proposes a reduced building line of 25 feet **or 5 feet** along Alum Creek Drive, **depending on the outcome of the submitted right-of-way dedication exception as shown on the submitted site plans**; and

**WHEREAS**, the Far South Columbus Area Commission recommends approval, and

**WHEREAS**, the City Departments recommend approval because the reduced setback will permit a multi-unit residential development that is consistent with the development pattern of adjacent existing residential uses; and

**WHEREAS**, this 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 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 **2870 ALUM CREEK DR. (43207)**, 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 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **2870 ALUM CREEK DR. (43207)**, insofar as said section prohibits a reduced building line **along Alum Creek Drive** from ~~60~~ **80** feet to **25 feet if no right-of-way needs to be dedicated, or to 5 feet if 20 feet of right of way needs to be dedicated** ~~along Alum Creek Drive;~~; said property being more particularly described as follows:

**2870 ALUM CREEK DR. (43207)**, being 4.17± acres located on the east side of Alum Creek Drive, 740± feet north of Watkins Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 6, Township 11, Range 21, United States Military Lands and being all out of that 69J 87 acre tract as conveyed to Therll W. Clagg of record in Instrument Number 199903100060536 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8840 at the centerline intersection of said Watkins Road with Alum Creek Drive, said monument being North 85° 47' 45" West a distance of 1488.54 feet from Franklin County Geodetic Survey Monument Number 8841 in the centerline of said Watkins Road;

thence North 03° 50' 47" East, with the centerline of said Alum Creek Drive a distance of 734.57 feet to an angle point in said centerline;

thence North 03° 58' 24" East, continuing with said centerline, a distance of 567.25 feet to a point;  
thence South 86° 01' 36" East, leaving said centerline, a distance of 38.22 feet to an iron pin set in the easterly right-of-way line of said Alum Creek Drive as dedicated in Road Record 18-205, being the True Point of Beginning;

thence with a new division line across said Clagg tract, the following courses:

South 84° 23' 21" East, a distance of 462.71 feet to an iron pin set;  
South 04° 51' 16" West, a distance of 406.55 feet to an iron pin set;  
North 85° 46' 42" West, a distance of 302.00 feet to an iron pin set;  
South 04° 12' 20" West, a distance of 37.83 feet to an iron pin set; and  
North 85° 45' 32" West, a distance of 163.41 feet to an iron pin set in said easterly right-of-way line;

thence with said easterly right-of-way line the following courses:

North 03° 23' 45" East, a distance of 90.41 feet to an iron pin set;  
South 86° 09' 19" East, a distance of 10.07 feet to an iron pin set; and  
North 03° 59' 39" East, a distance of 365.06 feet to the True Point of Beginning and containing 4.502 acres of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of monuments 8840 and 8841, established by the Franklin County Engineering Department, using GPS procedures and equipment.

LESS AND EXCEPT THE FOLLOWING DESCRIBED 0.335 ACRES:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 6, Township-11- North, Range -21 -West Mathew's Survey of Congress Lands of 1795- 1802, and being a part of that 4.502 acre tract as conveyed to the Columbus/Franklin County Affordable Housing Trust Corporation by deed of record in Instrument Number 200307300237067, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the right side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 122-4.14, as recorded in Plat Book \_ Page\_;

Beginning for reference at Franklin County Monument #8840, at the intersection of the existing right-of-way centerline of Watkins Road (East), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 142+58.23;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 846.51 feet along the existing right-of-way centerline of said Alum Creek Drive, and along the westerly line of said Section 6, Township 11, Range 21, to a point in said centerline, being 0.00 feet right of Alum Creek Drive station 151+04.74;

Thence South 86 degrees 10 minutes 32 seconds East, a distance of 30.00 feet perpendicular to the existing right-of-way centerline of said Alum Creek Drive, to the intersection with the existing easterly right-of-way line of said Alum Creek Drive at a southwest corner of said 4.502 acre tract, being 30.00 feet right of Alum Creek Drive Station 151+04.74, and being the Point of True Beginning;

Thence North 03 degrees 49 minutes 28 seconds East, a distance of 90.41 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 30.00 feet right of Alum Creek Drive station 151+95.15;

Thence, South 86 degrees 10 minutes 32 seconds East, a distance of 10.00 feet along a westerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive to an angle point in the existing easterly right-of-way line of said Alum Creek Drive, being 40.00 feet right of Alum Creek Drive station 151+95.15;

Thence north 03 degrees 49 minutes 28 seconds East a distance of 365.74 feet along the westerly line of said 4.502 acre tract and along the existing easterly right-of-way line of said Alum Creek Drive, to a rebar found at an angle point in the existing easterly right-of-way line of said Alum Creek Drive at the northwest corner of said 4.502 acre tract, being 40.00 feet right of Alum Creek Drive station 155+60.90;

Thence South 84 degrees 22 minutes 52 seconds East a distance of 30.01 feet along the northerly line of said 4.502 acre tract, along a southerly line of that 0.184 acre tract as conveyed to the City of Columbus by deed of record in Instrument Number 200607210142822, and along the southerly line of that 3.312 acre tract as conveyed to Fieldstone Court Homes, LLC by deed of record in Instrument Number 200509270201964 to an iron pin set at the intersection with the proposed easterly right-of way line of said Alum Creek Drive, being 70.00 feet right of Alum Creek Drive station 155+59.96;

Thence South 03 degrees 49 minutes 28 seconds West, a distance of 455.51 feet across said 4.502 acre tract, and along the proposed easterly right-of-way line of said Alum Creek Drive, to an iron pin set in the southerly line of said 4.502 acre tract at the northwest corner of Lot 3 of Alum Creek Village, Section 1, Part 1, as recorded in Plat Book 103, Page 28, being 70.00 feet right of Alum Creek Drive station 151+04.45;

Thence North 85 degrees 45 minutes 03 seconds West, a distance of 40.00 feet along the southerly line of said 4.502 acre tract, and along the existing easterly right-of-way line of said Alum Creek Drive, to the Point of True Beginning, containing 0.335 acres, more or less, of which 0.000 acres, more or less, lies within the present road occupied;

Of the above described area, 0.335 acres is contained within the Franklin County Auditors Parcel 010-267629.

**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 AR-12, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plans titled, "**SITE PLAN SHEET 1,**" and "**SITE PLAN SHEET 2,**" signed by Laura MacGregor Comek, Attorney for the Applicant, and dated ~~December 5, 2022~~ **March 27, 2023**. 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 adjustment to the plans shall be reviewed and may be approved 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 use.

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