



## Legislation Text

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**File #:** 1038-2013, **Version:** 2

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### **Council Variance Application # CV13-018**

**APPLICANT:** Dominion Homes, Inc.; c/o Robert A. Meyer, Jr., Atty.; Porter, Wright, Morris & Arthur LLP; 41 South High Street; Columbus, Ohio 43215.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ord. No. 1037-2013; Z13-026) from the NG, Neighborhood General District to the NE, Neighborhood Edge District for the development of twenty-four (24) single-unit dwellings. The applicant is requesting variances to eliminate the garage setback requirements and to vary the tree planting pattern requirements in the NE District. The request is substantially consistent with variances approved by City Council (CV09-032) and the Columbus Board of Zoning Adjustment for developed areas within this Traditional Neighborhood Development (TND). Although Staff recommended disapproval on the original 2004 BZA variance, this request is to continue the same development pattern on a newly zoned section of the original TND site; therefore Staff has no objections to the proposed variances. The applicant has committed to similar conditions that were included in the previously approved Council and BZA variances, and this request is supported by the Rocky Fork/Blacklick Accord Panel.

To grant a variance from the provisions of Sections 3320.15, Thoroughfare standards; and 3320.19 (B) 19 and 20, Private buildings, of the City codes, for the property located at **5103 CENTRAL COLLEGE ROAD (43081)**, to eliminate the garage setback requirements and vary the tree planting pattern requirements for a single-unit residential development in the NE, Neighborhood Edge District **and to declare an emergency** (Council Variance # CV13-018).

**WHEREAS**, by application No. CV13-018, the owner of property at **5103 CENTRAL COLLEGE ROAD (43081)** is requesting a Council Variance to eliminate the garage setback requirements and vary the tree planting pattern requirements in the NE, Neighborhood Edge District; and

**WHEREAS**, Section 3320.15, Thoroughfare standards, requires trees to be planted on both sides of residential streets at thirty (30) feet on center, while the applicant proposes a random tree-planting pattern with a maximum spacing between trees of sixty (60) feet and a minimum equivalent of one street tree per forty (40) lineal feet of street frontage for both sides of the street; and

**WHEREAS**, Section 3320.19 (B) 19 and 20, Private buildings, requires attached garages to be recessed two (2) feet from the front façade of the main building for double-width driveways, and twenty (20) feet for single-width driveways, while the applicant proposes garages to project a maximum of eight (8) feet forward of the building façade on a maximum of forty percent (40%) of the units built within the site; and

**WHEREAS**, the City Departments recommend approval because the request is substantially consistent with variances approved by City Council and the Columbus Board of Zoning Adjustment for developed areas within this Traditional Neighborhood Development (TND). Although Staff recommended disapproval on the original 2004 BZA variance, this request is to continue the same development pattern on a newly zoned section of the original TND site; therefore Staff has

no objections to the proposed variances. The applicant has committed to similar conditions that were included in the previously approved variances, and this request is supported by the Rocky Fork/Blacklick Accord Panel; 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 **5103 CENTRAL COLLEGE ROAD (43081)**, in using said property as desired; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to pass this ordinance as the Applicant requires the ability to seek and secure prompt City approval of development plans, including an amended regulating plan, to proceed with an orderly schedule for development and ensure compliance with the Zoning Code; now, therefore:

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

**SECTION 1.** That a Variance from the provisions of Sections 3320.15, Thoroughfare standards; and 3320.19 (B) 19 and 20, Private buildings, of the Columbus City Codes are hereby granted for the property located at **5103 CENTRAL COLLEGE ROAD (43081)** in so far as said sections prohibit a random street tree-planting pattern with a maximum spacing between trees of sixty (60) feet and a minimum equivalent of one street tree per forty (40) lineal feet of street frontage for both sides of the street, and garages to project a maximum of eight (8) feet forward of the building façade on a maximum of forty percent (40%) of the units built in the NE, Neighborhood Edge District, said property being more particularly described as follows:

**5103 CENTRAL COLLEGE ROAD (43081)**, being 8.6± acres located at the southeast corner of Central College Road and Sedgemoor Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 15, Township 2, Range 16, United States Military Lands, being out of the remainder of that 60.492 acre tract conveyed to Dominion Homes, Inc., by deed of record in Instrument Number 200311040353156, and part of Sedgemoor Drive, of record in Plat Book 113, Page 97 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

BEGINNING at the intersection of the southerly right-of-way line of Central College Road with the centerline of said Sedgemoor Drive, being in the southerly line of that 0.577 acre tract conveyed to City of Columbus by deed of record in Instrument Number 200904030047118;

Thence South 86° 29' 28" East, with the southerly right-of-way line, with the northerly line of the remainder of that 60.492 acre tract, a distance of 239.49 feet to a point in the westerly line of that tract conveyed to Jennifer M. Moore by deed of record in Instrument Number 200609280194380;

Thence South 03° 30' 32" West, with the easterly line of the remainder of said 60.492 acre tract, a distance of 250.00 feet to a point;

Thence South 86° 29' 28" East, with the northerly line of the remainder of said 60.492 acre tract, a distance of 500.00 feet to a point in the westerly line of that tract conveyed to Marjorie G. Bevelhymer, Trustee of the Marjorie G. Bevelhymer

Trust by deed of record in Instrument Number 200005120093584;

Thence South 03° 36' 10" West, with the easterly line of the remainder of said 60.492 acre tract, a distance of 344.21 feet to a point;

Thence across the remainder of said 60.492 acre tract, the following courses and distances:

North 86° 27' 50" West, a distance of 191.09 feet to a point;

South 03° 32' 10" West, a distance of 33.00 feet to a point; and

North 86° 27' 50" West, a distance of 678.00 feet to a point in the centerline of Sedgemoor Drive;

Thence with the centerline of Sedgemoor Drive, the following courses and distances:

North 03° 32' 10" East, a distance of 116.91 feet to a point of curvature; with the arc of said curve to the right, having a central angle of 24° 44' 50", a radius of 254.22 feet, an arc length of 109.80 feet, a chord bearing and distance of North 15° 54' 35" East, 108.95 feet to a point of tangency;

North 28° 17' 00" East, a distance of 216.26 feet to a point of curvature;

Thence with the arc of said curve to the left, having a central angle of 24° 46' 28", a radius of 175.00 feet, an arc length of 75.67 feet, a chord bearing and distance of North 15° 53' 46" East, 75.08 feet to a point of tangency; and

Thence North 03° 30' 32" East, a distance of 133.79 feet to the POINT OF BEGINNING, and containing 8.6 acre of land, more or less.

This description is for zoning purposes only and NOT to be used for transfer.

**SECTION 2.** That this ordinance is further conditioned upon the following:

1. All homes constructed on the 8.6 acre site shall incorporate either a front architectural element (such as a wall segment) or an architectural accent feature (such as a water table) of natural materials (including brick, stone, stucco stone, cementitious siding).
2. For any lot with a forward-sitting garage, there will not be a resultant reduction in the required front or rear setbacks.
3. Each home with a garage-forward design shall have a minimum 100 square foot open porch with railing. Additionally, the same material used on the garage façade will be used on the return to the house's façade wall.
4. No more than 40 percent of the homes constructed on the 8.6 acre site shall have a forward-sitting garage, and no homes with forward-sitting garages shall be located either on a corner lot or next to another home with a forward-sitting garage.
5. The overall number of street trees shall be equivalent to one street tree per 40 lineal feet of street frontage. The overall number of trees planted on the site shall not be less than the number of street trees that would be planted if the variance were not granted (i.e., street trees at 30 feet on center), with additional trees above the number planted as street trees being planted within common open spaces.

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**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.**