



Legislation Text

File #: 1846-2017, **Version:** 1

Council Variance Application: CV16-014

APPLICANT: 3342 Henderson Road, LLC; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Sixteen detached single-unit dwellings.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance No. 1845-2017; Z16-013) to the L-AR-12, Limited Apartment Residential District to allow 16 detached single-unit dwellings. A variance is necessary because the L-AR-12, Limited Apartment Residential District does not permit single-unit dwellings on lots that were not of record prior to January 14, 1959 or platted before July 16, 1986, nor does it permit more than one single-unit dwelling per lot. Furthermore, the applicant requests variances for fronting on a public street, reduced building lines, reduced perimeter yard, and to allow maneuvering for parking spaces to be divided by parcel lines because the site is comprised of parcels with two different taxing districts which cannot be combined into one parcel. Staff finds the requested variances to be supportable as they allow development of detached single-unit dwellings in a manner that is consistent with adjacent residential uses while preserving natural resources including the stream corridor protection zone.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use; 3312.25, Maneuvering; 3312.29, Parking space; 3333.16, Fronting; 3333.18, Building lines; and 3333.255, Perimeter yard; of the Columbus City Codes; for the property located at **3342 WEST HENDERSON ROAD (43220)**, to permit 16 detached single-unit dwellings with reduced development standards in the L-AR-12, Limited Apartment Residential District (Council Variance # CV16-014).

WHEREAS, by application # CV16-014, the owner of property at **3342 WEST HENDERSON ROAD (43220)**, is requesting a Council variance to permit 16 detached single-unit dwellings with reduced development standards in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits single-unit dwellings on lots that were not of record prior to January 14, 1959 or platted before July 16, 1986, and does not permit more than one single-unit dwelling per lot, while the applicant proposes 16 detached single-unit dwellings on two lots that do not meet the lot of record requirement; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over a parcel line, subject to applicable total code required maneuvering area being provided; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than 9 feet by 18 feet, while the applicant proposes parking spaces that are divided by a parcel line, subject to the overall parking space meeting the required dimensions; and

WHEREAS, Section 3333.16, Fronting, requires each dwelling to front on a public street, while the applicant proposes

12 detached single-unit dwellings without frontage on a public street but with frontage along a private street; and

WHEREAS, Section 3333.18, Building lines, requires a building line of no less than 60 feet along West Henderson Road and 25 feet along Chevy Chase Court, while the applicant proposes a reduced building line of 10 feet along both frontages; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard on the north property line of 20 feet, and no perimeter yard between Parcel 580-132243 and Parcel 590-132244; and

WHEREAS, the City Departments recommend approval because the variances will allow a development of detached single-unit dwellings in a manner that is consistent with adjacent residential uses while preserving natural resources including the stream corridor protection zone; 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 **3342 WEST HENDERSON ROAD (43220)**, 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 Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use; 3312.25, Maneuvering; 3312.29, Parking space; 3333.16, Fronting; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **3342 WEST HENDERSON ROAD (43220)**, insofar as said sections prohibit single-unit dwellings, with reductions to development standards to permit parcel lines to cross required maneuvering areas and parking spaces; no frontage on a public street for 12 dwellings; a reduction in building lines from 60 feet and 25 feet to 10 feet along West Henderson Road and Chevy Chase Court respectively; and a reduced perimeter yard from 25 feet to 20 feet along the northern property line and no perimeter yard between Parcel 580-132243 and Parcel 590-132244; said property being more particularly described as follows:

3342 WEST HENDERSON ROAD (43220), being 3.6± acres located at the northwest corner of West Henderson Road and Chevy Chase Court, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1, Range 19, United States Military Lands, being part of the 3.615 acre tract conveyed to 3342 Henderson Rd. LLC in Instrument Number 201510060141288 and all of the 0.461 acre tract conveyed to 3342 Henderson Rd. LLC in Instrument Number 201510060141277, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at the southeast corner of Lot 11 of Slate Run Woods as is numbered and delineated on the recorded plat thereof of record in Plat Book 49, Page 65, said point also being in the west line Chevy Chase Court;

Thence along part of the south line of said Lot 11, Westerly, 10 feet to the northeast corner of said 3.615 acre tract, being the TRUE POINT OF BEGINNING of the parcel herein intended to be described;

Thence along part of the east line of said 3.615 acre tract, along the east line of said 0.461 acre tract and along the west line of Chevy Chase Court, Southerly, 449 feet;

Thence across part said 3.615 acre tract, Northwesterly, 300 feet;

Thence continuing across part of said 3.615 acre tract, Westerly, 151 feet to the west line of said 3.615 acre tract;

Thence along part of the west line of said 3.615 acre tract, Northerly, 317 feet to the northwest corner of said 3.615 acre tract;

Thence along the north line of said 3.615 acre tract, Easterly, 426 feet to the TRUE POINT OF BEGINNING, CONTAINING 3.6 ACRES, MORE OR LESS.

This description is for zoning purposes only and is not intended to be used for transfer of property.

Property Parcels: 580-132243; 580-220898; and 590-132244.

Property Address: 3342 West Henderson Road, Columbus, OH 43220.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for 16 detached single-unit dwellings, or those uses permitted in the L-AR-12, Limited Apartment Residential District, specified by Ordinance No. 1845-2017; Z16-013.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**ZONING SITE PLAN**" signed by Michael T. Shannon, Attorney for the Applicant, dated May 22, 2017. The plan 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 plan 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 a Certificate 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.