



## Legislation Text

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**File #:** 0781-2008, **Version:** 1

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**Council Variance Application: CV08-002**

**APPLICANT:** Samaritan Project Development Corporation; c/o Joseph H. Copeland; 2176 Woodward Avenue; Columbus, Ohio 43219.

**PROPOSED USE:** Multi-family development.

**MILO GROGAN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting a council variance to permit 64 dwelling units in the M, Manufacturing District. The proposed development consists of one dwelling with 20 units and 11 dwellings with 4-units, Residential development as proposed is not permitted in the M, Manufacturing district. The applicant is also requesting variances to the building and parking setback lines along Camden Avenue and to allow stacked parking in front of the single-car garages provided with each dwelling unit in the four-unit dwellings. The site is located within the boundaries of the *Milo-Grogan Neighborhood Plan (2007)* which identifies the site as an "Opportunity Site" and cites multi-family residential as an appropriate use. The proposed development, as conditioned, is compatible with development in the area.

To grant a Variance from the provisions of Sections 3363.01, M-manufacturing districts; 3363.24, Building lines in an M-manufacturing district; 3342.15, Maneuvering; 3342.18, Parking setback line; and 3342.19, Parking space, of the Columbus City Codes; for the property located at **862 CAMDEN AVENUE (43201)**, to permit residential development with reduced development standards in the M, Manufacturing District. (Council Variance #CV08-002)

**WHEREAS**, by application No. CV08-002, the owner of property at **862 CAMDEN AVENUE (43201)**, is requesting a Council variance to permit dwellings and an apartment house with reduced development standards in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits dwellings, apartment hotels and apartment houses, while the applicant proposes 11 four-unit dwellings and one 20-unit dwelling; and

**WHEREAS**, Section 3363.24, Building lines in an M-manufacturing district, requires a 25-foot building line along Camden Avenue, while the applicant proposes a 15 foot building line along Camden Avenue; and

**WHEREAS**, Section 3342.15, Maneuvering, requires every parking space to have sufficient access and maneuvering area, while the applicant proposes to build dwelling units with one car garages and to permit the second required parking space in the driveways in front of the garages; and

**WHEREAS**, Section 3342.18, Parking setback line, requires a 25-foot parking setback, while the applicant proposes a 15-foot parking setback along Camden Avenue; and

**WHEREAS**, Section 3342.19, Parking spaces, prohibits stacked parking for dwellings with more than 2 dwelling units, while the applicant proposes to permit stacked parking for four-unit dwellings; and

**WHEREAS**, the Milo Grogan Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed development, as conditioned, is consistent with the Milo Grogan Neighborhood Plan and compatible with development in the area; 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 **862 CAMDEN AVENUE (43201)**, in using said property as desired; now, therefore:

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

**SECTION 1.** Variances from the provisions of Sections 3363.01, M-manufacturing districts, 3363.24, Building lines in an M-manufacturing district, 3342.15, Maneuvering, 3342.18, Parking setback line, and 3342.19, Parking space, of the Columbus City Codes are hereby granted for the property located at **862 CAMDEN AVENUE (43201)**, insofar as said sections prohibit 11 four-unit dwellings and one 20-unit dwelling with fifteen (15) foot building lines and parking setbacks along Camden Avenue and a stacked parking space in front of each garage, said property being more particularly described as follows:

SITUATE IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN AND STATE OF OHIO, IN QUARTER TOWNSHIP 4, TOWNSHIP 1 NORTH, RANGE 18 WEST. UNITED STATES MILITARY LANDS, AND BEING ALL OR PORTIONS OF THE FOLLOWING TRACTS OF LAND: (1) A PORTION OF A 10 ACRE TRACT OF LAND CONVEYED TO COLUMBUS, SHAWNEE AND HOCKING RAILWAY COMPANY BY DEED OF RECORD IN DEED BOOK 236. PAGE 418, RECORDERS OFFICE. FRANKLIN COUNTY. OHIO; (2) PORTIONS OF LOTS NUMBERS FIVE (5). SIX (6), SEVEN (7), NINE (9) AND ALL OF LOT NUMBER EIGHT (8) IN SHOEMAKER'S ADDITION OF RECORD IN PLAT BOOK 3. PAGE 234, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND (3) ALL OF THE STREET (50 FEET WIDE) BETWEEN LOTS NOS. 8 AND 9 AND A PORTION OF THE ALLEY (20 FEET WIDE) EAST OF SAID LOTS NOS. 7, 8 AND 9 BOTH IN SAID SHOEMAKER'S ADDITION, AS SAID STREET AND ALLEY WERE VACATED BY CITY OF COLUMBUS, ORDINANCE NO. 455-32, DATED OCTOBER 10, 1932, BOUNDED AND DESCRIBED ACCORDING TO A PLAN OF A SURVEY MADE BY C. F. BIRD & R. J. BULL, LTD. DATED MAY 30, 1978 AND LAST REVISED DECEMBER 2, 1981 AS FOLLOWS, VIZ:

BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE SOUTHEAST LINE OF CLEVELAND AVENUE (50 FEET WIDE) WITH THE NORTH LINE OF CAMDEN AVENUE (50 FEET WIDE) ;

THENCE NORTH 38 DEGREES 36 MINUTES 07 SECONDS EAST ALONG THE SOUTHEAST LINE OF CLEVELAND AVENUE, ALONG A PORTION OF THE NORTHWEST LINE OF SAID LOT NO.5, ALONG THE NORTHWEST LINES OF SAID LOTS NOS. 6, 7, AND 8, ALONG THE NORTHWEST END OF A VACATED STREET AND ALONG A PORTION OF THE NORTHWEST LINE OF SAID LOT NO.9, ALL IN SHOEMAKER'S ADDITION, A DISTANCE OF 290.56 FEET TO AN IRON PIN;

THENCE EASTERLY CONCENTRIC WITH AND 60.00 FEET SOUTHERLY BY RADIAL MEASUREMENT FROM THE CENTERLINE OF THE WESTBOUND MAIN TRACK OF THE NORFOLK & WESTERN RAILWAY, CROSSING SAID LOT NO.9 IN SHOEMAKER'S ADDITION, CROSSING A VACATED ALLEY, CROSSING A PORTION OF SAID 10 ACRE TRACT, AND WITH A CURVE TO THE RIGHT, DATA OF WHICH IS: RADIUS=2,284.95 FEET, SUB-DELTA = 6 DEGREES 09 MINUTES 00 SECONDS AND SUB-ARC = 245.26 FEET, & SUB-CHORD DISTANCE OF 245.14 FEET BEARING SOUTH 82 DEGREES 22 MINUTES 59 SECONDS EAST TO AN IRON PIN AT THE POINT OF TANGENCY OF SAID CURVE;

THENCE SOUTH 79 DEGREES 18 MINUTES 29 SECONDS EAST PARALLEL WITH AND 60.00 FEET SOUTHERLY BY PERPENDICULAR MEASUREMENT FROM THE CENTERLINE OF THE WESTBOUND MAIN TRACK OF THE NORFOLK & WESTERN RAILWAY AND CROSSING A PORTION OF SAID 10 ACRE TRACT A DISTANCE OF 226.59 FEET TO AN IRON PIN AT THE POINT OF CURVATURE OF A CURVE;

THENCE EASTERLY CONCENTRIC WITH AND 60.00 FEET SOUTHERLY BY RADIAL MEASUREMENT FROM THE CENTERLINE OF THE WESTBOOUND MAIN TRACK OF THE NORFOLK & WESTERN RAILWAY, CROSSING A PORTION OF SAID 10 ACRE TRACT AND WITH A CURVE TO THE LEFT, DATA OF WHICH IS: RADIUS= 2,560.84 FEET, DELTA = 7

DEGREES 07 MINUTES 20 SECONDS AND ARC = 318.32 FEET, A CHORD DISTANCE OF 318.12 FEET BEARING SOUTH 82 DEGREES 52 MINUTES 09 SECONDS EAST TO AN IRON PIN AT THE POINT OF TANGENCY OF SAID CURVE;

THENCE SOUTH 86 DEG 25' 49" EAST, PARALLEL WITH AND 60.00 FEET SOUTHERLY BY PERPENDICULAR MEASUREMENTS FROM THE CENTERLINE OF THE WESTBOUND MAIN TRACK OF THE NORFOLK & WESTERN RAILWAY AND CROSSING A PORTION OF SAID 10 P.CRE TRACT, A DISTANCE OF 213.69 FEET TO AN IRON PIN;

THENCE SOUTH 3 DEG 40' 47" WEST, PERPENDICULAR TO THE NORTH LINE OF CAMDEN AVENUE AND CROSSING A PORTION OF SAID 10 ACRE TRACT A DISTANCE OF 175.01 FEET TO AN IRON PIN IN THE NORTH LINE OF CAMDEN AVENUE;

THENCE NORTH 86 DEGREES 19 MINUTES 13 SECONDS WEST ALONG THE NORTH LINE OF CAMDEN AVENUE AND CROSSING A PORTION OF SAID 10 ACRE TRACT A DISTANCE OF 935.30 FEET TO AN IRON PIN IN THE CENTERLINE OF A 20-FOOT WIDE ALLEY AND IN THE WEST LINE OF SAID 10 ACRE TRACT;

THENCE NORTH 38 DEGREES 36 MINUTES 07 SECONDS EAST ALONG THE CENTER-LINE OF SAID 20-FOOT WIDE ALLEY AND ALONG A PORTION OF THE WEST LINE OF SAID 10 ACRE TRACT A DISTANCE OF 19.34 FEET TO AN IRON PIN IN THE NORTHEAST LINE EXTENDED SOUTHEASTERLY OF SAID LOT NO. 7 AND IN THE SOUTHWEST LINE EXTENDED SOUTHEASTERLY OF SAID LOT NO. 8, BOTH LOTS BEING IN SHOEMAKER'S ADDITION, AND AT THE SOUTHWEST END OF THE VACATED PORTION OF SAID 20-FOOT WIDE ALLEY;

THENCE NORTH 51 DEGREES 23 MINUTES 53 SECONDS WEST ALONG THE NORTHEAST LINE EXTENDED SOUTHEASTERLY OF SAID LOT NO. 7 AND ALONG THE SOUTHWEST LINE EXTENDED SOUTHEASTERLY OF SAID LOT NO. 8, BOTH LOTS BEING IN SHOEMAKER'S ADDITION, AND CROSSING A PORTION OF SAID 20 FOOT WIDE VACATED ALLEY A DISTANCE OF 10.00 FEET TO AN IRON PIN IN THE NORTHWEST LINE OF SAID 20 FOOT WIDE ALLEY, AT THE MOST EASTERLY CORNER OF SAID LOT NO. 7 AND AT THE MOST SOUTHERLY CORNER OF SAID LOT NO.8 BOTH LOTS BEING IN SHOEMAKER'S ADDITION;

THENCE SOUTH 38 DEGREES 36 MINUTES 07 MINUTES WEST ALONG THE NORTHWEST LINE OF SAID 20 FOOT WIDE VACATED ALLEY AND ALONG A PORTION OF THE SOUTHEAST LINE OF SAID LOT NO. 7 IN SHOEMAKER'S ADDITION A DISTANCE OF 26.32 FEET TO AN IRON PIN IN THE NORTH LINE OF CAMDEN AVENUE;

THENCE NORTH 86 DEGREES 19 MINUTES 13 SECONDS WEST ALONG THE NORTH LINE OF CAMDEN AVENUE AND CROSSING PORTIONS OF SAID LOTS NOS. 7, 6 AND 5 IN SHOEMAKER'S ADDITION A DISTANCE OF 219.53 FEET TO THE PLACE OF BEGINNING.

CONTAINING 217,800 SQUARE FEET, MORE OR LESS, OR 5.000 ACRES, MORE OR LESS.

AND

2.906 ACRE

**BOUNDARY DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1 North, Range 18 West, United States Military Lands, and being a 2.906 acre remainder parcel off the northwest portion of an 18.385 acre parcel of land conveyed to Cra-Co Investments, LLC, in a Deed of Record, in Instrument Number 200101220013359, said 2.906 acre tract containing Lots 1, 2, 3, 4, 9,12,13,16, and a portion of Lot 17, along with a vacated 15 foot unnamed alley, and a portion of a vacated 8 foot unnamed alley, as all are numbered and/or delineated in a record plat thereof, in the Plat of S.J. Woolley's Addition, of record in Plat Book 4, Page 173, all record references described herein being to the records of the Franklin County Recorder's Office, Columbus, Ohio, said 2.906 acre parcel being more particularly bounded and described as follows:

Beginning at an iron pin found at the intersection of the northerly right-of-way line of Camden Avenue (50' R/W), labeled "Clinton Ave." on said Plat of S.J. Woolley's Addition, with the easterly right-of-way line of St. Clair Avenue (50' R/W), and being at the

southwest corner of Lot No.4 of S.J. Woolley's Addition, and at a southerly corner of said 18.385 acre parcel, said iron pin found being the true point of beginning of the parcel herein described;

Thence N 03° 57'47" E, along the easterly line of St. Clair Avenue, the westerly line of said Lot 4, and along a westerly line of said original 18.385 acre parcel, a distance of 23.49 feet to an iron pin found in a northerly right-of-way line of an offset portion of Camden Avenue;

Thence N 86° 19'13" W, along the northerly right-of-way line to Camden Avenue, and the southerly line of said 18.385 acre parcel, a distance of 383.27 feet to an iron pin found at a southwesterly corner of said 18.385 acre parcel, and at the southeasterly corner of a 5.000 acre parcel conveyed to Cra-Co Investments, LLC, in Instrument Number 200112030279907;

Thence N 03° 40'47" E, along the easterly line of said 5.000 acre parcel and a westerly line of said 18.385 acre parcel, a distance of 175.01 feet to an iron pin found at the northeasterly corner of said 5.000 acre parcel and the northwesterly corner of said 18.385 acre parcel, said iron pin found also being on the southerly line of a Consolidated Rail Corporation parcel, tax parcel Number 010-005558;

Thence along the northerly line of said 18.385 acre parcel and the southerly line of said Consolidated Rail Corporation parcel, the following three (3) courses and distances::

S 86° 25'49" E, passing an iron pin found, 0.66 feet south of said line, measured perpendicularly, at 252.34 feet, a total distance of 262.36 feet to an iron pin set at a point of curvature;

With a curve to the left, having a central angle of 01° 16'40", a radius of 15,210.00 feet, an arc length of 339.20 and a chord distance of 339.20 feet bearing S 87° 04'09" E to an iron pin found at a point of tangency:

S 87° 42'29" E, a distance of 74.93 feet to an iron pin found at the northwesterly corner of a 3.000 acre parcel conveyed to Bildsten Land Holdings, LLC, in Instrument Number 200102220036014;

Thence S 02° 49'37" W, along the westerly line of said 3.000 acre parcel, through said vacated 8 foot unnamed alley, vacated by City of Columbus Ordinance Number 438-48, and through Lot No. 17 of S.J. Woolley's Addition, a distance of 203.84 feet to an iron pin found at the southwesterly corner of said 3.000 acre parcel, on the southeasterly line of said 18.385 acre parcel, on the southerly line of said Lot 17, and on the northerly right-of-way line to Camden Avenue;

Thence N 86° 35'50" W, along the northerly right-of-way line to Camden Avenue, the southerly line of said original 18.385 acre parcel, and the southerly lines of Lots 17, 16, 13, 12, 9 and 4, and crossing the southerly end of a 15 foot unnamed alley vacated in City of Columbus Ordinance Number 438-48, a distance of 296.32 feet to the true point of beginning, containing 2.906 acres, more or less, and being subject to all easements, restrictions, covenants, and rights-of-way of record.

The bearings described herein are based upon the bearing of the northerly right-of-way line to Camden Avenue, defined as N 86° 35'50" W in an 18.385 acre General Warranty Deed conveyed to Cra-Co Investments, LLC, in Instrument Number 200101220013359, Franklin County Recorder's Office, Columbus, Ohio.

The "iron pins set", as described herein, are 30 inches in length, 3/4 inch inside diameter, hollow iron pipes, with plastic yellow caps stamped "P & L Syst."

This description was prepared by Thomas Rybski, Registered Professional Surveyor # 6841, of P & L Systems, Inc. in May, 2005 from record information and an on-site survey of the premises conducted in December of 2000 and March 2001.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of 64 dwelling units or those uses permitted in the M, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on development to be consistent with the plan titled, "**SITE PLAN**," signed by Joseph Copeland and dated April 28, 2008. Any slight adjustment to the site plan shall be subject to review and approval by the Director of the Department of Development, or his 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.