



Legislation Text

File #: 2168-2004, Version: 1

Council Variance Application: CV04-040

APPLICANT: Miracit Development Corporation; 2181 Mock Road; Columbus, Ohio 43219.

PROPOSED USE: Housing for the elderly.

NORTH CENTRAL AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests a use variance to permit a forty-six (46) unit development for housing for the elderly in the AR-1, and ARLD, Apartment Residential Districts, including a parking variance for one required space. The proposal is consistent with the *North Central Plan*, (2002), which recommends multi-family residential use for the site. A hardship exists in that housing for the elderly is permitted in other Apartment Residential zoning districts, and the previous use of this site was non-conforming housing for the elderly.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use, and 3342.28(A), Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **2334 DELAVAN DRIVE (43219)**, to permit housing for the elderly in the AR-1, and ARLD, Apartment Residential Districts with a reduction of one required parking space (Council Variance # CV04-040).

WHEREAS, by application No. CV04-040, the owner of property at **2334 DELAVAN DRIVE (43219)**, is requesting a Council Variance to permit housing for the elderly in the AR-1, and ARLD, Apartment Residential Districts; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use, does not permit housing for the elderly, while the applicant proposes a forty-six (46) unit apartment development for elderly housing; and

WHEREAS, Section 3342.28(A), Minimum number of parking spaces required, requires parking to be provided at a ratio of three-fourths (3/4) parking space per unit, or thirty-five (35), while the applicant proposes to provide thirty-four (34) parking spaces; and

WHEREAS, the North Central Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will permit a forty-six (46) unit development for housing for the elderly in the AR-1, and ARLD, Apartment Residential Districts, including a parking variance for one required space. The proposal is consistent with the *North Central Plan*, (2002), which recommends multi-family residential use for the site. A hardship exists in that housing for the elderly is permitted in other Apartment Residential zoning districts, and the previous use of this site was nonconforming housing for the elderly; 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, 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 alleviate the difficulties encountered by the owners of the property located at **2334**

DELAVAN DRIVE (43219), in using said property as desired; now, therefore:

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

SECTION 1. That variances from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use, and 3342.28(A), Minimum number of parking spaces required, of the Columbus City Codes are hereby granted for the property located at **2334 DELAVAN DRIVE (43219)**, to permit a 46 unit development for housing for the elderly in the AR-1, and ARLD, Apartment Residential Districts with thirty-four (34) parking spaces, said property being more particularly described as follows:

2334 DELAVAN DRIVE (43219), being 2.99± acres, located on the north side of Delavan Drive, 130± feet east of Brentnell Avenue, and being more particularly described as follows:

Exhibit "A"

Description of a 2.9895 Ac. Parcel - Hegemon Crest Senior Housing, Inc.

Situated in the City of Columbus, County of Franklin, State of Ohio, and being known as part of those parcels of land lying in Quarter Township 3, Township 1, Range 17, of U.S. Military Lands, as shown on the Brittany Hills Section No. 2, in Plat Book 42, page 9, 10, 10-A and 10-B, designated as Reserve "C", and being a part of the 3.4519 acre parcel, conveyed to MiraCit Development Corporation, as described in Instr. No. 200209240238146, in the Office of the Recorder of said County, and being more particularly described as follows:

The Point of Commencement (POC) being an iron pipe found at the intersection of north right-of-way line of Delavan Drive a sixty feet (60') wide right-of-way, with the east line of Block Q, of Amvet Homestead No.2 Subdivision, as shown in Plat Book 21, page 51, in aforesaid Recorder's Office, said pin marking the southeast corner of Lot 39 of said subdivision;

Thence, along the east line of said subdivision, N.02°48'03"E., a distance of 400.61 feet to an iron pin found on the south right-of-way line of Mock Road, a ninety feet (90') wide right-of-way, the centerline of which lies forty feet (40') north of said right-of-way line;

Thence, along said south right-of-way line, S.87°19'01"E., a distance of 50.13 feet to an iron pin set at the True Point of Beginning (TPOB);

Thence, continuing along said south right-of-way line, S.87°19'01"E., a distance of 343.80 feet to an iron pipe found at the northwest corner of lot 44 of Hegemon Crest Section 2, as shown in Plat Book 100, Page 6, in said Recorder's Office;

Thence along the west line of said lot, S.2°40'59"W., a distance of 190.00 feet to an iron pipe found at the most northerly corner of Lot 7, of Hegemon Crest, as shown in Plat Book 94, page 68, in said Recorder's Office;

Thence, along the northwest line of said subdivision, S.39°36'23"W., passing an iron pipe at 79.46 feet, a total distance of 249.37 feet to an iron pipe found at the most westerly corner of Lot 4 of said subdivision;

Thence, along the west line of Lot 3 of said subdivision, S.17°19'52"W., a distance of 75.38 feet to an iron pipe found at the southwest corner of Lot 3 of said subdivision, also being the most northerly corner of Lot 2;

Thence, along the northwest line of said Lot 2, S.69°42'54"W., a distance of 66.49 feet to an iron pipe found on a curve in the north right-of-way line of Delavan Drive, said curve being concave southwesterly, having a radius of 180.00 feet, a central angle of 46° 18'09", and a chord which bears N.51°20'32"W., a distance of 141.54 feet;

Thence, northwesterly along the said curved right-of-way line, an arc distance of 145.46 feet to and iron pin set;

Thence, through, over and under aforesaid parcel, N.02°48'03"E., a distance of 405.09 feet to the TPOB, containing 2.9895 acres, more or less, and subject to all easements and rights-of-way of record.

This description was prepared from actual ground survey performed under my direction and supervision during August, 2002. The Basis of Bearings is the centerline of Mock Road, bearing N.87°19'01"W. as indicated by Hegemon Crest Subdivision, Section 2, map.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for housing for

the elderly, or those uses permitted in the AR-1, and ARLD, Apartment Residential Districts.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SENIORS AT HEGEMON**," drawn by O. A. Spencer Inc., dated November 22, 2004, and signed by Othelda A. Spencer, architect. The site 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 adjustments 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.