



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0479-2007, Version: 3

Council Variance Application: CV06-064

APPLICANT: AI Limited; c/o Meacham and Apel Architects, Inc.; 6161 Riverside Drive; Dublin, Ohio 43017.

PROPOSED USE: Two Five-Unit Dwellings with reduced development standards.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This applicant requests a Council Variance to permit two five-unit dwellings in the L-AR-12, Limited Apartment District. Although the resulting density is under twelve units per acre, the Zoning Code does not permit this configuration because it does not meet the definition of Apartment Complex or Multiple Dwelling Development. The applicant also requests variances to the perimeter yard requirements and parking lot setback. The site abuts land in the City of Hilliard owned by the applicant, and the applicant maintains that the parking setback and perimeter yard will all be provided on the adjacent property in the City of Hilliard. The *Interim Hayden Run Corridor Plan* identifies the site as existing multi-family. Finally, the variances to the perimeter yard and parking setbacks are technical in nature because the applicant's property in Hilliard which would satisfy these requirements cannot be counted.

To grant a Variance from the provisions of Sections 3333.02, AR-12, Apartment Residential Use; **3333.22, Maximum Side Yard; 3333.23, Minimum Side Yard; 3333.24, Rear yard; 3333.255, Perimeter yard; 3342.15, Maneuvering; and 3342.18, Parking setback line, and 3342.19, Parking space** of the Columbus City Codes for the property located at **5191 WILCOX ROAD (43016)**, to permit two Five-Unit Dwellings with reduced development standards in the L-AR-12, Limited Apartment Residential District **and to declare an emergency.** (Council Variance #CV06-064)

WHEREAS, by application #CV06-064, the owner of property at **5191 WILCOX ROAD (43016)**, is requesting a Variance to permit two five-unit dwellings in the L-AR-12, Limited Apartment District with reduced development standards; and

WHEREAS, Section 3333.02, AR-12, Apartment Residential District Use, does not permit two five-unit dwellings in the L-AR-12, Limited Apartment District. Although the resulting density is under twelve units per acre, the Zoning Code does not permit this configuration because it does not meet the definition of Apartment Complex or Multiple Dwelling Development; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3333.22, Maximum Side Yard, requires side yards totaling no less than twenty (20) feet, while the applicant proposes a side yard totaling no less than ten (10) feet; and

WHEREAS, Section 3333.23, Minimum Side Yard, requires a side yard of no less than five (5) feet, while the applicant proposes a side yard totaling no less than zero (0) feet; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall provide a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the applicant is proposing a rear yard of approximately seven percent (7%) as shown on the site plan; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of twenty five (25') feet, while the applicant proposes a perimeter yard of ten (10') feet along the south and property lines; and

WHEREAS, Section 3342.15, Maneuvering, requires every parking space to have sufficient access and maneuvering area which may include an aisle, circulation area or improved alley, while the applicant proposes to allow vehicles to maneuver across the property line into the City of Hilliard and

WHEREAS, Section 3342.18, Parking setback line, requires a parking setback of ten feet (10'), while the applicant is proposing a parking setback of zero (0') feet, and

WHEREAS, Section 3342.19, Parking space, requires parking spaces to be a minimum of nine (9) feet in width and eighteen (18) feet in length while the applicant proposes to allow parking spaces to be approximately three (3) feet in length in the City of Columbus while the balance is provided across the property line in the City of Hilliard; and

WHEREAS, City Departments recommend approval because the Staff views the provision prohibiting two five-unit buildings as an unintended technicality and finds no negative impact from approving such a configuration of buildings because the applicant's resulting density is still under twelve units per acre. The proposal is consistent with the land use recommendation of the *Interim Hayden Run Corridor Plan (2004)*. The variances to the perimeter yard and parking setbacks are technical in nature because the applicant's property in Hilliard which would satisfy these requirements cannot be counted; 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 roads, 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 **5191 WILCOX ROAD (43016)**, in using said property as desired and 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, Apartment Residential District Use; ~~3333.255, Perimeter yard~~; and 3342.18, Parking setback line, of the Columbus City Codes is hereby granted for the property located at **5191 WILCOX ROAD (43016)**, insofar as said sections prohibit two five-unit dwellings with parking setbacks and ~~perimeter a side yards~~ of zero (0') feet along the south property line, **with a side yard of ten (10') along the north property line, with a rear yard comprising approximately 7% of the total lot area, with a parking spaces approximately three (3') feet in length and with maneuvering across property and jurisdiction lines** said property being more particularly described as follows:

5191 WILCOX ROAD (43016), being 1.09± acres located the west side of Wilcox Road, 32± feet north of Noor Drive, and being more particularly described as follows:

LEGAL DESCRIPTION FOR THE 1.09 ACRE TRACT
KNOWN AS 5191 WILCOX ROAD
OWNED BY A.I. LIMITED, LLC

Situated in the State of Ohio, County of Franklin, and being part of the Virginia Military Survey #3012, being a 1.00 acre tract owned by A.I. Limited, trustee by deed of record in INST. #200105080100276, at the Franklin County Recorders Office, and further being described as follows.

Beginning at an iron pin found at a northeast corner of the A.I. Limited tract (O.R. 28839F07) as the POINT OF BEGINNING;

THENCE North 84°07'11"East a distance of 475.65 feet to a point on the east right-of-way of Wilcox Road passing the A.I. Limited tract east property line and the Wilcox Road centerline at 435.65 feet;

THENCE South 06°03'06"East a distance of 100.08 feet to a point on the same east right-of-way;

THENCE South 84°07'11"West a distance of 475.62 feet passing the A.I. Limited tract east property line and the Wilcox Road centerline at 40.00 feet, and passing an iron pin found at 70.00 feet to an iron pin found;

THENCE North 06°04'10"West a distance of 100.08 feet to an iron pin found and the POINT OF BEGINNING;

CONTAINING 1.00 acre of the A.I. Limited tract plus 0.09 acres of the east half of the Wilcox Road right-of-way for a total of 1.09 acres, and subject to all easements and rights-of-way of previous record. This document prepared from an actual field survey on March 2-6, 2000, and from records on file in the Recorder's office, Franklin County, Ohio.

Basis of Bearings: The bearings shown herein are based on Franklin County Monument 4461 and a railroad spike found in the centerline of Wilcox Road, Ohio State Plane Coordinate System. South zone and determines the centerline of Wilcox Road to be North 06°03'06"West.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two five-unit dwellings, or those uses permitted in the L-AR-12, Limited Apartment District.

SECTION 3. That this ordinance is further conditioned on a commitment by the owner to maintain the existing building footprints in conformance with the site plan titled, "**NOOR CONDOMINIUMS 5191 WILCOX ROAD,**", signed by Khaled Farag, Applicant, dated ~~May 25, March 15,~~ 2007. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved 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 upon 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.~~ **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.**