



## Legislation Text

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**File #:** 0216-2016, **Version:** 2

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### **Council Variance Application: CV15-070**

**APPLICANT:** Community Housing Network, Inc., c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich Street, 3<sup>rd</sup> Floor; Columbus, OH 43215.

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

**SOUTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 0215-2016; Z15-052) to the L-AR-O, Limited Apartment Office District. The subject site is proposed for development with a 75-unit supportive housing apartment development with a commitment to a subarea plan and development standards in consideration of the abutting residential lots. The site development is conditioned upon a site plan and variances are cited to permit the development as depicted. Subarea A will be developed with a 40-unit building, and Subarea B is presently developed with a 35-unit building. Because Subareas A and B will be separate parcels, variances are needed for parking lot landscaping, maneuvering over a property line, a parking space reduction, and reductions to setbacks and yard standards. The proposed use is in the spirit of the land use recommendation of the *Southwest Area Plan* for medium density residential development.

To grant a Variance from the provisions of Sections 3309.14(A), Height districts; 3312.21(A)(B), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3333.18(B), Building Lines; 3333.23(b), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1660 HARRISBURG PIKE (43223)**, to allow a multi-unit residential development with reduced development standards in the L-AR-O, Limited Apartment Office District **and to declare an emergency.**  
(Council Variance # CV15-070).

**WHEREAS**, by application No. CV15-070, the owner of property at **1660 HARRISBURG PIKE (43223)**, is requesting a Council Variance to allow a multi-unit residential development with reduced development standards in the L-AR-O, Limited Apartment Office District; and

**WHEREAS**, Sections 3309.14(A), Height districts, limits building height to thirty-five (35) feet in an H-35 height district, while applicant proposes a decorative silo in Subarea A, and the silo will be 41.5± feet tall; and

**WHEREAS**, Section 3312.21(A)(B), Landscaping and screening, requires a total of six (6) interior parking lot trees for a total of fifty-one (51) parking spaces at the rate of one (1) tree per ten (10) parking spaces, and perimeter screening for parking lots located within eighty (80) feet of residentially-zoned property, while the applicant proposes a total of five (5) parking lot trees dispersed between Subareas A and B, as depicted on the site plan, and will provide no parking lot screening along the interior common property line between the two subareas; and

**WHEREAS**, Section 3312.25, Maneuvering, requires ninety (90) degree parking spaces to have a minimum of twenty

(20) feet of maneuvering area, while three (3) parking spaces on Subarea A will have zero (0) feet of maneuvering area due to the location of the proposed property line between Subarea A and Subarea B, but the code required maneuvering area will be provided on the adjacent Subarea B portion of the parking lot, and easement(s) will be provided for maneuvering on Subarea B; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, while the applicant proposes to reduce required parking in Subarea A from sixty (60) spaces to twenty-seven (27) spaces (0.67 space/dwelling unit) and in Subarea B from fifty-three (53) spaces to twenty-four (24) spaces (0.68 space/dwelling unit); and

**WHEREAS**, Section 3333.18(B), Building lines, requires the building setback line on Harrisburg Pike to be sixty (60) feet, while the applicant proposes a thirty (30) foot building setback line for Subarea A; and

**WHEREAS**, Section 3333.23(b), Minimum side yard permitted, requires a minimum five (5) foot wide side yard, while the applicant proposes a zero (0) foot side yard along the south property line of Subarea B for the location of the refuse service area to include dumpster box(s), bulk storage and recycling areas; and

**WHEREAS**, Sections 3333.24, Rear yard, requires a total rear yard of twenty-five (25) percent, while the applicant proposes a reduced rear yard of five (5) percent for Subarea A and twenty-four (24) percent for and B; and

**WHEREAS**, the Southwest Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the 75-unit supportive housing apartment development, of which 35 units are existing, is appropriate for the site and area, is in the spirit of the land use recommendation of the *Southwest Area Plan* for medium density residential development, and is designed to integrate well with the surrounding neighborhood; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed new uses; 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 **1660 HARRISBURG PIKE (43223)**, in using said property as desired; 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; now, therefore:**

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

**SECTION 1.** That a variance from the provisions of Sections 3309.14(A), Height districts; 3312.21(A)(B), Landscaping and screening; 3312.25, Maneuvering; 3312.49(C), Minimum numbers of parking spaces required; 3333.18(B), Building Lines; 3333.23(b), Minimum side yard permitted; and 3333.24, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1660 HARRISBURG PIKE (43223)**, insofar as said sections prohibit a multi-unit residential

development consisting of two (2) Subareas (A and B), which will be separate tax parcels, with a total of seventy-five (75) units (Subarea A: forty (40) units, Subarea B: thirty-five (35) units); with an increased height of a decorative silo from thirty-five (35) feet to 41.5± feet; a total of five (5) interior parking lot trees in the Subarea A and B parking lots where six (6) are required; no parking lot screening along the interior common property line between Subareas A and B; reduced maneuvering area from twenty (20) feet to zero (0) feet for three (3) ninety 90 degree parking spaces on Subarea A, subject to maneuvering occurring on Subarea B; a reduction from sixty (60) required parking spaces to twenty-seven (27) spaces on Subarea A, and from fifty-three (53) required spaces to twenty-four (24) spaces on Subarea B; a reduced building setback line from sixty (60) feet to thirty (30) feet on Subarea A; a reduced side yard along the south property line from five (5) feet to zero (0) feet in Subarea B, solely for the location of refuse facilities; and reduced rear yards from twenty-five (25) percent to five (5) percent for Subarea A and twenty-four (24) percent for Subarea B; and said property being more particularly described as follows:

**1660 HARRISBURG PIKE (43223)**, being 2.7 ± acres located on the east side of Harrisburg Pike, just south of Chambers Avenue, and being more particularly described as follows:

**SUBAREA A: 1.470 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Virginia Military Survey No. 7065, and containing 1.470 acres of land, more or less, and being all of that 0.930 acre (by survey) tract of land conveyed to Community Housing Network, Inc., of record in Instrument Number 200309160296016, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), also being 0.540 acre out of that 1.767 acre (by survey) tract of land conveyed to Briggsdale Apartments, LLC, of record in Instrument Number 200411160262536, said 1.470 acre Subarea A being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Harrisburg Pike (R/W varies) with Chambers Road (50 feet in width);

Thence with the centerline of said Harrisburg Pike, South 32°55'00" West, a distance of 14.21 feet to the northwesterly corner of that 0.418 acre Right of Way parcel conveyed to the City of Columbus, Ohio, of record in Instrument Number 200405240118579;

Thence with the northerly line of said 0.418 acre City of Columbus Right of Way parcel, South 58°48'46" East, passing over a ¾ inch iron pipe found at 30.00 feet, a total distance of 60.03 feet to a ¾ inch iron pipe found at the northeasterly corner of said 0.418 acre Right of Way parcel, also being the northwesterly corner of said 0.930 acre Community Housing Network tract, also being in the southerly line of that 0.5 acre tract of land conveyed to Troy Alderman, of record in Instrument Number 201307010110108, said iron pipe marking the true point of beginning of the herein described 1.470 acre Subarea A;

Thence with the southerly line of said 0.5 acre Alderman tract, also with the northerly line of said 0.930 acre Community Housing Network tract, and continuing with the northerly line of said 1.767 acre Briggsdale Apartments tract, South 58°48'46" East, passing over iron pipes set at 159.96 feet and 338.28 feet, a total distance of 348.28 feet to a point referenced by said iron pipe set online at 10.00 feet, said point being the northeasterly corner of said 1.767 acre Briggsdale Apartments tract, also being the southeasterly corner of said 0.5 acre Alderman tract, also being in the westerly line of Autumn Village Section II, as shown for record in Plat Book 78, Page 85;

Thence with an easterly line of said 1.767 acre Briggsdale Apartments tract, also with the westerly line of said Autumn Village Section II, and continuing with a westerly line of Autumn Village Section III, as shown for record in Plat Book 81, Page 65, South 14°02'17 West, a distance of 85.12 feet to an iron pipe set;

Thence with a new line, across and through said 1.767 acre Briggsdale Apartments tract, the following six (6) courses:

- 1) North 58°47'56" West, a distance of 113.75 feet to an iron pipe set;

- 2) South 81°42'24" West, a distance of 5.87 feet to an iron pipe set;
- 3) North 65°15'37" West, a distance of 8.05 feet to an iron pipe set;
- 4) South 31°12'04" West, a distance of 44.82 feet to an iron pipe set;
- 5) North 58°47'56" West, a distance of 71.68 feet to an iron pipe set;
- 6) South 31°12'04" West, a distance of 122.46 feet to an iron pipe set

Thence with a new line, and continuing with the southerly line of said 0.930 acre Community Housing Network tract, also continuing with a northerly line of said 1.767 acre Briggsdale Apartments tract, North 58°47'56" West, passing over an iron pipe set at 23.06 feet, a total distance of 183.02 feet to an iron pipe set at the southwesterly corner of said 0.930 acre Community Housing Network tract, also being a northwesterly corner of said 1.767 acre Briggsdale Apartments tract, also being in the easterly line of the aforesaid 0.418 acre City of Columbus Right of Way parcel;

Thence with the westerly line of said 0.930 acre Community Housing Network tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, North 32°55'00" East, a distance of 253.28 feet to the point of beginning, and containing 1.470 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly right of way of Harrisburg Pike was assigned a bearing of North 32°55'00" East, as described in Instrument Number 200309160296016, Recorder's Office, Franklin County, Ohio.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2014.

### **SUBAREA B: 1.227 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Virginia Military Survey No. 7065, and containing 1.227 acres of land, more or less, and being all out of that 1.767 acre (by survey) tract of land conveyed to Briggsdale Apartments, LLC, of record in Instrument Number 200411160262536, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 1.227 acre Subarea B being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Harrisburg Pike (R/W varies) with Chambers Road (50 feet in width);

Thence with the centerline of said Harrisburg Pike, South 32°55'00" West, a distance of 14.21 feet to the northwesterly corner of that 0.418 acre Right of Way parcel conveyed to the City of Columbus, Ohio, of record in Instrument Number 200405240118579;

Thence with the northerly line of said 0.418 acre City of Columbus Right of Way parcel, South 58°48'46" East, passing over a ¾ inch iron pipe found at 30.00 feet, a total distance of 60.03 feet to a ¾ inch iron pipe found at the northeasterly corner of said 0.418 acre Right of Way parcel, also being the northwesterly corner of that 0.930 acre (by survey) tract of land conveyed to Community Housing Network, Inc., of record in Instrument Number 200309160296016, also being in the southerly line of that 0.5 acre tract of land conveyed to Troy Alderman, of record in Instrument Number 201307010110108;

Thence with the westerly line of said 0.930 acre Community Housing Network tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, South 32°55'00" West, a distance of 253.28 feet to an iron pipe set at the southwesterly corner of said 0.930 acre Community Housing Network tract, also being a northwesterly corner of said 1.767 acre Briggsdale Apartments tract, said iron pipe marking the true point of beginning of the herein described 1.227 acre Subarea B;

Thence with the southerly line of said 0.930 acre Community Housing Network tract, also with a northerly line of said 1.767 acre Briggsdale Apartments tract, and continuing with a new line, across and through said 1.767 acre Briggsdale Apartments tract, South 58°47'56" East, passing over an iron pipe set at 159.96 feet, a total distance of 183.02 feet to an iron pipe set;

Thence with a new line, across and through said 1.767 acre Briggsdale Apartments tract, the following six (6) courses:

- 1) North 31°12'04" East, a distance of 122.46 feet to an iron pipe set;
- 2) South 58°47'56" East, a distance of 71.68 feet to an iron pipe set;
- 3) North 31°12'04" East, a distance of 44.82 feet to an iron pipe set;
- 4) South 65°15'37" East, a distance of 8.05 feet to an iron pipe set;
- 5) North 81°42'24" East, a distance of 5.87 feet to an iron pipe set;
- 6) South 58°47'56" East, a distance of 113.75 feet to an iron pipe set in the easterly line of said 1.767 acre Briggsdale Apartments tract, also being in a westerly line of Autumn Village Section III, as shown for record in Plat Book 81, Page 65;

Thence with easterly lines of said 1.767 acre Briggsdale Apartments tract, also with westerly lines of said Autumn Village Section III, the following three (3) courses:

- 1) South 14°02'17" West, a distance of 68.03 feet to an iron pipe set;
- 2) South 67°44'29" West, a distance of 30.40 feet to an iron pipe set;
- 3) South 14°02'17" West, a distance of 138.67 feet to the southeasterly corner of said 1.767 acre Briggsdale Apartments tract, also being the northeast corner of that 1.041 acre tract of land conveyed to Darrell G. Neese, of record in Instrument Number 201507070091362, said corner referenced by a 3/4 inch iron pipe found 0.86 feet east of the corner;

Thence with the southerly line of said 1.767 acre Briggsdale Apartments tract, also with the northerly line of said 1.041 acre Neese tract, North 58°47'56" West, a distance of 425.37 feet to a 3/4 inch iron pipe found at the southwesterly corner of said 1.767 acre Briggsdale Apartments tract, also being the southeasterly corner of the aforesaid 0.418 acre City of Columbus Right of Way parcel;

Thence with a westerly line of said 1.767 acre Briggsdale Apartments tract, also with the easterly line of said 0.418 acre City of Columbus Right of Way parcel, North 32°55'00" East, a distance of 50.02 feet to the point of beginning, and containing 1.227 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The easterly right of way of Harrisburg Pike was assigned a bearing of North 32°55'00" East, as described in Instrument Number 200309160296016, Recorder's Office, Franklin County, Ohio.

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in August 2014.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development with a total of seventy-five (75) units (Subarea A: forty (40) units, Subarea B: thirty-five (35) units) as reflected on the attached site plan, or those uses permitted in the AR-O, Apartment Office District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled "**ZONING VARIANCE - SITE PLAN**," drawn by Berardi Partners, dated December 23, 2015, and signed by Donald Plank, Attorney for the Applicant. The Plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final engineering and architectural drawings are completed. Any slight adjustments to the Plan shall be subject to review and approval 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 Certificates of Occupancy for the proposed new uses.

**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.**