



Legislation Text

File #: 0316-2019, **Version:** 1

Council Variance Application: CV18-096

APPLICANT: WODA Cooper Companies, Inc., c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of four parcels of which three are developed with single-unit dwellings in the R-1, Residential District. The requested variance would permit redevelopment of the site with a 54-unit apartment building. A Council variance is necessary because the R-1 district lists single-unit dwellings as the only permitted residential use. A variance is also included to reduce the building setback line along Roberts Road from 50 feet to 40 feet so that parking can be located behind the building. The site is within the boundaries of the *Trabue Roberts Area Plan* (2011), which recommends "Neighborhood Commercial" land uses at this location. Staff recognizes that this site is located on a primary corridor and that the revised site plan included a concept for a comprehensive redevelopment strategy for the entire block, as requested by staff. The site plan represents a high level of design and is consistent with the Plan's design guidelines. Staff believes that multi-unit residential development of this density should be rezoned to an appropriate apartment residential zoning district and afforded the full review process afforded to rezoning applications, including a public hearing and review by the Development Commission. For that reason, this ordinance is conditioned on a follow-up rezoning to an appropriate zoning designation within one year of its effective date.

To grant a Variance from the provisions of Sections 3332.03, R-1, residential district; and 3332.21(A), Building lines, of the Columbus City Codes; for the property located at **4871 ROBERTS ROAD (43228)**, to permit multi-unit residential building with a reduced building setback line along Roberts Road in the R-1, Residential District (Council Variance #CV18-096).

WHEREAS, by application #CV18-096, the owner of property at **4871 ROBERTS ROAD (43228)**, is requesting a Council variance to permit multi-unit residential building with a reduced building setback line along Roberts Road in the R-1, Residential District; and

WHEREAS, Section 3332.03, R-1, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a 54-unit apartment building as shown on the submitted site plan; and

WHEREAS, Section 3332.21, Building lines, requires a minimum building setback line of 50 feet from Roberts Road, while the applicant proposes a building setback line of approximately 40 feet along the frontage for the proposed building; and

WHEREAS, City Departments recommend approval because the requested variance allows residential on a primary corridor that includes a site plan that is consistent with the *Trabue Roberts Area Plan's* design guidelines; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **4871 ROBERTS ROAD (43228)**, 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 3332.03, R-1, residential district, and 3332.21(A), Building lines, of the Columbus City Codes, is hereby granted for the property located at **4871 ROBERTS ROAD (43228)**, insofar as said sections prohibit a 54-unit apartment building in the R-1, residential district; with a reduced building line of 40 feet along Roberts Road; said property being more particularly described as follows:

4871 ROBERTS ROAD (43228), being 2.76± acres located on the south side of Roberts Road, 215± feet east of Walcutt Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey No. 287, being all of that 0.451 acre parcel described in a deed to Craig Nelson and Shannen L. Nelson, Trustees of The Craig and Shannen Nelson Living Trust Dated June 15, 2015, of record in Instrument Number 201509110128097, being all of those 0.883 acre and 0.731 acre tracts described in deeds to Julia A. Penwell of record in Official Record 18527 Page F09 and Instrument Number 201406050069887, and being all of that 0.850 acre tract described in a deed to Wilbur J. Miller and Patricia Marie Miller, of record in Official Record 15577, Page D03, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the northwest corner of said 0.451 acre tract, being the northeast corner of that tract described in a deed to Thomas A McDowell, and being on the existing south right-of-way line for Roberts Road;

Thence South 86 degrees 46 minutes 06 seconds East, along the existing south right-of-way line for Roberts Road, and along the north line of said 0.451 acre, 0.883 acre, 0.731 acre, and 0.850 acre tracts, a distance of 283.25 feet to the northeast corner of said 0.850 acre tract, being the northwest corner of that tract described in a deed to James R. Bibler, Jr.;

Thence South 06 degrees 30 minutes 36 seconds East, along the east line of said 0.850 acre tract, and along the west line of said Bibler tract, a distance of 477.18 feet to the southeast corner of said 0.850 acre tract, being the southwest corner of said Bibler tract, and being on the north line of that tract described in a deed to Danelle Sheppard;

Thence South 83 degrees 55 minutes 20 seconds West, along the south line of said 0.850 acre, 0.731 acre, and 0.883 acre tracts, along the north line of said Sheppard tract, a distance of 209.68 feet to the southwest corner of said 0.883 acre tract, being the southeast corner of that tract described in a deed to Andrew T. Topping;

Thence North 06 degrees 32 minutes 54 seconds West, along the east west line of said 0.883 acre tract, and along the east line of said Topping tract, those tracts described to Troy C. Dodson, and that tract described to Kevin M. Uphouse, a distance of 279.72 feet to a southeast corner of said 0.451 acre tract, being the northeast corner of said Uphouse tract;

Thence South 83 degrees 51 minutes 21 seconds West, along the south line of said 0.451 acre tract, and along the north line of said Uphouse tract, a distance of 71.01 feet to a southwest corner of said 0.451 acre tract, being the southeast

corner of that tract described to Roy R. Alsept II;

Thence North 06 degrees 06 minutes 32 seconds West, along the west line of said 0.451 acre tract, along the east line of said Alsept tract, and along the east line of said McDowell tract, a distance of 243.35 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 2.764 acres, of which:

0.382 acres is located within Franklin County Auditor's parcel number 560-158126,
0.822 acres is located within Franklin County Auditor's parcel number 560-158127,
0.783 acres is located within Franklin County Auditor's parcel number 560-158128, and
0.777 acres is located within Franklin County Auditor's parcel number 560-158129.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development as shown on the submitted Site Plan, which consists of a 54-unit apartment building, or those uses permitted in the R-1, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE LAYOUT EXHIBIT FOR 4871 ROBERTS ROAD**," dated January 18, 2019, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 Certificates of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on the combination of Franklin County parcels 560-158126, 560-158127, 560-158128, and 560-158129 into one parcel prior to site compliance review.

SECTION 6. That this ordinance is further conditioned upon the applicant filing a rezoning application upon issuance of an approved Site Compliance Plan or within one year from the date of Columbus City Council passage of this ordinance, whichever occurs first.

SECTION 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.