



## Legislation Details (With Text)

**File #:** 3324-2016      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 12/16/2016      **In control:** Zoning Committee

**On agenda:** 2/13/2017      **Final action:** 2/15/2017

**Title:** To grant a variance from the provisions of Section 3333.18, Building lines, of the Columbus City codes; for the property located at 1648 NORTH WILSON ROAD (43204), to permit reduced building setback lines for an apartment complex in the L-AR-12, Limited Apartment Residential District (Council Variance # CV16-041) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3324-2016.Attachments

Date	Ver.	Action By	Action	Result
2/15/2017	2	CITY CLERK	Attest	
2/15/2017	2	CITY CLERK	Attest	
2/15/2017	2	MAYOR	Signed	
2/13/2017	2	COUNCIL PRESIDENT	Signed	
2/13/2017	1	Zoning Committee	Approved as Amended	Pass
2/13/2017	1	Zoning Committee	Amended to Emergency	Pass
2/6/2017	1	Columbus City Council	Read for the First Time	

### Council Variance Application # CV16-041

**APPLICANT:** Metro Development, LLC; c/o Deanna R. Cook, Atty.; 52 East Gay Street; Columbus, OH 43215.

**PROPOSED USE:** Reduced building setback line for an apartment complex.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning (Ordinance No. 3322-2016, Z16-033) to the L-AR-12, Limited Apartment Residential District, for the development of a 56-unit apartment complex. The applicant is requesting a variance to reduce the required building setback lines from 60 feet along North Wilson Road and 50 feet along Trabue Road to 30 feet. The variance is supported due to the committed site design in the rezoning which proposes approximately 39% of open space and tree preservation on the site, and brings buildings closer to the street with parking located in the interior. The reduced building setback lines are not out of character with the existing setback pattern along these street frontages, and provide a greater capacity to preserve trees and provide substantial buffering to the adjacent single-unit residential development.

To grant a variance from the provisions of Section 3333.18, Building lines, of the Columbus City codes; for the property located at **1648 NORTH WILSON ROAD (43204)**, to permit reduced building setback lines for an apartment complex in the L-AR-12, Limited Apartment Residential District (Council Variance # CV16-041) **and to declare an**

emergency.

**WHEREAS**, by application # CV16-041, the owner of property at **1648 NORTH WILSON ROAD (43204)**, is requesting a Council variance to permit reduced building setback lines for an apartment complex in the L-AR-12, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.18, Building lines, requires building setback lines of 60 feet along North Wilson Road and 50 feet along Trabue Road, while the applicant proposes a setback line of not less than 30 feet; and

**WHEREAS**, the City Departments recommend approval because the proposed variance for reduced building setback lines are not out of character with the existing setback pattern along these street frontages, and will provide a greater capacity to preserve trees and provide substantial buffering to the adjacent single-unit residential development; 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 **1648 NORTH WILSON ROAD (43204)**, in using said property as desired;

**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 Section 3333.18, Building lines, of the Columbus City codes, is hereby granted for the property located at **1648 NORTH WILSON ROAD (43204)**, in so far as said section prohibits reduced building setback lines of 30 feet along North Wilson Road and Trabue Road, in the L-AR-12, Limited Apartment Residential District, said property being more particularly described as follows:

**1648 NORTH WILSON ROAD (43204)**, being 5.62± acres located at the southeast corner of North Wilson Road and Trabue Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin and the City of Columbus, Virginia Military Survey No. 875, being part of an Original 10 acre tract of land (Parcel I) conveyed to Richard L. McFarland, or Successor, Trustee of The Mildred Mae McFarland Rice Trust dated May 17, 2010 of record in Instrument Number 201005210063116 and all of (Parcel II) conveyed to Richard L. McFarland, or Successor, Trustee of The Mildred Mae McFarland Rice Trust dated May 17, 2010 of record in Instrument Number 201301250013118, said (Parcel II) being Reserve “B” as delineated on “Scioto Woods Section 3” of record in Plat Book 73, Page 103, and more particularly described as follows:

**Beginning, for reference**, at Franklin County Geodetic Survey Monument “6654 Reset”, being the centerline intersection of Trabue Road and Wilson Road, being the northwesterly corner of a 1.176 acre tract (Parcel 31WD) conveyed to

Franklin County Commissioners of record in Instrument Number 201209130136271;

Thence **N 66° 21' 07" E**, along the centerline of said Trabue Road, being the northerly line of said 1.176 acre tract, **95.92 feet**;

Thence **S 23° 38' 53" E**, across the right-of-way of said Trabue Road and being across said 1.176 acre tract, **50.00 feet** to a 3/4-inch iron pin found, capped J&J, being a northwesterly corner of said (Parcel I), being in the southerly line of said 1.176 acre tract and being in the southerly right-of-way line, the **True Point of Beginning**;

Thence **N 66° 21' 07" E**, along the northerly line of said (Parcel I), being the southerly line of said 1.176 acre tract and being the southerly right-of-way line of said Trabue Road, **301.86 feet** to a 3/4-inch iron pin found, capped Franklin County at the northeasterly corner of said (Parcel I), being the southeasterly corner of said 1.176 acre tract and being in the westerly line of Lot 197 as delineated on said "Scioto Woods Section 3";

Thence **S 24° 10' 24" E**, along the easterly line of said (Parcel I) and being the westerly line of said Lot 197 and the westerly lines Lot 196, Lot 195, Lot 194 and Lot 193 of said "Scioto Woods Section 3", **456.48 feet** to a 3/4-inch iron pin found, capped B.D.&M., at the southwesterly corner of said Lot 193, being the northwesterly corner of Lot 192 of said "Scioto Woods Section 3", being the northerly corner of said (Parcel II) and the northerly corner of said Reserve "B";

Thence along easterly and southerly lines of said (Parcel II), being the easterly and southerly lines of said Reserve "B", being the westerly line said Lot 192, the westerly lines of Lot 191 and Lot 189 as delineated on said "Scioto Woods Section 3" and the northerly line of Lot 188 as delineated on said "Scioto Woods Section 3", the following three (3) courses;

**S 35° 56' 14" E, 98.10 feet** to a 3/4-inch iron pin found, capped B.D.&M. at the southwesterly corner of said Lot 192 and being the northwesterly corner of said Lot 191;

**S 24° 10' 24" E, 211.47 feet** to a point witnessing a 3/4-inch iron pin found at 0.09 feet east and 0.19 north, being at the southwesterly corner of said Lot 189, being in the northerly line of said Lot 188 and passing a 3/4-inch iron pin found at the southwesterly corner of said Lot 191 and the northwesterly corner of said Lot 189;

**S 82° 03' 25" W, 20.83 feet** to an iron pin set at the southwesterly corner of said (Parcel II), being the southwesterly corner of said Reserve "B", being the northwesterly corner of said Lot 188 and being in the easterly line of said (Parcel I);

Thence **S 24° 10' 24" E**, along the easterly line of said (Parcel I) and being along a portion of the westerly line of said Lot 188, **4.01 feet** to a point witnessing a 3/4-inch iron pin found at 0.09 feet south and 0.76 feet west, at the southeasterly corner of said (Parcel I), being in the westerly line of said Lot 188 and being the northeasterly corner of a tract of land conveyed to Mary C. Clark, Trustee of record in Instrument Number 201101260013418;

Thence along the southerly lines of said (Parcel I) and being along the northerly lines of said Clark tract the following three (3) courses;

**S 81° 27' 22" W, 84.62 feet** to a 3/4-inch iron pin found at an angle point thereof;

**N 83° 45' 10" W, 99.95 feet** to a 3/4-inch iron pin found at an angle point thereof;

**S 67° 23' 41" W, 169.71 feet** to an iron pin set at the southwesterly corner of said (Parcel I), being the southeasterly corner of a 0.228 acre tract conveyed to the City of Columbus, Ohio of record in Instrument Number 201311220194498 and being in the easterly right-of-way line of said Wilson Road;

Thence **N 24° 10' 18" W**, along the westerly line of said (Parcel I), being along the easterly line of said 0.228 acre tract and being along the easterly right-of-way line of said Wilson Road, **672.61 feet** to an iron pin set at a point of curvature at a northwesterly corner of said (Parcel I), being the northerly corner of said 0.228 acre tract and being in the southerly line

of said 1.176 acre tract;

Thence along the northerly line of said (Parcel I), the southerly line of said 1.176 acre tract and being the southerly right-of-way line of said Trabue Road with a curve to the right, having a central angle of **44° 57' 02"** and a radius of **50.00 feet**, an arc length of **39.23 feet**, a chord bearing and chord distance of **N 43° 52' 36" E, 38.23 feet** to the **True Point of Beginning. Containing 5.617 acre.** Of which 5.499 acres is from APN: 425-294646 and 0.118 acre is from APN: 570-219204.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on April 7, 2016.

This description is based on existing records from the Franklin County Recorder's Office and from an actual field survey in April 2016.

Iron pins set are 3/4" diameter iron pipe, 30" long and capped Advanced 7661.

Bearings are based on the Ohio State Plane Coordinate System NAD83, NSRS2007. A bearing of N66°21'07"E was held for the centerline of Trabue Road between FCGS 6654 Reset and FCGS 7744.

All references used in this description can be found at the Recorder's Office, Franklin County, Ohio, unless noted otherwise.

**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 as permitted by the L-AR-12, Limited Apartment Residential District specified by Ordinance No. 3322-2016 (Z16-033).

**SECTION 3.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificates of Occupancy for the proposed use.

**SECTION 4.** ~~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.**