



Legislation Details (With Text)

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On agenda: 12/14/2020 **Final action:** 12/17/2020

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21, Landscaping and screening; 3333.24, Rear yard; and 3333.35, Side or rear yard obstruction, of the Columbus City Codes; for the property located at 4660 KENNY RD. (43220), to permit commercial vehicular access and reduced development standards in the AR-1, Limited Apartment Residential District, and to repeal Ordinance #2864-2017, passed November 20, 2017 (Council Variance #CV20-030).

Sponsors:

Indexes:

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Attachments: 1. ORD2806-2020_Attachments, 2. ORD2806-2020_Labels

Date	Ver.	Action By	Action	Result
12/17/2020	1	CITY CLERK	Attest	
12/16/2020	1	MAYOR	Signed	
12/14/2020	1	COUNCIL PRESIDENT	Signed	
12/14/2020	1	Zoning Committee	Approved	Pass
12/7/2020	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV20-030

APPLICANT: Kenny Road Storage, LLC; c/o David Hodge, Atty.; Underhill & Hodge, LLC; 8000 Walton Parkway, Suite 260; Columbus, OH 43054.

PROPOSED USE: Multi-unit residential development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2805-2020; Z20-028) to the AR-1, Apartment Residential District. The applicant proposes a 60-unit apartment building and is requesting variances to permit commercial vehicular access for adjacent uses, reduced parking lot screening, rear yard, and obstruction of the required side and rear yards. Staff finds the requested variances to be supportable as they will allow multi-unit residential development that is consistent with the adjacent residential development to the north, and maintains existing commercial access to the neighboring commercial building to the west.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21, Landscaping and screening; 3333.24, Rear yard; and 3333.35, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **4660 KENNY RD. (43220)**, to permit commercial vehicular access and reduced development standards in the AR-1, Limited Apartment Residential District, and to repeal Ordinance #2864-2017, passed November 20, 2017 (Council Variance #CV20-030).

WHEREAS, by application #CV20-030, the owner of property at **4660 KENNY RD. (43220)**, is requesting a Council variance to permit commercial vehicular access and reduced development standards in the AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits vehicular access for commercial uses from being located on residentially zoned property, while the applicant proposes to maintain existing commercial vehicular access to the adjacent property; and

WHEREAS, Section 3312.21, Landscaping and screening, requires screening of parking lots within 80 feet of residentially zoning districts, while the applicant proposes no screening along the northern property line which is adjacent to another multi-unit residential development; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of 11 percent; and

WHEREAS, Section 3333.25, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes pavement for parking and maneuvering in the required northern side yard and rear yard; and

WHEREAS, the City Departments recommend approval because the variances will allow existing commercial access to a neighboring commercial building and will allow a multi-unit residential development that is compatible with the adjacent multi-unit residential development; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 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 **4660 KENNY RD. (43220)**, 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 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.21, Landscaping and screening; 3333.24, Rear yard; and 3333.35, Side or rear yard obstruction, of the Columbus City Codes, is hereby granted for the property located at **4660 KENNY RD. (43220)**, insofar as said sections prohibit vehicular access for commercial uses from being located on residentially zoned property; with no parking lot screening along the northern property line; a reduced rear yard from 25 percent to 11 percent; and an obstruction of the required northern side yard and rear yard for parking and maneuvering, said property being more particularly described as follows:

4660 KENNY RD. (43220), being 1.99± acres located on the east side of Kenny Road, 380± feet north of Godown Road, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the City of Columbus:

Being a part of Section 1, Township 1, Range 19, United States Military Lands and being that certain Tract conveyed to the CAA Corporation by deed recorded in Deed Book 2978, Page 388, Records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Kenny Road, 60 ft. in width, at the northwest corner of said CAA Corporation's tract and the southwest corner of 2.953 acre tract conveyed to Keneco, Inc., by Deed of Record in Deed Book 2508, Page 423, records of said Recorder's Office: thence N. 88° 11' E., passing an iron pin at 31.42 ft., a distance of 715.85 ft. to an iron pin in the westerly line of the Chesapeake and Ohio Railroad Right-of-Way; thence S. 14° 23' E., with said Railroad, a distance of 156.33 ft. to an iron pin; thence S. 88° 11' W. passing an iron pin at 766.39 ft. a distance of 797.81 ft. to a point in the centerline of Kenny Road; thence N. 15° 30' E., with the centerline of said Road, a distance of 159.74 ft. to the point of beginning, containing 2.650 acres, more or less, except the following:

Being in Quarter Township 1, Township 1-North, Range 19-West, United States Military Lands, being a 0.655 acre tract of land all out of that 2.650 acre tract of land described in a deed to Frank J. Cipriano, Trustee, of record in Deed Book 3622, Page 614, Recorder's Office, Franklin County, Ohio, said 0.655 acre tract being more particularly described as follows:

Beginning at a point in the centerline of Kenny Road (60.00 feet in width) at the southwesterly corner of said 2.650 acre tract, said point also being the northwesterly corner of a 3 acre tract of land described in a deed to Victoria S. Haddad of record in Deed Book 3446, Page 763, Recorder's Office, Franklin County, Ohio;

Thence North 15° 30' 00" East, along the centerline of said Kenny Road, a distance of 107.46 feet to a point;

Thence North 88° 11' 00" East, parallel to and 50.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 57.61 feet to a point;

Thence North 15° 30' 00" East, parallel to and 55.00 feet easterly from (as measured at right angles) the centerline of said Kenny Road, a distance of 15.71 feet to a point;

Thence North 88° 11' 00" East, parallel to and 35.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 174.23 feet to a point;

Thence South 1° 49' 00" East, a distance of 117.58 feet to a point in the southerly line of said 2.650 acre tract;

Thence South 88° 11' 00" West, along the southerly line of said 2.650 acre tract, the same being the northerly line of said 3 acre tract, a distance of 268.50 feet to the place of beginning (passing an iron pin found on the easterly right-of-way line of Kenny Road at a distance of 237.08 feet) and containing 0.655 acres of land.

The above described Tract #1 contains 1.995 acres and is subject to the following...described non-exclusive ingress, egress and utility easement for the purpose of providing vehicular access, drainage outlets, and any utility services necessary to allow use of the aforementioned 0.655 acre tract, grantee acknowledges that in no way will the use of this easement impair the access to the residential property of grantor.

Beginning at a point in the centerline of Kenny Road (60.00 feet in width) at the northwesterly corner of said 2.650 acre tract;

Thence North 88° 11' 00" East, along the northerly line of said 2.650 acre tract a distance of 220.93 feet to a point;

Thence South 1° 49' 00" East, a distance of 35.00 feet to a point;

Thence South 88° 11' 00" West, parallel to and 35.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 174.23 feet to a point;

Thence South 15° 30' 00" West, parallel to and 55.00 feet easterly from (as measured by right angles) the centerline of said Kenney Road, a distance of 15.71 feet to a point;

Thence South 88° 11' 00" West, parallel to and 50.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 57.61 feet to a point in the centerline of said Kenny Road;

Thence North 15° 30' 00" East, along said centerline, a distance of 52.37 feet to the place of beginning and containing 8,787 square feet of land more or less.

Parcel Number: 010-129794-00

Known as: 4660 Kenny Road, Columbus, Ohio 43220.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment building containing a maximum of 60 units, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**DEVELOPMENT PLAN**," signed by Eric Zartman, Attorney for the Applicant, dated October 7, 2020. 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 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.

SECTION 6. That Ordinance #2864-2017, passed November 20, 2017, be and is hereby repealed.