



Legislation Text

File #: 1154-2008, **Version:** 2

Council Variance Application: CV08-007

APPLICANT: Patrick Caudy; 4515 Raccoon Drive; Columbus, Ohio 43230.

PROPOSED USE: Party facility.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The property is developed with an existing party facility and zoned in the R, Rural District. The party facility is non-conforming, it was built before the property was annexed into the City of Columbus. The existing party facility and parking lot is located within the floodway fringe of Big Walnut Creek. The applicant is requesting a council variance to conform the party facility, which is not a permitted use in the R district, and to allow a new building for storage. The applicant is also requesting variances to maintain the existing parking area without a hard surface and parking space striping. The proposed council variance does not allow for expansion of the existing building, limits the proposed storage building for the party facility to a maximum of 3,200 square feet, and requires the storage building to be located outside of the floodway fringe, which is away from the residential development across Big Walnut Creek. The council variance does not introduce a new use to the area.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3342.23, Striping and marking; and 3342.24, Surface, of the City of Columbus codes, for the property located at **5442 HILDEBRAND ROAD (43230)**, to conform an existing party facility in the R, Rural District **and to declare an emergency.** (Council Variance # CV08-007)

WHEREAS, by application No. CV08-007, the owner of property at **5442 HILDEBRAND ROAD (43230)**, is requesting a Council Variance to permit a party facility as a principal use in the R, Rural District; and

WHEREAS, Section 3332.02, R, Rural District, prohibits a party facility, while the applicant proposes to conform an existing party facility as a principal use; 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 3342.23, Striping and marking, requires parking space striping, while the applicant proposes to maintain the existing parking lot that is located within the floodway fringe without striping; and

WHEREAS, Section 3342.24, Surface, requires the parking lot surface to be improved with Portland cement, asphaltic concrete or other hard surface, while the applicant proposes to maintain the existing unimproved parking lot without a hard surface; and

WHEREAS, City Departments recommend approval because the proposed council variance does not introduce a new use into the area; 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 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 **5442 HILDEBRAND ROAD (43230)**, 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 3332.02, R, Rural District; 3342.23, Striping and marking and 3342.24, Surface, of the City of Columbus codes, is hereby granted for the property located at **5442 HILDEBRAND ROAD (43230)**, insofar as said sections prohibit a party facility with an existing parking lot that does not have striped parking spaces or a hard surface; said property being more particularly described as follows:

5442 HILDEBRAND ROAD (43230), being 5.6± acres located on the east side of Hildebrand Road, 500± feet south of Sunbury Road, and being more particularly described as follows:

LEGAL DESCRIPTION

PARCEL 1 (600-175614)

Situated in the County of Franklin, in the State of Ohio and in the Township of Blendon and bounded and described as follows:

Being in Quarter Townships 3 and 4, Township 2, Range 17, U.S.M. Lands and bounded and described as follows:

Beginning at a nail in the center line of Sunbury Road, and being South 48 degrees 02' West, 215.6 feet from a nail in the center line of the road at the southwest corner of the William R. and Lorena E. McCorkle tract; thence South 86 degrees 14' East, (passing an iron pin at 42.25 feet and being parallel to the south line of the above mentioned McCorkle tract, also passing an iron pin at 810.32 feet, also passing an iron pin near the creek bank at 1277.12 feet) 1407.3 feet to a point in the center line of Big Walnut Creek; thence along the center line of the creek, South 49 degrees 21' West, 221.47 feet to a point; thence North 86 degrees 14' West, (passing an iron pin near the west creek bank at 130.18 feet, also passing an iron pin at 1361.25 feet) 1403.5 feet to a nail in the center line of Sunbury Road; thence along the center line of the road, North 48 degrees 02' East, 216.45 feet to the place of beginning, containing 5 acres, more or less.

Being part of a tract of 52.620 acres described in deed of record in Deed Book 1824, page 6, and part of the tracts described in Certificate of Transfer in the estate of Emma R. Dickey, deceased, of record in Deed Book 1605, page 39 and deeds of record in Deed Book 1044, page 236, Deed Book 1607, page 300 and Deed Book 1763, page 183, Franklin County Recorder's Office.

PARCEL 2 (600-175613):

Situated in the County of Franklin, in the State of Ohio and in the Township of Blendon and bounded and described as follows:

Being in Quarter Townships 3 and 4, Township 2, Range 17, United States Military Lands:

Beginning at a nail in the center line of Sunbury Road at the south west corner of the Wm. R. and Lorena E. McCorkle tract or in the northwest corner of the Dayton M. Rugg, et al., tract;

thence along the south line of the Wm. R. & Lorena E. McCorkle tract, south 86 degrees 14' east (passing an iron pin at 42.25 feet, passing a stone in the line between Quarter Townships 3 & 4 at 66.18 ft. passing a stone on line at the top of the bank at 690.18 ft., passing an iron pin near the west creek bank at 1304.33 ft.) 1414.33 ft. to a point in the center line of Big Walnut Creek;

thence along the center line of the creek south 49 deg. 21' west 220.6 ft. to a point;

thence North 86 degrees 14' west (passing an iron pin on top of the bank at 596.98 ft. and passing an iron pin at Sunbury Road at 1364.78 ft.) 1407.3 ft. to a nail in the center of Sunbury Road;

thence along the center line of the road, North 48 degrees 02' east 215.6 ft. to the place of beginning, containing 5 acres, more or less. Subject to all legal highways and/or rights of way.

Being the North part of a tract of 52.620 acres described in deed of record in D.B. 1824, page 6, and part of the tracts described in Certificate of Transfer in the estate of Emma R. Dickey, deceased, of record in D.B. 1605, page 39, and deeds of record in D.B. 1044, page 236, D.B. 1607, page 300 and D.B. 1763, page 183, Recorder's Office, Franklin County, Ohio.

EXCEPTING THERE FROM THE FOLLOWING THREE PARCELS OF LAND:

Parcel No. I: (EXCEPTING)

Situated in the City of Columbus, County of Franklin and State of Ohio, known as being a part of Quarter Section 4, Town 2 North, Range 17 West, United States Military Lands, and lying on the left and right side of the centerline, FRA-270-20.40N, made by the Department of Transportation, and recorded in Book 35, page 117, of the records of Franklin County, and being more fully bounded and described as follows:

IIII

Parcel No. 24-WD (Highway)

All right, title and interest in fee simple, excluding limitation of access in the following described property.

Beginning at a point on the existing easterly right of way line of Hildebrand Road, said point being located 255.32 feet left of centerline survey Station 1312 plus 44.78 said point being the northwesterly corner of the Owners property, and is the place of beginning for the tract of land described herein;

thence South 86 degrees 35 minutes 43 seconds East, along the Owners' northerly property line for a distance of 23.39 feet to an iron pin set on the proposed right of way line which is located 277.79 feet left of centerline survey Station 1312 plus 51.60;

thence South 14 degrees 30 minutes 41 seconds East, along the proposed right of way line, for a distance of 125.26 feet to an iron pin set which is located 280.16 feet left of centerline survey Station 1313 plus 82.64;

thence South 13 degrees 08 minutes 06 seconds East, and continuing along the proposed right of way line, for a distance of 138.50 feet to an iron pin set which is located 278.14 feet left of centerline survey Station 1315 plus 21.13;

thence South 11 degrees 44 minutes 28 seconds East, and continuing along the proposed right of way line, for a distance of 59.50 feet to an iron pin set on the Owners' southerly property line which is located 275.83 feet left of centerline survey Station 1315 plus 80.58;

thence North 86 degrees 35 minutes 43 seconds West, along Owners' southerly property line, for a distance of 5.93 feet to the Owners' southwesterly property corner, said corner being a point on the existing easterly right of way line of Hildebrand Road which is located 270.17 feet left of centerline survey Station 1315 plus 78.81,

thence North 10 degrees 11 minutes 43 seconds West, along the easterly line of Hildebrand Road and the Owners' westerly property line, for a distance of 71.98 feet to a point which is located 274.91 feet left of centerline survey Station 1315 plus 06.99;

thence South 77 degrees 29 minutes 18 seconds West and continuing along the Owners' westerly property line and the easterly line of Hildebrand Road, for a distance of 20.00 feet to a point which is located 254.92 feet left of center Station 1315 plus 06.48;

thence North 13 degrees 34 minutes 57 seconds West, and continuing along the easterly line of Hildebrand Road and the Owners' westerly property line, for a distance of 256.09 feet to the place of beginning, containing 0.145 of an acre of land, more or less.

Of the above described area, 0.087 of an acre, more or less, is to be deleted from Auditor's Parcel No. 600-175613; and .058 of an acre, more or less, is to be deleted from Auditor's Parcel No. 600-175614.

Owners retain rights of ingress and egress to and from any residual areas.

All iron pins noted as being set throughout this description are $\frac{3}{4}$ inch rebar with an aluminum I.D. cap marked "ODOT R/W ms cons 6574"

"North" for this description is based on a GPS survey performed by the Franklin County Engineer's Office on monuments I-CGS4420 and FCGS 9959 and is based on the NAD83 State Plane Coordinate System Ohio South Zone.

The above description was prepared under the direct supervision of Richard John Swan, Registered Surveyor No. 6574 and is based on a survey made by MS Consultants, Inc. in 1993.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

PARCEL NO. 24-T (TEMPORARY)

THE TEMPORARY RIGHT TO CONSTRUCT DRIVE APPROACH

Beginning at a point on the existing easterly right of way line of Hildebrand Road, said point being located 270.17 feet left of centerline survey Station 1315 plus 78.81, said point being the southwesterly corner of the Owners' property,

thence South 86 degrees 35 minutes 43 seconds East along the Owners' southerly property line for a distance of 5.03 feet to an iron pin set on the proposed right of way line which is located 275.83 feet left of centerline survey Station 1315 plus 80.58 and is the true place of beginning for the tract of land described herein.

thence North 11 degrees 44 minutes 28 seconds West along the proposed right of way line, for a distance of 59.50 feet to an iron pin set which is located 278.14 feet left of centerline survey Station 1315 plus 21.18;

thence North 13 degrees 08 minutes 06 seconds West and continuing along the proposed right of way line, for a distance of 21.13 feet to a point on the temporary easement line which is located 278.45 feet left of centerline survey Station 1315 plus 00.00;

thence South 24 degrees 34 minutes 09 seconds East along the temporary easement line, for a distance of 35.61 feet to a point which is located 285.00 feet left of centerline survey Station 1315 plus 35.00;

thence South 13 degrees, 58 minutes 07 seconds East, and continuing along the temporary easement line, for a distance of 25.00 feet to a point which is located 285.00 feet left of centerline survey Station 1315 plus 60.00;

thence South 10 degrees 02 minutes 48 seconds West along said temporary easement line, for a distance of 22.53 feet to the true place of beginning, containing 0.009 of an acre of land, more or less.

The above described area is to be deleted from Auditor's Parcel No. 600-175614, which contains 0.009 of an acre, more or less.

All iron pins noted as being set throughout this description are $\frac{1}{2}$ inch rebar with an aluminum I.D. cap marked "ODOT R/W ms cons 6574."

"North" for this description is based on a GPS survey performed by the Franklin County Engineer's Office on monuments FCGS 4420 and FCGS 9959 and is based on the NAD 83 State Plane Coordinate System, Ohio South Zone.

The above description was prepared under the direct supervision of Richard John Swan, Registered Surveyor No. 6574 and is based on a survey made by MS Consultants, Inc. in 1993.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file ,in the Department of Transportation, Columbus, Ohio.

Owners claim title by instrument recorded in Volume 2550, at Page 543 and Volume 2458, at page 337 of the Deed Records of Franklin County, Ohio.

PARCEL NO.2: (FURTHER EXCEPTING)

Situated in the Township of Blendon, County of Franklin and State of Ohio:

Parcel No. 116-WL (Highway)

All right, title and interest in fee simple in the following described property.

Beginning at the owners' northwest property corner in the centerline of existing Sunbury Road (County Road 8) said point being 125.96 feet right of and radially from Station 1311 plus 35.65 in the centerline of a survey made in 1967, by the Ohio Department of Highways, of proposed Interstate Route 270, Section 20.40N in Blendon Township, Franklin County, Ohio; thence along said property line South 86 degrees 31 minutes 34 seconds East (passing from Section 3 into Section 4), a distance of 315.32 feet to a point in the easterly proposed limited access right of way line of Interstate 270, said point being 177.88 feet left of and radially from Station 1312 plus 20.36; thence along the easterly proposed limited access right of way line of Interstate Route 270, South 13 degrees 13 minutes 54 seconds East, a distance of 323.18 feet to a point in the owners' southerly property line, said point being 175.66 feet left of Station 1315 plus 48.20; thence along said property line North 86 degrees 31 minutes 34 seconds West (passing from Section 4 into Section 3), a distance of 358.98 feet to a point in the westerly proposed limited access right of way line of Interstate Route 270, said point being 166.82 feet right of Station 1314 plus 40.62; thence along the westerly proposed limited access right of way line of Interstate Route 270, North 14 degrees 37 minutes 17 seconds West, a distance of 283.67 feet to a point in the owners' westerly property line in the center of existing Sunbury Road, County Road 8 and also being 173.95 feet right of and radially from Station 1311 plus 63.21; thence along said center of Sunbury Road and property line North 47 degrees 44 minutes 15 seconds East a distance of 55.70 feet to the place of beginning containing 2.556 acres, more or less, including the present road right of way, County Road 8, which occupies 0.054 of an acre, more or less.

Of the 2.556 acres described above 0.502 of an acre, are in Section 3 and 2.054 acres, are in Section 4.

Description for this parcel is based on a survey made by Murray D. Shaffer, Registered Surveyor Number 673.

Together with all rights or easements of access to or from said limited access highway, from or to the land of said persons abutting upon that portion of said limited access highway, as shown by the plans of said improvement herein referred to.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey.

Parcel No. 116-WD (Highway)

All right, title and interest in fee simple in the following described property.

Beginning at a point in the owners' northerly property line said beginning point being South 86 degrees 31 minutes 34 seconds East a distance of 315.32 feet from the owners' northwest property corner and also being 177.88 feet left of and radially from Station 1312 plus 20.36 in the centerline of a survey made in 1967, by the Ohio Department of Highways, of proposed Interstate Route 270, Section 20.40 N, in Blendon Township, Franklin County, Ohio; thence along said property line South 86 degrees 31 minutes 34 seconds East a distance of 80.56 feet to a point in the easterly proposed right-of-way line of Service Road "D", said point being 255.31 feet left of and radially from Station 1312 plus 43.51; thence along said right of way line for the following three (3) courses; (1) South 13 degrees 35 minutes 10 seconds East a distance of 250.82 feet to a point being 255.00 feet left of Station 1315 plus 00.00; (2) North 76 degrees 02 minutes 10 seconds East a distance of 20.00 feet to a point being 275.00 feet left of Station 1315 plus 00.00; (3) thence South 10 degrees 16 minutes 54 seconds East a distance of 78.00 feet to a point in the owners' southerly property line, said point being 269.99 feet left of Station plus 77.84; thence along said property line North 86 degrees 31 minutes 36 seconds West a distance of 98.87 feet to a point in the easterly proposed limited access right of way line of Interstate Route 270 said point being 175.66 feet left of Station 1315 plus 48.20; thence along said right of way line North 13 degrees 13 minutes 54 seconds West a distance of 323. 18 feet to the place of beginning, containing 0.611 of an acre, more or less.

Description for this parcel is based on a survey made by Murray D. Shaffer, Registered Surveyor No. 673.

PARCEL NO.3: (FURTHER EXCEPTING)

Situated in Quarter Township 3, Township 2 North, Range 17 West, United States Military Lands, in the Township of Blendon, County of Franklin, State of Ohio, and being portions of the originally 5 acre tracts of land conveyed to The Venice Club by deeds of record in Deed Book 2458, Page 337, and Deed Book 2550, Page 543, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point at the intersection of the centerline of Sunbury Road (60 feet wide) with the west limited access right-of-way line of Interstate Route 270, said point also being in the west line of the second said Venice Club 5 acre tract, as said right-of-way line is shown upon sheet 20 of 28 of Ohio Department of Transportation right-of-way plans for FRA-270-20.40N;

Thence S 14° 37' IT' E along the west limited access right-of-way line of Interstate Route 270, crossing a portion of second said Venice Club 5 acre tract and crossing first said Venice Club 5 acre tract a distance of 283.20 feet to an iron pin set in the south line of first said Venice Club 5 acre tract and in the north line of an originally 5 acre tract of land conveyed to George E. Wukelic and Leo A. Streltsov by deed of record in Deed Book 2068, Page 373, Recorder's Office, Franklin County, Ohio (passing an iron pin set in the southeasterly right-of-way line of Sunbury Road at 33.86 feet);

Thence N 86° 24' 55" W along a portion of first said Venice Club 5 acre tract and along a portion of the said Wukelic and Streltzov 5 acre tract a distance of 349.66 feet to a point in the centerline of Sunbury Road, at the southwest corner of first said Venice Club 5 acre tract and at the northwest corner of said Wukelic and Streltzov 5 acre tract (passing an iron pin found in the southeasterly right-of-way line of Sunbury Road at 307.85 feet);

Thence N 47° 44' 15" E along the centerline of Sunbury Road, along the west line of first said Venice Club 5 acre tract and along a portion of the west line of second said Venice Club 5 acre tract a distance of 374.95 feet to the place of beginning;

Containing 1.080 acres of land more or less, of which 0.885 acre is in first said Venice Club 5 acre tract and 0.195 acre is in second said Venice Club 5 acre tract, and being subject to all legal highways, easements and restrictions of record.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a party facility, or those uses permitted in the R, Rural District.

SECTION 3. That this ordinance is further conditioned that the party center building may not be expanded beyond the current size of 4,000± square feet.

SECTION 4. That this ordinance is further conditioned to allow one storage building, maximum 3,200 square feet, for the party facility, located outside of the floodway fringe.

SECTION 5. That this ordinance is further conditioned that the variances to Sections 3342.23 and 3342.24 only apply to the existing party center and only to the existing parking lot, located in the floodway fringe as seen in the aerial map.

SECTION 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 7. ~~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.**