



## Legislation Text

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**File #:** 0513-2015, **Version:** 3

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### **Council Variance Application: CV14-057**

**APPLICANT:** T&R Development; c/o Michael T. Shannon of Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, Ohio 43215.

**PROPOSED USE:** Multi-unit residential development with reduced development standards.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from the Development Commission for a concurrent rezoning request (Ordinance No. 0512-2015; Z14-051) to the ARLD, Apartment Residential District. The requested Council variance will allow expanded development of an existing apartment complex with reduced development standards. Variances are requested for building setback, perimeter yard, building height, and dumpster placement, some of which are to conform existing conditions on the property, and to also allow consistent setbacks with the apartment complex to the south. The request will allow residential redevelopment of the subject site in a manner which is consistent with adjacent residential developments in terms of design and density.

To grant a variance from the provisions of Sections 3321.01, Dumpster area; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.26, Height district, of the Columbus City Codes; for the property located at **2340 HILLIARD-ROME ROAD (43026)**, to permit multi-unit residential development with reduced development standards in the ARLD, Apartment Residential District **and to declare an emergency** (Council Variance # CV14-057).

**WHEREAS**, by application No. CV14-057, the owner of property at **2340 HILLIARD-ROME ROAD (43026)**, is requesting a Council variance to permit multi-unit residential development with reduced development standards in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3321.01, Dumpster area, prohibits maneuvering area for dumpsters in a required perimeter yard, while the applicant proposes a dumpster in the required perimeter yard as shown on the Site Plan; and

**WHEREAS**, Section 3333.18, Building lines, requires a building line of no less than sixty (60) feet along Hilliard-Rome Road, while the applicant proposes a building line of forty (40) feet; and

**WHEREAS**, 3333.255, Perimeter yard, requires a perimeter yard of no less than twenty-five (25) feet, while the applicant proposes a perimeter yard of sixteen (16) feet along the south property line, and to allow a dumpster to encroach six (6) feet into the perimeter yard as shown on the Site Plan; and

**WHEREAS**, Section 3333.26, Height district, requires no building or structure in the ARLD District shall exceed a height of thirty-five (35) feet in the thirty-five (35) foot height district, while the applicant proposes to permit a building height of forty (40) feet; and

**WHEREAS**, City Departments recommend approval because the requested variances will allow continued residential development in a manner which is consistent with adjacent residential developments in terms of design and density; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the

proposed 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 **2340 HILLIARD-ROME ROAD (43026)**, 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 3321.01, Dumpster area; 3333.18, Building lines; 3333.255, Perimeter yard; and 3333.26, Height district, of the Columbus City Codes, is hereby granted for the property located at **2340 HILLIARD-ROME ROAD (43026)**, insofar as said sections prohibit a dumpster from encroaching six (6) feet into the required perimeter yard; a reduced building line of forty (40) feet along Hilliard-Rome Road; a reduced perimeter yard from twenty-five (25) feet to sixteen (16) feet along the south property line; and an increased building height from thirty-five (35) feet to forty (40) feet; said property being more particularly described as follows:

**2340 HILLIARD-ROME ROAD (43026)**, being 17.24± acres located on the east side of Hilliard-Rome Road, at the intersection with Asics Drive, and being more particularly described as follows:

**Zoning Description**  
**17.24 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey numbers 6554 and 7029, being all of that 7.237 acre tract conveyed to T&R Development Hilliard-Rome Limited Partnership by deed of record in Instrument Number 200801230011000, that 8.120 acre tract conveyed as Tract I Parcel I and that tract conveyed as Parcel II to T&R Development Hilliard-Rome Limited Partnership by deed of record in Instrument Number 201110180132779, those tracts conveyed as Parcel I and Parcel II to T&R Development Hilliard-Rome Limited Partnership by deed of record in Instrument Number 201410270141694, that tract conveyed to T&R Development Hilliard-Rome Limited Partnership by deed of record in Instrument Number 201407290097693, and that tract conveyed to Robinwood Corporate Center by deed of record in Instrument Number 201308230144367, and part of that 11.313 acre tract conveyed to T&R Development III, Inc. by deed of record in Official Record 18593B10, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

BEGINNING in the easterly right-of-way line of Hilliard-Rome Road at the common corner of said 7.237 and 11.313 acre tracts:

Thence North 06° 25' 25" West, with said easterly right-of-way line, a distance of 600.00 feet to a point;

Thence with the perimeter of said T&R Development Hilliard-Rome Limited Partnership tracts, the following courses and distances:

South 87° 42' 02" East, a distance of 179.16 feet to a point;  
North 06° 25' 25" West, a distance of 603.78 feet to a point;

North 83° 34' 20" East, a distance of 493.70 feet to a point;  
South 06° 36' 21" East, a distance of 735.55 feet to a point;  
South 06° 36' 17" East, a distance of 617.55 feet to a point at the northeast corner  
of said 11.313 acre tract;

Thence with the line common to said 7.237 and 11.313 acre tracts, the following courses and distances:

South 83° 25' 26" West, a distance of 266.41 feet to a point;  
North 06° 34' 34" West, a distance of 25.61 feet to a point;  
North 51° 34' 34" West, a distance of 204.08 feet to a point;  
South 72° 40' 47" West, a distance of 98.47 feet to a point; and  
North 87° 30' 12" West, a distance of 18.47 feet to a point;

Thence south 83° 51' 20" West, across said 11.313 acre tract, a distance of 148.89 feet to a point in said easterly right-of-way line;

Thence North 06° 38' 42" West, with said easterly right-of-way line, a distance of 22.66 feet to the POINT OF BEGINNING, containing 17.24 acres, more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as multi-unit residential development, as shown on the submitted Site Plan, or those uses permitted in the ARLD, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the exhibits titled, "**BAYSIDE APARTMENTS EXPANSION**," "**EXTERIOR ELEVATIONS**," and "**SITE LANDSCAPE PLANS**," drawn by EMH&T and Kontogiannis & Associates, dated ~~December 19, 2014~~ **April 15, 2015**, and signed by Michael T. Shannon, Attorney for the Applicant. The plans 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 plans 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 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.**