



Legislation Text

File #: 1761-2015, **Version:** 1

Council Variance Application # CV15-034

APPLICANT: DNC Hamilton Crossing, LLC; c/o Aaron L. Underhill, Atty.; Underhill Yaross, LLC; 8000 Walton Parkway, Suite 260; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development with reduced perimeter yard.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from the Development Commission on April 9, 2015, for a concurrent rezoning (Ordinance No. 1758-2015, Z14-044) which includes the L-ARLD, Limited Apartment Residential District as Subarea E, and proposes a 192-unit apartment complex on 14.52± acres. The Development Text for Subarea E specifies a required perimeter yard, and the requested variance will allow a five-foot encroachment of stoops, porches, and balconies into this area as shown on the attached site plan. Staff supports the requested variance because of the irregular shape of the site, and the necessity to provide pedestrian access to the buildings. In addition, the perimeter yard has been increased along the western boundary to shift the development farther away from the 71± acre nature preserve, so the proposed reduction along the northern boundary is negligible.

To grant a variance from the provisions of Section 3333.255, Perimeter yard, of the Columbus City codes; for the property located at **5074 EAST DUBLIN-GRANVILLE ROAD (43054)**, to permit a reduced perimeter yard for an apartment complex in the L-ARLD, Limited Apartment Residential District (Council Variance # CV15-034).

WHEREAS, by application No. CV15-034, the owner of property at **5074 EAST DUBLIN-GRANVILLE ROAD (43054)**, is requesting a Council Variance to permit a reduced perimeter yard for an apartment complex in the L-ARLD, Limited Apartment Residential District; and

WHEREAS, Section 3333.255, Perimeter yard, requires a twenty-five (25) foot perimeter yard for an apartment complex, while the applicant proposes a maximum encroachment of five (5) feet into the required perimeter yard by stoops, porches, and balconies; and

WHEREAS, the City Departments recommend approval of the requested variance because of the irregular shape of the site, and the necessity to provide pedestrian access to the buildings. In addition, the perimeter yard has been increased along the western boundary to shift the development farther away from the 71± acre nature preserve, so the proposed reduction along the northern boundary is negligible; 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 **5074 EAST DUBLIN-GRANVILLE ROAD (43054)**, 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 Section 3333.255, Perimeter yard, of the Columbus City codes; is hereby granted for the property located at **5074 EAST DUBLIN-GRANVILLE ROAD (43054)**, in so far as said section prohibits an encroachment of five (5) feet into the required perimeter yard by stoops, porches, and balconies; said property being more particularly described as follows:

5074 EAST DUBLIN-GRANVILLE ROAD (43054), being Subarea E of Rezoning Application # Z14-044; 14.52± acres located at the northwest corner of Hamilton Road and State Route 161, and being more particularly described as follows:

TRACT 1
11.389 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of the remainder of that 89.603 acre tract as conveyed to The New Albany Company, LLC by deed of record in Official Record 15680H04 and Instrument Number 199811120289607, all of those 0.173 and 0.397 acre tracts as conveyed to The New Albany Company, LLC by deed of record in Instrument Number 200410280249132, and all of that 0.190 acre tract as conveyed to The New Albany Company, LLC by deed of record in Instrument Number 200408190194830 (all references refer to the records of the Recorder's Office, Franklin County, Ohio, unless otherwise noted), and described as follows:

BEGINNING at the common corner of that 31.729 acre tract as conveyed to State of Ohio by deed of record in Official Record 25998B20 and that 2.329 acre tract as conveyed to State of Ohio by deed of record in Instrument Number 199812160324049, that 70.744 acre tract as conveyed to City of Columbus, Ohio by deed of record in Instrument Number 200812300185523, and said 89.603 acre tract, also being a common corner to the northerly Limited Access Right-of-Way of State Route 161 and the westerly right-of-way line of Hamilton Road as shown on the right-of-way plans for FRA-161-16.75/LIC-161-0.00 on file with the Ohio Department of Transportation;

thence with the line common to said 89.603 acre tract and said 70.744 acre tract, the following courses and distances:

North 86° 24' 01" West, a distance of 92.33 feet to an iron pin set;
North 73° 32' 18" West, a distance of 16.94 feet to an iron pin set;

North 15° 01' 39" West, a distance of 70.66 feet to an iron pin set;

North 85° 44' 10" West, a distance of 29.52 feet to an iron pin set;

North 52° 02' 40" West, a distance of 36.91 feet to an iron pin set;

South 89° 42' 42" West, a distance of 66.89 feet to an iron pin set;

North 00° 59' 10" West, a distance of 409.26 feet to an iron pin set;

North 88° 46' 34" West, a distance of 42.79 feet to an iron pin set;

North 31° 22' 00" West, a distance of 278.26 feet to an iron pin set;

South 88° 32' 18" West, a distance of 103.02 feet to an iron pin set;

North 10° 58' 44" East, a distance of 102.81 feet to an iron pin set;

North 40° 17' 51" West, a distance of 64.82 feet to an iron pin set;

North 12° 30' 00" West, a distance of 69.83 feet to an iron pin set;

North 01° 03' 40" East, a distance of 54.03 feet to an iron pin set;

North 46° 14' 17" East, a distance of 33.62 feet to an iron pin set;

North 03° 59' 11" East, a distance of 102.56 feet to an iron pin set at a common corner thereof, in the original northerly line of said 89.603 acre tract and in the southerly line of that 11.809 acre tract as conveyed to Albany Landings, LLC by deed of record in Instrument Number 200612180250327;

thence South 86° 00' 49" East, with the line common to said 89.603 acre tract and said 11.809 acre tract, the remainder of that 12.393 acre tract as conveyed to The Village at Preston Woods, LLC by deed of record in Instrument Number 200509200195889, "The Village at Preston Woods Condominium 4th Amendment" of record in Condominium Plat Book 172, Page 90, "The Village at Preston Woods Condominium 3rd Amendment" of record in Condominium Plat Book 172, Page 86, and "The Village at Preston Woods Condominium 1st Amendment" of record in Condominium Plat Book 169, Page 12, a distance of 745.48 feet to an iron pin set at the common corner of said 89.603 acre tract, said "The Villa at Preston Woods Condominium 1st Amendment", the remainder of that 33.918 acre tract as conveyed to Cardinal Title Holding Company by deed of record in Official Record 12417G06, and the remainder of that 1.556 acre tract as conveyed to Stephen L. Harper, Trustee by deed of record in Instrument Number 200404290096691;

thence with a line common to said 89.603 and 1.556 acre tracts, with the arc of a curve to the left, having a central angle of 04° 26' 57", a radius of 2440.00 feet, an arc length of 189.47 feet, a chord bearing and distance of South 12° 17' 31" West, 189.42 feet to an iron pin set at a northerly corner of said 0.190 acre tract;

thence South 41° 14' 45" East, with the line common to said 0.190 and 1.556 acre tracts, a distance of 134.04 feet to an iron pin set at a common corner thereof and in the northwesterly right-of-way line of Hamilton Road of record in Plat Book 100, Page 3;

thence South 48° 45' 15" West, with said northwesterly right-of-way line and a southeasterly line of said 0.190 acre tract, a distance of 62.31 feet to an iron pin set;

thence South 43° 43' 17" West, with said northwesterly right-of-way line, the northwesterly of said 2.329 acre tract, and a southeasterly line of said 0.397 and 0.173 acre tracts, a distance of 286.35 feet to an iron pin set at a southerly corner of said 0.173 acre tract, a easterly corner of said 89.603 acre tract, and in the westerly right-of-way line of said Hamilton Road;

thence with the easterly line of said 89.603 acre tract and said westerly right-of-way line, the following courses and distances:

with the arc of a curve to the left, having a central angle of 01° 05' 19", a radius of 2560.00 feet, an arc length of 48.64 feet, a chord bearing and distance of South 01° 11' 44" West, of 48.64 feet to an iron pin set;

South 02° 07' 52" East, a distance of 277.65 feet to an iron pin set;

South 00° 20' 45" West, a distance of 234.79 feet to an iron pin set, being the POINT OF BEGINNING and containing 11.389 acres of land, more or less.

Of the above described 11.389 acres, 0.190 acre is from Auditor's Parcel Number 010-272141, 0.397 acre is from Auditor's Parcel Number 010-273256, 0.173 acre is from Auditor's Parcel Number 010-273255, and 10.629 acres is from Auditor's Parcel Number 010-220083.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

The bearings shown hereon are based on the North 64° 59' 53" East for a portion of the centerline of Relocated State Route 161, as shown on the centerline survey plat of FRA-161-16.75/LIC-161-0.00 of record in Plat Book 78, Page 28.

TRACT 2

1.363 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2, Range 16, and being 1.164 acres of land out of a 1.810 acre tract of land as conveyed to Daniel J. Kerscher, Trustee of a record in Instrument Number 199903030054237 and being 0.199 acres out of a 143.579 acre tract of land as conveyed to Daniel J. Kerscher, Trustee of record in Instrument Number 199806100142753 (all records being of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows;

Beginning for reference at the northeasterly corner of State Route 161, Station 984+88.84, 690.12 feet left as measured at right angles to the centerline of said State route 161 and as shown on the Centerline Survey Plat FRA -161-16 75, Lic-161-0.00 as recorded in Plat Book 78, Page 28 and being a point on the easterly line of an original 89.603 acre tract of land as conveyed to New Albany Company of record in Official Record Volume 15680H-04;

Thence with the westerly line of a 2.329 acre tract as conveyed to the State of Ohio Department of Transportation, Parcel Number 1WL of record in Instrument Number 199812160324049 together with the easterly line of said 89.603 acre tract and with the westerly and northerly line of a 0.702 acre tract of land as conveyed to the State of Ohio Department of Transportation, Parcel Number 1 WD of record in Instrument Number 19981260324044, the following four (4) courses;

- 1) North 00°20'45" East, a distance of 234.79 feet to a point of non tangent curve;
- 2) With a curve northerly and to the right having a radius of 2860.00 feet, a central angle of 05°33'52", a chord bearing of North 02°07'52" West, and a chord distance of 277.65 feet to a point of compound curvature;
- 3) With a curve northerly and to the right having a radius of 2560.00 feet, a central angle of 06°52'36", a chord bearing of North 04°05'22" East, and a chord distance of 307.07 feet to a point;
- 4) South 82°28'24" East, a distance of 120.00 feet to a point of curvature on the westerly line of said 1.810 acre tract;

Thence with a curve northerly and to the right having a radius of 2440.00 feet, a central angle of 02°32'23", a chord bearing of North 08°47'51" East, and a chord distance of 108.16 feet to a 1" iron pipe set with an EDG cap and being a point on said curve and being the true point of beginning;

Thence with a curve northerly and to the right having a radius of 2440.00 feet, a central angle of 04°26'57", a chord bearing North 12°17'32" East, and a chord distance of 189.43 feet to a 1" iron pipe set with an EDG cap and being the northwesterly corner of said 1.810 acre tract and also being a point on the southerly line of a 33.918 acre tract of land as conveyed to Cardinal Title Holding Company of record in Official Record Volume 12417G-06;

Thence South 86°00'49" East with the northerly line of said 1.810 acre tract and with the northerly line of said 143.579 acre tract together with the southerly line of said 33.918 acre tract, a distance of 347.36 feet to a 1" iron pipe set with an EDG cap and being a point on the westerly right of way line of Hamilton Road (100.00 feet

wide) as recorded in Plat Book 100, Page 3;

Thence South 48°45'15" West with the westerly right of way line of said Hamilton Road, a distance of 396.97 feet to a 1" iron pipe set with an EDG cap;

Thence North 41°14'45" West through said 1.810 acre tract, a distance of 134.04 feet to the true point of beginning and containing 1.363 acres of land more or less.

This description was prepared by Environmental Design Group Inc., Columbus, Ohio from an actual field survey. The basis of bearing is South 79°29'18" West for the northerly limited access right of way line of State Route 161.

TRACT 3 1.769 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 3, Township 2, Range 16, United States Military Lands, being 1.769 acres out of an original 33.918 acre tract as conveyed to Cardinal Title Holding Company as shown of record in Official Record Volume 12417 Page G-06, and being more particularly described as follows:

Commencing for a reference at 1" solid iron bar found at the intersection of the centerlines of Warner Road and Hamilton Road of record in the Dedication Plat of Hamilton Road and Easements as recorded in Plat Book 100, Page 3;

Thence South 03°42'30" West with the centerline of said Hamilton Road, a distance of 64.11 feet to a Mag nail found at the point of a curvature of a curve to the right;

Thence with said curve to the right having a radius of 1000.00 feet, a central angle of 45°02'45", a chord bearing of South 26°13'52" West, a chord distance of 766.10 feet, and an arc length of 786.20 feet to a Mag nail found at a point of tangency;

Thence South 48°45'15" West with said centerline, a distance of 847.57 feet to a point;

Thence North 41°14'45" West crossing said right of way, a distance of 50.00 feet to an iron pin set at the westerly right of way line and the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence South 48°45'15" West with said right of way line, a distance of 92.64 feet to a 5/8" iron pin found 0.26 feet west and 0.10 feet south at the northeasterly corner of a 1.556 acre tract as conveyed to Stephen L. Harper Tr. of record in Inst. No. 200404290096691;

Thence North 86°00'39" West with the northerly line of said 1.556 acre tract, a distance of 347.52 feet to a point in a tree referenced by two 1" iron pipes found with CEC caps 4.85 feet north and 5.00 feet west of the southeasterly corner of a 0.674 acre Phase II First Amendment of The Village at Preston Woods Condominium as recorded in Inst. No. 200606130114393;

Thence North 03°59'26" East with the easterly line of said 0.674 acre tract, a distance of 115.00 feet to an iron pin set;

Thence North 48°45'15" East with the southeasterly line of said 0.674 acre tract and the southeasterly line of a 0.631 acre Phase VII Sixth Amendment of The Village at Preston Woods Condominium as recorded in Inst. No. 200611210235274, a distance of 255.71 feet to a 5/8" iron pin found;

Thence South 41°14'45" East with the southwesternly line of the entrance tract to The Reserve at Preston

Woods Condominium as recorded in Inst. No. 200507080134441, a distance of 327.72 feet to the true point of beginning containing 1.769 acres of land, more or less.

Subject however to all easements, restrictions and rights-of-way of record, if any.

Basis of bearings is South 48°45'15" West for the centerline of Hamilton Road as shown on Plat Book 100, Page 3.

All iron pins set are 5/8" solid iron pins 30" in length with an orange plastic cap stamped "Floyd Browne Group".

The above description is based on and referenced to a plat of survey prepared by Floyd Brown Group dated May 08, 2007, attached hereto and made a part thereof.

All references are to the records of the Recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with multi-unit residential development.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SUBAREA E SITE PLAN**," drawn by EMH&T dated June 23, 2015, and signed by Aaron L. Underhill, 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 adjustments 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 upon the applicant obtaining all applicable permits and Certificates 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.