



## Legislation Text

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**File #:** 2441-2016, **Version:** 2

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### **Council Variance Application: CV16-048**

**APPLICANT:** Bell Properties, Ltd.; c/o Michael T. Shannon and Eric L. Zartman, Attys.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Two-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 No. 2440-2016; Z15-010) to the L-R-2F, Limited Residential District. The subject site is proposed for development with two-unit dwellings on 23 lots (46 total units). The requested variance will permit reduced maximum side yards of 10 feet for the proposed lots with minimum side yards being met. Due to tree preservation and open space areas being incorporated into the proposed subdivision, the reduced maximum side yards are appropriate and supported.

To grant a Variance from the provisions of Section 3332.25(B), Maximum side yards required, of the Columbus City Codes; for the property located at **9480 SOUTH OLD STATE ROAD (43235)**, to allow a two-unit residential development with reduced maximum side yards in the L-R-2F, Limited Residential District (Council Variance # CV16-048) **and to declare an emergency.**

**WHEREAS**, by application No. CV16-048, the owner of property at **9480 SOUTH OLD STATE ROAD (43235)**, is requesting a Council variance to allow a two-unit residential development with reduced maximum side yards in the L-R-2F, Limited Residential District; and

**WHEREAS**, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, provided that no more than 16 feet need be so devoted, while the applicant proposes a reduced maximum side yard of 10 feet per lot for the proposed two-unit dwelling development; and

**WHEREAS**, City Departments recommend approval of the requested variance to reduce the maximum side yard on each lot because tree preservation and open space areas being incorporated into the proposed subdivision, and each lot will still meet the minimum side yard requirements; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed new 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 **9480 SOUTH OLD STATE ROAD (43235)**, 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 Section 3332.25(B), Maximum side yards required, of the Columbus City Codes, is hereby granted for the property located at **9480 SOUTH OLD STATE ROAD (43235)**, insofar as said sections prohibit a two-unit residential development with each lot having a reduced maximum side yard from 20 percent of the lot width to a minimum of 10 feet; said property being more particularly described as follows:

**9480 SOUTH OLD STATE ROAD (43235)**, being 6.0± acres located 734± feet west of South Old State Road, at the terminus of Garrett Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Delaware, City of Columbus, Farm Lot 2, Quarter Township 3, Township 3, Range 18, U.S. Military Lands, and being part of an original 10.511 acre tract conveyed to Korean Presbyterian Church, by deed of record in Official Record 1049, Page 504, records of the Recorder's Office, Delaware County, Ohio and being bounded and more particularly described as follows:

Begin for Reference, at an iron pin set being referenced by a ¾ iron pin found North 89° 58' 23" West, a distance of 0.95 feet, at the westerly common corner of Lot 4 of the Wynstone Village, as shown and delineated in Plat Cabinet 3, slide 235, and a 1.277 acre tract conveyed to Subcarrier Communications, Inc., by deed of record in Official Record 1177, Page 1523, and being on the easterly right-of-way line of a railroad conveyed to New York Center Lines, by deed of record in Deed Book 671, Page 206;

Thence South, 06° 09' 00" East, a distance of 145.14 feet along the westerly line of said 1.277 acre tract and the easterly line of said Railroad, to an iron pin set, being referenced by a 2/4 iron pin found South 44° 35' 07" West, a distance of 0.43 feet, at the westerly common corner of said 1.277 acre and 10.511 acre tracts, and being the **True Point of**

**Beginning:**

Thence North 89° 45' 00" East, a distance of 902.95 feet, along the line common to said 1.277 acre tract, said 10.511 acre tract, a 0.165 acre tract conveyed to the City of Columbus, by deed of record in Official Record 1273, Page 464 and a 4.089 acre tract conveyed to Polaris Enclave, LLC, by deed of record in Official Record 1245, Page 2297, to an iron pin set;

Thence South 00° 00' 59" West, a distance of 276.99 feet, across said 10.511 acre tract, to an iron pin set on the line common to said 10.511 acre tract and a 9.00 acre tract conveyed to Columbus and Southern Power Company, by deed of record in Deed Book 598, Page 819;

Thence south 82° 25' 40" West, a distance of 870.14 feet, along the line common to said 10.511 acre and 9.00 acre tracts, to an iron pin set being referenced by a ¾ inch pin found North 26° 43' 36" West, a distance of 5.89 feet, at the westerly common corner of said 10.511 acre and 9.00 acre tracts, and being on the easterly line of said Railroad;

Thence North 06° 08' 40" West, a distance of 313.90 feet, along the westerly line of said 10.511 acre tract and the easterly line of said Railroad, to the **True Point of Beginning**, containing 6.00 acres more or less and being subject to all easements, restrictions, and rights-of-way of record.

The bearing on the above description are based on the bearing South 89° 45' 00" West, for the southerly line of a 4.089 acre tract, of record in Deed Book 1245, Page 2297, Recorder's Office, Delaware, County, Ohio.

All iron pins set are  $\frac{3}{4}$  inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description is based on an actual field survey performed in February, 2015.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-unit residential development as permitted by the L-R-2F, Limited Residential District specified by Ordinance No. 2440-2016 (Z15-010).

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed new uses.

**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.**