



Legislation Text

File #: 1359-2017, **Version:** 1

Council Variance Application: CV16-002

APPLICANT: Akidel Investment Company, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

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 No. 1358-2017; Z16-002) to the L-AR-12, Limited Apartment Residential District to allow an 18-unit residential development. A variance is necessary because the L-AR-12, Limited Apartment Residential District does not permit vehicular access for commercial uses. Furthermore, the applicant requests a reduction in the minimum perimeter yard on the south and west property lines to accommodate the residential development while maintaining the stream corridor protection zone. Staff finds the requested variances to be supportable as they will allow multi-unit residential development that is consistent with adjacent residential development while preserving natural resources and maintaining existing commercial access to a neighboring commercial property to the north.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use; and 3333.255, Perimeter yard; of the Columbus City Codes; for the property located at **8240 SANCUS BOULEVARD (43081)**, to permit a commercial driveway and reduced perimeter yard in the L-AR-12, Limited Apartment Residential District (Council Variance # CV16-002).

WHEREAS, by application # CV16-002, the owner of property at **8240 SANCUS BOULEVARD (43081)**, is requesting a Council variance to permit a commercial driveway and reduced perimeter yard in the L-AR-12, 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 adjacent properties; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 20.2 feet, while the applicant proposes reduced perimeter yards of 10 and 15 feet as shown on the site plan; and

WHEREAS, the City Departments recommend approval because the variances will allow a multi-unit residential development that is consistent with adjacent residential development while preserving natural resources and maintaining existing commercial access to a neighboring commercial property to the north; 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 **8240 SANCUS BOULEVARD (43081)**, 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; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **8240 SANCUS BOULEVARD (43081)**, insofar as said sections prohibit a commercial driveway; and a reduced perimeter yard from 20.2 feet to 15 and 10 feet along the south and west property lines, respectively; said property being more particularly described as follows:

8240 SANCUS BOULEVARD (43081), being 3.49± acres located on the east side of Sancus Boulevard, 520± feet south of Lazelle Road, and being more particularly described as follows:

SUBAREA "A":

Description of a 1.560 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.560 acres out of Farm Lot 10, being a 1.560 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract, being at the northwest corner of said 3.487 acre tract, and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

- 1) South 31°25'46" East, a distance of 162.48 feet, to a point;
- 2) South 23°42'49" East, a distance of 111.76 feet, to a point;
- 3) South 01°14'23" East, a distance of 40.13 feet, to the south line of said 3.487 acre tract and being on the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40;

Thence North 88°23'58" West, a distance of 382.56 feet with the south line of said 3.487 acre tract and with the north line of said Worthington Glen North Condominium, to the southwest corner of said 3.487 acre tract, being at the southeast corner of a 0.068 acre tract of land described in a deed to the City of Columbus of record in Official Record 28998, Page G20, and being on the east right-of-way line of said Sancus Boulevard;

Thence with the west line of said 3.487 acre tract, with the east line of said 0.068 acre tract, with the east right-of-way line of said Sancus Boulevard, and with the arc of a curve to the right having a radius of 950.00 feet, a central angle of 7° 26'02", a chord bearing of North 18°38'31" West, a chord distance of 123.17 feet, and an arc length of 123.26 feet, to a northwest corner of said 3.487 acre tract and being at the southwest corner of said 0.832 acre tract;

Thence South 86°36'57" East, a distance of 194.00 feet with a north line of said 3.487 acre tract and with the south line of said 0.832 acre tract, to the southeast corner of said 0.832 acre tract;

Thence North 02°39'01" East, a distance of 168.45 feet with a west line of said 3.487 acre tract and with the east line of said 0.832 acre tract, to the TRUE POINT OF BEGINNING containing 1.560 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from the Franklin County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Zoning Exhibit of a 1.560 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Franklin County, Ohio

SUBAREA "B":

Description of a 1.927 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.927 acres out of Farm Lot 10, being a 1.927 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre

tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract and being at the northwest corner of said 3.487 acre tract;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 65.77 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence South 86°40'52" East, a distance of 273.13 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the northeast corner of said 3.487 acre tract;

Thence South 03°48'48" West, a distance of 35.00 feet with a west line of said 3.873 acre tract and with an east line of said 3.487 acre tract, to a point;

Thence South 43°26'09" East, a distance of 107.92 feet with a southwest line of said 3.873 acre tract and with a northeast line of said 3.487 acre tract, to the southeast corner of said 3.873 acre tract, being at a northeast corner of said 3.487 acre tract, and being on the west line of a 5.00 acre tract of land described in a deed to Mark R. Ciminello and Joseph A. Ciminello of record in Official Record 7544, Page G09;

Thence South 03°48'48" West, a distance of 157.58 feet with the east line of said 3.487 acre tract and with the west line of said 5.00 acre tract, to the southeast corner of said 3.487 acre tract and being at the northeast corner of the Seventh Amendment to Worthington Glen North Condominium of record in Condominium Plat Book 49, Page 132;

Thence North 88°23'58" West, a distance of 269.36 feet with the south line of said 3.487 acre tract, with the north line of said Seventh Amendment to Worthington Glen North Condominium and with the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

- 1) North 01°14'23" West, a distance of 40.13 feet, to a point;
- 2) North 23°42'49" West, a distance of 111.76 feet, to a point;
- 3) North 31°25'46" West, a distance of 162.48 feet, to the TRUE POINT OF BEGINNING containing 1.927 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from the Franklin County Geodetic Control Monumentation.

The above description is based on and referenced to an exhibit titled "Zoning Exhibit of a 1.927 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Franklin County, Ohio.

Property Parcel: 610-218056

Property Address: 8240 Sancus Boulevard, Columbus, OH 43081.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for

an 18-unit apartment development, or those uses permitted in the L-AR-12, Limited Apartment Residential District, specified by Ordinance No. 1358-2017; Z16-002.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**SANCUS APARTMENTS**" signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, dated May 1, 2017. 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 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.