



Legislation Text

File #: 1377-2017, **Version:** 1

Council Variance Application: CV17-014

APPLICANT: Preferred Living; c/o David Hodge, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

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 # 1376-2017; Z16-077) to the L-AR-1, Limited Apartment Residential District to allow a 144-unit apartment development. The requested variance will accommodate parking and building setback variances from 25 feet to 20 feet, and from 80 feet to 33 feet, respectively, along Avery Road. Staff finds the requested variances to be supportable as they will allow a multi-unit residential development that includes central open space with setbacks that are consistent with adjacent properties.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; and 3333.18, Building lines, of the Columbus City Codes; for the property located at **5284 AVERY ROAD (43016)**, to permit reduced parking and building setback lines for an apartment complex in the L-AR-1, Limited Apartment Residential District (Council Variance # CV17-014).

WHEREAS, by application # CV17-014, the owner of property at **5284 AVERY ROAD (43016)**, is requesting a Council variance to permit reduced parking and building setback lines for an apartment complex in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3312.27, Parking setback line, requires a minimum parking setback line of 25 feet along Avery Road, while the applicant proposes a parking setback line of not less than 20 feet; and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of 80 feet along Avery Road, while the applicant proposes a setback line of not less than 33 feet; and

WHEREAS, City Departments recommend approval of the requested variances because they will allow a multi-unit residential development that includes central open space with setbacks that are consistent with adjacent properties; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **5284 AVERY ROAD (43016)**, in using said property as desired; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3312.27, Parking setback line; and 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **5284 AVERY ROAD (43016)**, insofar as said sections prohibit a reduced parking setback line from 25 feet to 20 feet along Avery Road, and a reduced building setback line from 80 feet to 33 feet along Avery Road; said property being more particularly described as follows:

5284 AVERY ROAD (43016), being 7.0± acres located on the east side of Avery Road, 3,262± feet south of Cara Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Washington, Virginia Military Survey No. 3012 and being 7.000 acres out of an 18.255 acre tract transferred to Sue A. and Harry D. Brockmeyer by Official Record 00422 J02, Recorder's Office, Franklin County, Ohio, said 7.000 acre tract being more particularly described as follows:

Beginning at a railroad spike in the centerline of Avery Road at the northwesterly corner of the said 18.255 acre tract, also being the southwest corner of the Lester T. and Marian S. Porter tract; thence from the place of beginning;

North 83° 55' 46" East, a distance of 1001.09 feet along the northerly line of the said 18.255 acre tract and the southerly line of the said Porter tract to a stone with a cross being the northeasterly corner of the said 18.255 acre tract and the northwesterly corner of the William E. Pethel 25 acre tract;

Thence South 05° 22' 53" East, a distance of 365.25 feet along the easterly line of the said 18.255 acre tract and the westerly line of the said 25 acre tract to an iron pin;

Thence North 88° 20' 40" West, a distance of 1071.49 feet across said 18.255 acre tract to a railroad spike (passing an iron pin in the easterly right-of-way line of said Avery Road at 1041.06 feet) in the centerline of said Avery Road and the westerly line of the said 18.255 acre tract;

Thence North 10° 19' 21" East, a distance of 230.55 feet along the centerline of said Avery Road and the westerly line of the said 18.255 acre tract to the Place of Beginning. CONTAINING 7.000 acres of land, subject however, to all legal easements and rights-of way.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development as permitted by the L-AR-1, Limited Apartment Residential District specified by Ordinance # 1376-2017 (Z16-077).

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

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.