



Legislation Text

File #: 2234-2017, **Version:** 1

Council Variance Application: CV17-047

APPLICANT: Gabriel's Landing Condominium Association; c/o Donald Plank, Atty.; Plank Law Firm; 423 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

WESTLAND AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This site is zoned L-AR-12, Limited Apartment Residential, and represents the developed portion of a 16.24+ acre tract that is subject to a concurrent rezoning request to the CPD, Commercial Planned Development, and L-AR-12, Limited Apartment Residential districts (Ordinance #2235-2017; Z16-069). That rezoning request is supported by Staff and the Development Commission. The requested CPD district would permit development of a nursing home to the east and south of the existing condominium development. This Council variance permits parcel lines over vehicular maneuvering and reduces the east perimeter yard from 25 feet to 13 feet. Staff supports this request noting that the maneuvering variance is technical in nature and the reduced perimeter yard is negligible because the adjacent nursing home will provide a minimum 25 foot setback for an effective building separation of 38 feet.

To grant a Variance from the provisions of Sections 3312.25, Maneuvering; and 3333.255, Perimeter yard; of the Columbus City Codes; for the property located at **5471 SULLIVANT AVENUE (43119)**, to permit a multi-unit residential development with reduced development standards in the L-AR-12, Limited Apartment Residential District (Council Variance # CV17-047).

WHEREAS, by application # CV17-047, the owner of property at **5471 SULLIVANT AVENUE (43119)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over a parcel line, subject to applicable total code required maneuvering area being provided; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 13 feet for buildings and 0 feet for maneuvering; and

WHEREAS, the Westland Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the variances will allow additional parking spaces for the development, and will conform the reduced perimeter yard of an existing multi-unit residential development in a manner that has no impact on adjacent residential uses; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance

for the proposed development; 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 **5471 SULLIVANT AVENUE (43119)**, 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 3312.25, Maneuvering; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5471 SULLIVANT AVENUE (43119)**, insofar as said sections prohibit a multi-unit residential development, with vehicular maneuvering across property lines, and a reduced perimeter yard from 25 feet to 13 feet for buildings and 0 feet for maneuvering; said property being more particularly described as follows:

5471 SULLIVANT AVENUE (43119), being 3.48± acres located on the south side of Sullivant Avenue, 570± feet west of Norton Road, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio; and part of Virginia Military Survey No. 1474; being all of Part 1, a 0.560 acre tract and Part 2, a 0.299 acre tract as conveyed to Gabriel's Landing Condominium Second Amendment as recorded in Condo Plat Book 199, Page 60 in the Franklin County, Ohio Recorder's Office; being all of a 0.834 acre tract as delineated in Gabriel's Landing Condominium First Amendment as recorded in Condo Plat Book 189, Page 94; being all of Part 1, a 0.298 acre tract as delineated in, Gabriel's Landing Condominium Third Amendment as recorded in Condo Plat Book 211, Page 81; being all of a 1.100 acre tract as delineated in Gabriel's Landing Condominium as recorded in Condo Plat Book 176, Page 83 and all of a 0.397 acre tract as conveyed to Gabriel's Landing Condominium Third Amendment Part two as recorded in Condo Plat Book 211, Page 81; and being more particularly described as follows:

Commencing at a mag nail set at the intersection of the centerlines of Wild Stallion Drive (50' right of way) and Sullivant Avenue (60' right of way) as dedicated in Deed Book 3095, Page 365; said commencing point being North 76° 41'00" West, a distance of 1389.18' from FCGS 1962;

Thence along the centerline of said Sullivant Avenue South 76° 04'02" East for a distance of 145.17' to a point;

Thence leaving said centerline, South 13° 55'58" West for a distance of 30.00' to a point at the northwest corner of said 0.560 acre tract and on the southerly right-of-way line of said Sullivant Avenue, said point also being the northeast corner of a 0.2362 acre tract as conveyed to Kevin M. Scott as described in Instrument Number 201004190046972; witness a 1" iron pipe found South 72° 21'56" West, a distance of 1.07' therefrom; said point also being the TRUE POINT OF BEGINNING of the tract herein described;

Thence along the northerly line of said 0.560 acre tract and said southerly right of way line of Sullivant Avenue and the northerly line of said 1.100 acre tract and along the northerly line of said 0.397 acre tract, South 76° 04' 02" East for a distance of 663.79' to an iron pin set at the northeast corner of said 0.397 acre tract and at the northwest corner of a 2.472 acre tract as conveyed to Bank Street Partners as described in Instrument Number 200609150184425;

Thence along the east line of said 0.397 acre tract and along the west line of said 2.472 acre tract, South 13° 43' 15" West for a distance of 59.87' to an iron pin set at the northeasterly corner of a 7.653 acre residual tract as conveyed to The

Laurels of West Columbus Real Estate, LLC as recorded in Instrument Number 201701260013035;

Thence along the northerly line of said 7.653 acre residual tract, along the southerly line of said 0.397 acre tract and a southeasterly line of said 1.100 acre tract, North 76° 05' 01" West for a distance of 324.62' to a mag nail set at the northwesterly corner of said 7.653 acre residual tract and at the northeasterly corner of said 0.298 acre tract;

Thence along the easterly line of said 0.298 acre tract, the easterly line of said 0.299 acre tract, the easterly line of said 0.834 acre tract and along the westerly line of said 7.653 acre residual tract, South 13° 50' 44" West for a distance of 329.97' to an iron pin set on the northerly line of a 5.106 acre tract as conveyed to The Laurels of West Columbus Real Estate, LLC as recorded in Instrument Number 201701260013035 and at a southeasterly corner of said 0.834 acre tract;

Thence along said northerly line of said 5.106 acre tract and along the southerly line of said 0.834 acre tract, the following four (4) courses and distances;

- 1) Thence North 76° 09' 04" West for a distance of 26.31' to a point, witness a bent 1" iron pipe found South 00° 14' 04" West, a distance of 0.92' therefrom;
- 2) Thence South 13° 50' 56" West for a distance of 65.00' to a point, witness a 1" iron pipe with "Vance" cap found South 26° 53' 33" East, a distance of 0.42' therefrom;
- 3) Thence North 76° 09' 04" West for a distance of 151.78' to a point, witness a 1" iron pipe found South 48° 22' 16" East, a distance of 0.50' therefrom;
- 4) Thence North 10° 28' 54" West for a distance of 193.54' to a 1" iron pipe found at a southerly corner of said 1.100 acre tract;

Thence along said southerly line of said 3.488 acre tract and continuing along said northerly line of said 5.106 acre tract, South 79° 30' 56" West for a distance of 86.75' to an iron pin set at a northwesterly corner of said 5.106 acre tract and on the easterly line of Green Countrie Section Three Part Five Subdivision as recorded in Plat Book 74, Page 15;

Thence along said easterly line of said Green Countrie Section Three Part Five Subdivision and along an easterly line of aforesaid 0.236 acre tract, North 13° 24' 13" East for a distance of 314.83' to the true point of beginning, containing 3.487 acres of land, more or less, as determined by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on a survey performed by The Kleingers Group in January 2017.

Basis of bearings for the herein-described courses is the State Plane Coordinate System, Ohio South Zone (NAD83-NSRS2007) with a portion of the southerly right-of-way line of Sullivant Avenue being South 76° 04' 02" East as determined by a GPS survey utilizing CORS Station "COLB" and monument "FRANK39".

Iron pins set are 5/8" diameter rebar, 30" in length, with plastic identifier caps stamped "The Kleingers Group".

Subject to any easements, restrictions, covenants, ordinances or agreements of record.

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, or those uses permitted in the L-AR-12, Limited Apartment Residential District, in accordance with Ordinance # 2235-2017 (Z16-069).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed development.

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