



Legislation Text

File #: 0297-2018, **Version:** 1

Council Variance Application: CV17-075

APPLICANT: Homeport; 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 # 0296-2018; Z17-045) to the L-AR-12, Limited Apartment Residential District to allow the development of a 60-unit apartment complex. The requested variances will permit two parking spaces to maneuver within the parking setback, a reduced building setback from 50 feet to 25 feet along Sunbury Road, and a reduced perimeter yard setback from the north property line from 25 feet to 20 feet. Staff finds the requested variances to be supportable as they allow development of a multi-unit residential development in a manner that focuses development along the Sunbury Road, a primary corridor, while preserving natural resources including the stream corridor protection zone.

To grant a Variance from the provisions of Sections 3312.27(2), Parking setback line; 3333.18, Building lines; and 3333.255, Perimeter yard; of the Columbus City Codes; for the property located at **5049 SUNBURY ROAD (43230)**, to permit the development of a 60 unit apartment complex with reduced development standards in the L-AR-12, Limited Apartment Residential District (Council Variance # CV17-075).

WHEREAS, by application # CV17-075, the owner of property at **5049 SUNBURY ROAD (43230)**, is requesting a Council variance to permit the development of a 60-unit apartment complex with reduced development standards in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3312.27(2), Parking setback line, requires a parking setback of no less than 25 feet along Sunbury Road, while the applicant proposes maneuvering across the parking setback line within the driveway for two parking spaces; and

WHEREAS, Section 3333.18, Building lines, requires a building setback of no less than 50 feet along Sunbury Road, while the applicant proposes a reduced building setback of 25 feet along the frontage; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 20 feet along the north property line; and

WHEREAS, the City Departments recommend approval because the variances will allow a multi-unit residential development, where a practical difficulty exists in that the topography of the site and the required Stream Corridor Protection Zone limits the site's development area while a substantial amount of sensitive open space is being preserved, designed in a manner that focuses development along the Sunbury Road, a primary corridor; and

WHEREAS, the site plans titled "Homeport, 5049 Sunbury Road, Zoning Site Plan," and "Homeport, 5049 Sunbury

Road, Architectural Site,” and building renderings titled “Homeport, 5049 Sunbury Road, Building A,” “Homeport, 5049 Sunbury Road, Building B,” and “Homeport, 5049 Sunbury Road, Building C,” are committed to in Ordinance # 0296-2018 (Z17-045), and are included in the attachment file for this ordinance for clarity; and

WHEREAS, this 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 **5049 SUNBURY ROAD (43230)**, 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 3312.27(2), Parking setback line; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5049 SUNBURY ROAD (43230)**, insofar as said sections prohibit a multi-unit residential development with maneuvering for 2 parking spaces within the required parking setback along Sunbury Road; reduction in the building setback from 50 to 25 feet along Sunbury Road; and a reduced perimeter yard from 25 to 20 feet along the north property line; said property being more particularly described as follows:

5049 SUNBURY ROAD (43230), being 5.04± acres located on the west side of Sunbury Road, 350± feet south of Hidden Ridge Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2 North, Range 17 West, United States Military Lands, and being the remainder of that original 5.564 acre tract of land described in a deed to Charles L. Herndon and Cynthia S. Herndon, Trustees, under the Charles L. Herndon and Cynthia S. Herndon Family Trust dated (UDT) October 30, 2001, of record in Instrument Number 200201310028625, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at a point on the existing west right-of-way line for Sunbury Road, as established by a 0.510 acre right-of-way parcel described in a deed to City of Columbus, Ohio, of record in Instrument Number 201510230150579, being the southwest corner of said 0.510 acre right-of-way parcel, being on a southwest line of said original 5.564 acre tract, and being on a northeast line of that 8.336 acre tract of land described in a deed to Daniel G. Myers and Cie Ann Myers, of record in Instrument Number 201706140080450;

Thence North 67 degrees 38 minutes 00 seconds West, along a southwest line of said original 5.564 acre tract and along a northeast line of said 8.336 acre tract, a distance of 382.84 feet to the southwest corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract;

Thence North 45 degrees 46 minutes 00 seconds West, continuing along a southwest line of said original 5.564 acre tract and continuing along a northeast line of said 8.336 acre tract, a distance of 452.44 feet to the west corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract, said point being on a south line of Creek Ridge Section 1, as recorded in Plat Book 67, Page 61;

Thence South 85 degrees 56 minutes 00 seconds East, along a northeast line of said original 5.564 acre tract and along a southwest line of said Creek Ridge Section 1, a distance of 273.07 feet to a northeast corner of said 5.564 acre tract, being

a southwest corner of said Creek Ridge Section 1;

Thence South 79 degrees 13 minutes 16 seconds East, continuing along a northeast line of said original 5.564 acre tract and continuing along a southwest line of said Creek Ridge Section 1, a distance of 732.31 feet to a point on the existing west right-of-way line for said Sunbury Road, being at a northwest corner of said 0.510 acre right-of-way parcel;

Thence South 47 degrees 37 minutes 00 seconds West, along the west right-of-way line for said Sunbury Road, along a northwest line of said 0.510 acre right-of-way parcel and across said original 5.564 acre tract, a distance of 54.68 feet to a point;

Thence South 45 degrees 32 minutes 00 seconds West, continuing along the west right-of-way line for said Sunbury Road, continuing along a northwest line of said 0.510 acre right-of-way parcel and continuing across said original 5.564 acre tract, a distance of 382.75 feet to the POINT OF BEGINNING for this zoning description.

The above description contains a total area of 5.035 acres, within Franklin Co. Auditor Tax Parcel Number 410-000832;

Bearings described herein are based on an assumed bearing of North 45 degrees 32 minutes 00 seconds East for the centerline of right-of-way for Sunbury Road north of Franklin County Geodetic Survey monument 5257.

This description was prepared on October 20, 2017 by American Structurepoint, Inc. and is intended for zoning purposes only.

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-12, Limited Apartment Residential District specified by Ordinance # 0296-2018 (Z17-045).

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.