



Legislation Text

File #: 3331-2018, **Version:** 1

Council Variance Application: CV18-062

APPLICANT: Oxford Circle LLC; 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 #3330-2018; Z18-048) to the AR-1, Apartment Residential District to allow the development of an apartment complex. The requested variance will reduce the building setback from 50 feet to 17 feet along Cherry Bottom Road. Staff supports the variance, preferring buildings along the Cherry Bottom frontage rather than parking. A site plan is also committed to that incorporates protections of natural areas, an internal trail network that links the Big Walnut Creek Greenway and Blendon Woods Metro Park, and additional landscaping and screening on the site.

To grant a Variance from the provisions of Sections 3333.18, Building lines, of the Columbus City Codes; for the property located at **5721 CHERRY BOTTOM ROAD (43230)**, to permit the development of an apartment complex with reduced building lines in the AR-1, Apartment Residential District (Council Variance #CV18-062). **(AMENDED BY ORD. 2471-2019; PASSED 11/4/2019)**

WHEREAS, by application #CV18-062, the owner of property at **5721 CHERRY BOTTOM ROAD (43230)**, is requesting a Council variance to permit the development of an apartment complex with reduced building lines in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.18, Building lines, requires a building setback of no less than 50 feet along Cherry Bottom Road, while the applicant proposes a reduced building setback of 17 feet along the frontage; and

WHEREAS, the City Departments recommend approval of the variance, preferring buildings along the Cherry Bottom frontage rather than parking, and the site plan as it incorporates protections of natural areas, an internal trail network that links the Big Walnut Creek Greenway and Blendon Woods Metro Park, and additional landscaping and screening on the site; 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 **5721 CHERRY BOTTOM 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 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **5721 CHERRY BOTTOM ROAD (43230)**, insofar as said sections prohibit a multi-unit residential development with a reduction in building setback from 50 feet and 17 feet along Cherry Bottom Road; said property being more particularly described as follows:

5721 CHERRY BOTTOM ROAD (43230), being 13.3± acres located on the west side of Cherry Bottom Road, 25± feet south of Clancy Court, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being in Quarter Township 4, Township 2, Range 17 in the United States Military District, and being part of a 3 acre tract as conveyed to Glennis L. Corder in Instrument Number 201501080002806, all of the 0.750 acre tract as conveyed to Edward L. Lehnert and Jane Lehnert in Instrument Number 201309180159248, being part of a 1.138 acre tract as conveyed to Clark D. Baltzell and Gloria J. Zaharoff in Instrument Number 201606160076464, being a part of a 2.022 acre tract as conveyed to BZ Management Partners in Official Record 12124, Page C07, and being the remainder of Parcel 1 as conveyed to BZ Management Partners in Official Record 12124, Page C07 as further described as follows;

Beginning at the intersection of the westerly right of way line of Cherry Bottom Road and northerly right of way line of Beechwood Drive and being in the south line of said 3 acre tract, and also being the TRUE POINT OF BEGINNING for the land herein described as follows;

Thence with the northerly right of way line of Beechwood Drive, the south line of said 3 acre tract and the south line of said 0.750 acre tract, S 82° 31' 00" W, 775.2± feet to the intersection of the northerly right of way line of Beechwood Drive and the easterly right of way line of Walnut View Boulevard and being the southwest corner of said 0.750 acre tract;

Thence with the easterly right of way line of Walnut View Boulevard and the west line of said 0.750 acre tract, N 04° 47' 00" E, 196.0± feet;

Thence continuing with the easterly right of way line of Walnut View Boulevard, the west line of said 0.750 acre tract and the west line of said 2.022 acre tract, N 01° 21' 00" E, 340.4± feet;

Thence with the easterly right of way line of Walnut View Boulevard, the west line of said 2.022 acre tract and the west line of said Parcel 1 along a curve to the right having a central angle of 15° 10' 01", a radius of 1475.0± feet, an arc length of 390.5± feet, and chord bearing and distance of N 08° 56' 01" E, 389.3± feet to the northwest corner of said Parcel 1 and the southwest corner of a 5.459 acre tract as conveyed to Annhurst Apartments of Columbus III in Official Record 10853, Page J12;

Thence with the north line of said Parcel 1 and the south line of said 5.459 acre tract, S 84° 15' 09" E, 589.2± feet to the northeast corner of said Parcel 1 and being in the westerly right of way line of Cherry Bottom Road;

Thence with the westerly right of way line of Cherry Bottom Road and the east line of said Parcel 1 along a curve to the left having a central angle of 05° 12' 35", a radius of 550.9± feet, an arc length of 50.1± feet, and chord bearing and distance of S 04° 52' 42" E, 50.1± feet;

Thence continuing with the westerly right of way line of Cherry Bottom Road, the east line of said Parcel 1, the east line of said 1.138 acre tract and the east line of said 3 acre tract, S 07° 29' 00" E, 716.5± feet to the TRUE POINT OF BEGINNING, containing 13.3 acres, more or less.

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 AR-1, Apartment Residential District specified by Ordinance #3330-2018 (Z18-048).

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.