



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 3329-2019, **Version:** 2

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### **Council Variance Application: CV19-070**

**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.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #3328-2019; Z19-052) to the AR-3, Apartment Residential District. The applicant proposes a 78-unit apartment building and is requesting variances to reduce the building setback, maneuvering, and rear yard, to increase lot coverage, to eliminate parking lot shade trees, and to allow stacked parking and reduced parking space dimensions for two required parking spaces. The proposed use is consistent with the *Fifth by Northwest Neighborhood Plan* land use recommendation for mixed-use development, and the requested variances are consistent with other nearby urban residential infill developments.

To grant a Variance from the provisions of Sections 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.15, Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard, of the Columbus City Codes; for the property located at **1145 CHAMBERS RD. (43212)**, to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District (Council Variance #CV19-070) **and to declare an emergency.**

**WHEREAS**, by application #CV19-070, the owner of property at **1145 CHAMBERS RD. (43212)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the AR-3, Apartment Residential District; and

**WHEREAS**, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces, or 5 trees for a 42 space parking lot, while the applicant proposes no shade trees within the parking lot interior; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through 7 stacked parking spaces, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet by 18 feet, and only allows stacked parking spaces to be counted as required spaces for single- and two-unit dwellings, while the applicant proposes 2 parking spaces with reduced dimensions of 8.5 feet by 16 feet, and 7 stacked spaces, all to be counted toward the total number of required parking spaces, as shown on the submitted site plan; and

**WHEREAS**, Section 3333.15(C), Basis of computing area, limits buildings from occupying more than 50 percent of the

lot area, while the applicant proposes an increased maximum lot coverage of 58 percent; and

**WHEREAS**, Section 3333.18(F), Building lines, requires buildings to have building lines no less than the average of buildings on contiguous lots, in this case 25 feet, while the applicant proposes a reduced building line of 10 feet along Chambers Road; and

**WHEREAS**, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a rear yard of 22 percent; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variances allow for the development of an urban residential infill project that is consistent with the *Fifth by Northwest Neighborhood Plan's* land use recommendation for mixed-use development; 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 **1145 CHAMBERS RD. (43212)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:**

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

**SECTION 1.** That a variance from the provisions of Sections 3312.21(A), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3333.15, Basis of computing area; 3333.18(F), Building lines; and 3333.24, Rear yard of the Columbus City Codes, is hereby granted for the property located at **1145 CHAMBERS RD. (43212)**, insofar as said sections prohibit a reduction in parking lot shade trees from 5 to 0; maneuvering over parking spaces; 7 stacked spaces as shown on the submitted site plan; 2 parking spaces with reduced dimensions of 8.5 feet by 16 feet, as shown on the submitted site plan; increased maximum lot coverage from 50 percent to 58 percent; reduced building line along Chambers Road from 25 feet to 10 feet; and a reduced rear yard from 25 percent to 22 percent, said property being more particularly described as follows:

**1145 CHAMBERS RD. (43212)**, being 1.024± acres located on the south side of Chambers Road, 900± feet east of Northwest Boulevard, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio and in the Township of Clinton:

Tract One:

Being parts of lots and vacated alley in John M. Pugh's subdivision, of 32 acres of land off of the east end of the Domigan

Farm in Clinton Township, Franklin County, Ohio, as said lots and alley are numbered and delineated upon the recorded plat thereof, of record in Plat Book, 4, page 324, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the north line of Lot Number One (1) in said Subdivision, 30 feet east from the northwest corner of said Lot and running thence in a southerly direction and parallel to the west lines of Lots Numbers One (1) and Two (2) in said Subdivision, to a point in the south line of Lot Number Two (2), 30 feet east of the southwest corner of said Lot Number Two (2); thence in a westerly direction along the south lines of Lots Numbers Two (2), Five (5) and Eight (8) in said Subdivision to the southwest corner of said Lot Number Eight (8); thence in a northerly direction along the west line of said Lot Number Eight and said west line extended, to a point in the center line of a vacated alley; thence in a westerly direction along the center line of said vacated alley, 27.43 feet to a point; thence in a northerly direction and parallel to the east line of Lot Number Twelve (12) in said Subdivision, to a point in the north line of said Lot Number Twelve (12), 27.43 feet west of the northeast corner of said lot; thence in an easterly direction along the north lines of Lots Numbers Twelve (12), Seven (7), Six (6), and One (1) in said Subdivision to the place of beginning.

Tract Two:

Situated in the State of Ohio, County of Franklin, Township of Clinton, and being part of Lot No. 1 and Lot No. 2 of John M. Pugh's Subdivision as recorded in Plat Book 4, Page 324 and conveyed to Gardner, Inc. and recorded in Official Record 10402-J02, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at a found  $\frac{3}{4}$ " Iron Pin at the centerline of Virginia Avenue (Vacated 2-7-58), Road Record 18, Page 306, and the southerly right of way line of Chambers Road (60') North  $87^{\circ}32'15''$  West along the southerly right of way line of Chambers Road, a distance of 147.73 feet to set Iron Pin, said Iron Pin being the TRUE PLACE OF BEGINNING.

Thence South  $02^{\circ}23'52''$  West, leaving the right of way line of Chambers Road, a distance of 365.80 feet to set Iron Pin in the northerly right of way line of Chesapeake Avenue (50');

Thence North  $87^{\circ}25'40''$  West, along the northerly right of way line of Chesapeake Avenue (50'), a distance of 60.00 feet to a set Iron Pin;

Thence North  $02^{\circ}23'52''$  East, leaving the northerly right of way line of Chesapeake Avenue (50'), a distance of 365.74 feet to a set Iron Pin in the southerly right of way line of Chambers Road (60');

Thence South  $87^{\circ}32'15''$  East, along the southerly right of way line of Chambers Road (60'), a distance of 60.00 feet returning to the TRUE PLACE OF BEGINNING and containing 0.504 acres more or less and being subject to all easements, restrictions, and rights of way of record.

The above description was prepared from an actual field survey on August 5, 1991 and from records on file at the Recorder's Office,

LESS AND EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE:

Situated in the State of Ohio, County of Franklin and Township of Clinton, being parts of Lot Nos. 1, 2, 7, 8 and 12, all of Lot Nos. 5 and 6 and part of a 20 foot wide alley (vacated in Road Record 17, Page 103) in John M. Pugh's Subdivision as recorded in Plat Book 4, Page 324, also being part of lands conveyed to Chesapeake Realty, Inc., of record in Deed Book 3121, Page 562 and all of a 0.504 acre tract conveyed to Chesapeake Realty, Inc., now known as Gardner, Inc., of record in Official Record 18190F03 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, for reference, at a  $\frac{3}{4}$ " iron pipe found at the intersection of the former centerline of Virginia Avenue

(vacated in Road Record 18, Page 306) and the south right of way line of Chambers Road;

Thence North 87°32'15" West, along said south right of way line, a distance of 147.73 feet to a Mag nail set at the northwest corner of a 1.239 acre tract conveyed to Time Warner Entertainment Co., L.P., of record in Official Record 29684G09, being the northeast corner of said 0.504 acre tract and the TRUE POINT OF BEGINNING of the lands herein described;

Thence South 02°23'52" West, along the west line of said 1.239 acre tract and the east line of said 0.504 acre tract, a distance of 365.87 feet to a Mag nail set at the southwest and southeast corners thereof, being in the north right of way line of Chesapeake Avenue;

Thence North 87°25'40" West, along said north right of way line and the south line of said 0.504 acre tract and said Chesapeake Realty lands, a distance of 504.61 feet to a ¾" iron pipe found at the southwest corner of said Chesapeake Realty lands, being the southeast corner of lands conveyed to Shie-Ming & Kai-Lun Hsu Hwang, of record in Instrument Number 200006130116924;

Thence North 02°36'20" East, along the west line of said Chesapeake Realty lands and the east line of said Hwang lands, a distance of 157.82 feet to a Mag nail set;

Thence through said Chesapeake Realty lands the following courses and distances;

South 87°33'40" East, a distance of 206.23 feet to a Mag nail set;

North 02°26'20" East, a distance of 57.00 feet to a Mag nail set;

North 87°32'15" West, a distance of 20.00 feet to a Mag nail set;

North 02°27'45" East, a distance of 150.00 feet to a Mag nail set in north line of said Chesapeake Realty lands, being also in said south right of way line of Chambers Road;

Thence South 87°32'15" East, along said south right of way line and the north line of said Chesapeake Realty lands and said 0.504 acre tract, a distance of 317.59 feet to the TRUE POINT OF BEGINNING, containing 3.317 acres of land, more or less.

This description is based on the referenced to a Plat of Survey dated April 22, 2004, by EMH&T, Gahanna, Ohio. Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the south right of way line of Chambers Road as being South 87°32'15" East, as found in Official Record 29684G09 (east adjoiners).

Parcel No: 420-289815 (Formerly 130-005490 in Clinton Township) (1.133 + Acres)

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an apartment building containing a maximum of 78 units, or those uses permitted in the AR-3, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ZONING PLAN FOR 1145 CHAMBERS ROAD APARTMENTS**," drawn by Advanced Civil Design Engineers, signed by David Hodge, Attorney for the Applicant, and dated December 6, 2019. The plan 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 is conditioned on the 7 pairs of stacked parking spaces being assigned to individual units.

**SECTION 6.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**