



Legislation Text

File #: 0229-2020, **Version:** 1

Council Variance Application: CV19-094

APPLICANT: Community Housing Network; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #0228-2020; Z19-075) to the L-AR-1, Limited Apartment Residential District for a multi-unit residential development with a maximum of 100 dwelling units. A variance to reduce the required number of parking spaces from 150 to 36 provided spaces is included in the request. The parking reduction variance is supportable because the nature of the development reflects parking numbers that account for residents that will not have private vehicles. Additional variances for eliminating the fronting requirements and reducing the interior side yard are supportable because the applicant is maintaining the site as two separate parcels for development in two phases.

To grant a Variance from the provisions of Sections 3312.25, Maneuvering; 3312.29, Parking Space; 3312.49(C), Minimum numbers of parking spaces required; 3333.16, Fronting; and 3333.23, Minimum side yard permitted, of the Columbus City Codes; for the property located at **2565 LOCKBOURNE RD. (43207)**, to permit a multi-unit residential development with reduced development standards in the L-AR-1, Limited Apartment Residential District (Council Variance #CV19-094).

WHEREAS, by application #CV19-094, the owner of property at **2565 LOCKBOURNE RD. (43207)**, is requesting a Council variance to permit a multi-unit residential development with reduced development standards in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3312.25, Maneuvering, requires sufficient maneuvering area on the parcel for the parking spaces for which it serves, while the applicant proposes parking spaces to maneuver over parcel lines, but with the minimum maneuvering area being met; and

WHEREAS, 3312.29, Parking space, requires 90-degree parking spaces to be no less than 9 feet wide by 18 feet deep, while the applicant proposes parking spaces that are divided by parcel lines, but with the overall parking space meeting the required dimensions; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit for a total of 150 required parking spaces, while the applicant proposes 36 total parking spaces, a reduction of 114 required parking spaces; and

WHEREAS, 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes an apartment building on a parcel that does not front on a public street for Phase 2 of the development; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five feet, while the applicant proposes an interior side yard of zero feet, to allow the building in Phase 2 and Phase 2 to be connected when completed, as shown on the submitted site plan; and

WHEREAS, the Far South Columbus Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend approval because multi-unit residential development is an appropriate use for this site. The requested variances are reflective of a development for residents without private vehicles, and the proposal will maintain two separate parcels for development in two phases; 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 **2565 LOCKBOURNE RD. (43207)**, 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; 3312.29, Parking Space; 3312.49 (C), Minimum numbers of parking spaces required; 3333.16, Fronting; and 3333.23, Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **2565 LOCKBOURNE RD. (43207)**, insofar as said sections prohibit maneuvering over parcel lines and parking spaces divided by parcel lines; a reduction in the required number of parking spaces from 150 to 36 provided spaces; no frontage on a public street for the Phase 2 apartment building; and a reduced interior minimum side yard from five feet to zero feet; said property being more particularly described as follows:

2565 LOCKBOURNE RD. (43207), being 6.38± located on the west side of Lockbourne Road, 850± feet south of State Route 104, and being more particularly described as follows:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, bounded and described as follows:

Being in Section 3, Township 4, Range 22, Congress Lands, containing 6.594 acres of land, more or less, out of First Tract and Third Tract, as the same are described in a Certificate of Transfer to Julia Koenig, of record in Deed Book 2641, Page 240, (all references to Deed Books and Plat Books in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 6.594 acres of land being more particularly described as follows:

Beginning at a point in the southerly line of said First Tract, a northerly line of Second Tract as the same is described in a Certificate of Transfer to Julia Koenig, of record in Deed Book 2641, Page 240, the southwesterly corner of that 0.364-acre tract of land as described in a deed to the City of Columbus, of record in Deed Book 3170, Page 572;

Thence N. 86 degrees 47' 12" W., with the southerly line of said First Tract the northerly line of said Second Tract, the northerly line of that 1.684-acre tract of land as described in a deed to Clair O'Hara and Mary L. O'Hara, of record in Deed Book 3073, Page 686, a distance of 605.15 feet to the southwesterly corner of said First Tract, the northwesterly corner of said 1.684-acre tract;

Thence N. 3 degrees, 41' 18" E., with the westerly line of said First Tract, the westerly line of said Third Tract, a distance of 535.16 feet to the northwesterly corner of said Third Tract;

Thence S. 86 degrees, 18' 03" E., with the northerly line of said Third Tract, a distance of 472.81 feet to the northeasterly corner of said Third Tract, a northwesterly corner of that tract of land as described in a Certificate of Transfer to Mary G. Johnson, of record in Deed Book 2289, Page 140;

Thence S. 3 degrees, 48' 30" W., with the easterly line of said Third Tract, a westerly line of said Mary G. Johnson tract, a distance of 264.00 feet to the southeasterly corner of said Third Tract, a southwesterly corner of said Mary G. Johnson tract, a point in the northerly line of said First Tract;

Thence S. 86 degrees, 47' 12" E., with a southerly line of said Mary G. Johnson tract, the northerly line of said First Tract, a distance of 132.00 feet to the northwesterly corner of said 0.364-acre tract;

Thence S. 3 degrees, 30' 00" W., with the westerly line of said 0.364-acre tract, parallel with the centerline of Lockbourne Road and 60.00 feet westerly therefrom (as measured at right angles) a distance of 267.15 feet to the point of beginning and containing 6.594 acres of land, more or less.

Less and exception the following described real estate:

Situated in the State of Ohio, in the County of Franklin, and in the City of Columbus, and being a 20-foot wide parcel of real estate currently a part of a 6.594-acre tract belonging to Ezzo Sausage Company, of record in Official Record 16788 I14 at the Franklin County Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning for reference at an iron pin found at the southeastern corner of Lot 1 of Chretien Muller's Lockbourne Road Subdivision of record in Plat Book 10, page 149 at said recorder's office, in the western right of way line of Lockbourne Road [40 feet wide], and at the northeastern corner of a 1.16-acre tract belonging to Annabelle Fisher of record in Official Record 05595 H18 at said recorder's office;

Thence along the southern boundary of said Lot 1, and the northern boundary of said 1.16-acre tract N 86° 18' 03" W., a distance of 172.80 feet to an iron pin found at the northwestern corner of said 1.16-acre tract, in said southern boundary of Lot 1, in a northeastern corner of said 6.594-acre tract, and at The True Point of Beginning for herein described 20 foot wide easement;

Thence along the western boundary of said 1.16-acre tract, and an eastern boundary of said 6.594-acre tract, S., 03° 48' 30" W., a distance of 20.00 feet to a point in the western boundary of said 1.16-acre tract, and an eastern boundary of said 6.594-acre tract;

Thence crossing said 6.594-acre tract, N. 86° 18' 03" W., a distance of 472.77 feet to a point in the western boundary of said 6.594-acre tract, and in the eastern boundary of McDowell's Wilson Avenue Block of Lots [an unrecorded subdivision];

Thence along the western boundary of said 6.594-acre tract, and in said eastern boundary of McDowell's Wilson Avenue Block of Lots, N. 03° 41' 18" E., a distance of 20.00 feet to a point, in said eastern boundary of McDowell's Wilson Avenue Block of Lots, at the northwestern corner of said 6.594-acre tract, and at the southwestern corner of said Lot 1;

Thence along said southern boundary of Lot 1, and a northern boundary of said 6.594-acre tract, S 86° 18' 03" E., a distance of 472.81 feet to The True Point of Beginning containing 0.2171 acres of land, more or less, and being subject to all other easements, restrictions, and rights of way [if any] of previous record.

The attached legal description was prepared from information obtained during the actual field survey of the premises in August of 1993. The basis of bearings for the attached legal description is the northern boundary of said 6.594-acre tract

belonging to Ezzo Sausage Company of record in Official Record 16788 I14 at said recorder's office.

Parcel Numbers: 010-112094 & 010-112364

Property Address: 2565 Lockbourne Rd., Columbus, OH 43207

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-AR-1, Limited Apartment Residential District, specified by Ordinance #0228-2020; Z19-075.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**COMMUNITY HOUSING NETWORK TOUCHSTONE FIELD PLACE**," signed by David B. Perry, Agent for the Applicant and Donald Plank, Attorney for the Applicant, and dated January 10, 2020. 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 adjustments to the plan shall be subject to review and approval 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 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate 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.