



Legislation Text

File #: 1305-2020, **Version:** 1

Council Variance Application: CV19-126

APPLICANT: Preferred Living; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Multi-unit residential development.

FAR WEST SIDE 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 #1304-2020; Z19-092) to the L-AR-1, Limited Apartment Residential District for a multi-unit residential development with a maximum of 186 dwelling units. The variances are requested to reduce the required building setback lines and perimeter yard. The variances are supported because the site design provides a greater capacity for centralized open space and places parking lots behind buildings, as recommended by the *Trabue-Roberts Area Plan* (2011), and as reflected on the attached site plan.

To grant a Variance from the provisions of Sections 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **4871 ROBERTS RD. (43228)**, to permit a multi-unit residential development with reduced development standards in the L-AR-1, Limited Apartment Residential District (Council Variance #CV19-126).

WHEREAS, by application #CV19-126, the owner of property at **4871 ROBERTS RD. (43228)**, 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 3333.18, Building lines, requires building lines of no less than 60 feet along Roberts Road, and of no less than 50 feet along Walcutt Road, while the applicant proposes building lines of 25 feet along both frontages; and

WHEREAS, Section 3333.255, Perimeter yard, requires a perimeter yard of 25 feet for an apartment complex, while the applicant proposes reduced perimeter yards of 5 feet for garage buildings and parking, of 15 feet for the apartment buildings labeled as “C” and “H”, and of 0 to 1 foot for the placement of an 8 foot tall screen/privacy fence south and east, all as depicted on the submitted site plan; and

WHEREAS, the Far West Side Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested variances because they will allow a multi-unit residential development with a site design that provides a greater capacity for centralized open space and places parking lots behind buildings, as recommended by the *Trabue-Roberts Area Plan*, and as reflected on the attached site plan; 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 **4871 ROBERTS RD. (43228)**, 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; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **4871 ROBERTS RD. (43228)**, insofar as said sections prohibit reduced building setback lines from 60 feet to 25 feet along Roberts Road, and from 50 feet to 25 feet along Walcutt Road; and reduced perimeter yards from 25 feet to 5 feet for garage buildings and parking, to 15 feet for the apartment buildings labeled as “C” and “H”, and to 0 to 1 foot for the placement of an 8 foot tall screen/privacy fence south and east, all as depicted on the submitted site plan; said property being more particularly described as follows:

4871 ROBERTS RD. (43228), being 8.95± acres located on the south side of Roberts Road, 213± feet east of Walcutt Road,, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey 287, also being in: the remainder of a 0.454 acre tract as conveyed to Craig Nelson and Shannen L. Nelson, Trust in Instrument Number 201509110128097, the remainder of a 0.886 acre tract (Parcel I) and the remainder of a 0.868 acre tract (Parcel II) as both are conveyed to Julia A. Penwell in Instrument Number 201406050069887, the remainder of a 0.850 acre tract as conveyed to Wilbur J. Miller and Patricia Miller Trust in Instrument Number 201811300162070, the remainder of a 0.832 acre tract as conveyed to James R. Bibler Jr., Donna Sue Bibler Kvitko and Thomas Arthur Rees, Jr. in Instrument Number 200209240238338, the remainder of a 0.814 acre tract as conveyed to James V. Thomas and Katherine J. Thomas in Deed Volume 2354, Page 41, a 1.561 acre tract as conveyed to Danelle Sheppard in Instrument Number 201109010109835, a 1.561 acre tract as conveyed to Gerald E. Sheppard and Deborah Sheppard in Instrument Number 200205300133123, a 1.561 acre tract as conveyed to Debra Sheppard and Gerald E. Sheppard in Ordinance Record 8156, Page F06 further described as follows:

Beginning at the northwest corner of the remainder of said 0.454 acre tract, the northeast corner of the remainder of a 1.367 acre tract as conveyed to Thomas A. McDowell and Diane A. Hornung in Official Record 31142, Page H08, the southeast corner of Parcel 44WD as conveyed to the City of Columbus, Ohio in Instrument Number 200503030038650, the southwest corner of Parcel 46WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502030020808, being in the southerly right of way line of Roberts Road (R/W Varies), and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the north line of the remainder of said 0.454 acre tract, the north line of the remainder of said Penwell Parcel I, the north line of the remainder of said Penwell Parcel II, the north line of the remainder of said 0.850 acre tract, the north line of the remainder of said 0.832 acre tract, the south line of said Parcel 46WD, the south line of Parcel 47WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502100025401, the south line of Parcel 48WD as conveyed to the City of Columbus, Ohio in Instrument Number 200502100025410, the south line of Parcel 49WD as conveyed to the City of Columbus, Ohio in Instrument Number 200504270078738 and the southerly right of way line of Roberts Road, **S 87° 00' 14" E, 354.5± feet** to the northeast corner of the remainder of said 0.832 acre tract, the southeast corner of said Parcel 49WD, being in the west line of Parcel 14WD as conveyed to the City of Columbus, Ohio in Official Record 35041, Page G03, also being an angle point in the southerly right of way line of Roberts Road;

Thence with the east line of the remainder of said 0.832 acre tract and the west line of said Parcel 14WD, **S 06° 09' 29" E, 17.2± feet** to the northwest corner of the remainder of said 0.814 acre tract, the southwest corner of said Parcel 14WD and being an angle point in the southerly right of way line of Roberts Road;

Thence with the north line of the remainder of said 0.814 acre tract, the south line of said Parcel 14WD and the southerly right of way line of Roberts Road, **S 87° 04' 02" E, 70.9± feet** to the northeast corner of the remainder of said 0.814 acre tract, the southeast corner of said Parcel 14WD, the southwest corner of Parcel 15WD as conveyed to the City of Columbus, Ohio in Official Record 33523, Page B17, the northwest corner of the remainder of a 6.259 acre tract as conveyed to Advanced Business Center, LLC in Instrument Number 199901080006384;

Thence with the east line of the remainder of said 0.814 acre tract, the east line of said 1.561 acres as conveyed to Danelle Sheppard, the east line of said 1.561 acres as conveyed to Gerald E. Sheppard and Deborah Sheppard, the east line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the west line of the remainder of said 6.259 acre tract, **S 06° 09' 29" E, 741.0± feet** to the southeast corner of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the northeast corner of a 5 acre tract as conveyed to Post No. 4931 Hilliard Veterans of Foreign Wars in Deed Volume 2903, Page 91;

Thence with the south line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard and the north line of said 5 acre tract, **S 83° 50' 31" W, 679.8± feet** to the southwest corner of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard, the northwest corner of said 5 acre tract, and being in the centerline of Walcutt Road (R/W Varies);

Thence with the west line of said 1.561 acres as conveyed to Debra Sheppard and Gerald E. Sheppard, the west line of said 1.561 acres as conveyed to Gerald E. Sheppard and Deborah Sheppard, the west line of said 1.561 acres as conveyed to Danelle Sheppard, and the centerline of Walcutt Road, **N 06° 09' 29" W, 300.0± feet** to the northwest corner of said 1.561 acres as conveyed to Danelle Sheppard and the southwest corner of a 0.53 acre tract as conveyed to Claudia Topping in Instrument Number 201904260048375;

Thence with the north line of said 1.561 acres as conveyed to Danelle Sheppard and the south line of said 0.53 acre tract as conveyed to Claudia Topping, **N 83° 50' 31" E, 329.8± feet** to the southeast corner of said 0.53 acre tract as conveyed to Claudia Topping and the southwest corner of the remainder of said 0.886 acre Penwell Parcel I tract;

Thence along the west line of the remainder of said 0.886 acre Penwell Parcel I tract, the east line of said 0.53 acre tract as conveyed to Claudia Topping, the east line of a 0.53 acre tract as conveyed to Troy C. Dodson and Daniel Esquinas III, Trust in Instrument Number 200706110101640, the east line of the remainder of a 0.53 acre tract as conveyed to Troy C. Dodson and Amanda E. Dodson in Instrument Number 200104130077690, and the east line of the remainder of a 0.53 acre tract as conveyed to Kevin M. Uphouse in Instrument Number 201508030106403, **N 06° 09' 29" W, 280.0± feet** to the northeast corner of the remainder of said 0.53 acre tract as conveyed to Kevin M. Uphouse and the southeast corner of the remainder of said 0.454 acre tract;

Thence along the south line of the remainder of said 0.454 acre tract and the north line of the remainder of said 0.53 acre tract as conveyed to K. M. Uphouse, **S 83° 50' 31" W, 70.0± feet** to the southwest corner of the remainder of said 0.454 acre tract and the southeast corner of the remainder of a 0.477 acre tract as conveyed to Roy R. Alsept II and Sarah B. Alsept in Instrument Number 201604180046689;

Thence along the west line of the remainder of said 0.454 acre tract, the east line of the remainder of said 0.477 acre tract, and the east line of the remainder of said 1.367 acre tract, **N 06° 09' 30" W, 245.8± feet** to the **True Point of Beginning**, containing **8.95± acres**, more or less.

This exhibit was prepared by Advanced Civil Design, Inc. from information obtained at the Franklin County Auditor's Office and the Franklin County Recorder's Office is not to be used for the transfer of land.

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 #1304-2020; Z19-092.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, **“WALCUTT AND ROBERTS ROAD,”** dated May 20, 2020, and signed by Dave Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 plans shall be subject to review and approval by the Director of the Department 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 shall take effect and be in force from and after the earliest period allowed by law.