



Legislation Text

File #: 2241-2020, **Version:** 1

Council Variance Application: CV20-061

APPLICANT: John McKay; 781 Northwest Boulevard, Suite 100; Columbus, OH 43212.

PROPOSED USE: Mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2240-2020; Z20-045) to the L-AR-12, Limited Apartment Residential District for a multi-unit residential development with a maximum of 36 dwelling units. This Council variance will permit a 2,580 square foot commercial retail building and maintain an existing commercial driveway to adjacent commercial properties north of the site. This request is consistent with the *Far North Area Plan's* recommendation of community commercial land uses at this location. Included in this request are variances to reduce the building setback along Sancus Boulevard and to reduce the required perimeter yard of the multi-unit residential development. Both variances are supportable due to the unusual shape of the property and because the site is bisected by a stream corridor protection zone, thus limiting the developable area.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1 apartment residential district use; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **8240 SANCUS BLVD. (43081)**, to permit limited commercial uses and vehicular traffic with reduced development standards in the L-AR-12, Limited Apartment Residential District (Council Variance #CV20-061).

WHEREAS, by application #CV20-061, the owner of property at **8240 SANCUS BLVD. (43081)**, is requesting a Council variance to permit limited commercial uses and vehicular traffic with reduced development standards in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits commercial uses and vehicular access for commercial uses from being located on residentially-zoned property, while the applicant proposes a 2,580 square foot commercial retail building along the site frontage, and to maintain existing commercial vehicular access to adjacent properties; and

WHEREAS, Section 3333.18, Building lines, requires a building setback line of no less than 50 feet along Sancus Boulevard, while the applicant proposes a reduced building line of 32 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards between 21 feet 3 inches and 10 feet, as shown on the site plan; and

WHEREAS, the City Departments recommend approval because the request is consistent with the Far North Area Plan's community commercial land use recommendation, maintains existing commercial access to a neighboring commercial property to the north, and allows development on a site that is irregular in shape with limited developable land due to the stream corridor protection zone that bisects the site; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the

proposed uses; 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 **8240 SANCUS BLVD. (43081)**, 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 3333.02, AR-12, ARLD, and AR-1 apartment residential district use; 3333.18, Building lines; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **8240 SANCUS BLVD. (43081)**, insofar as said sections prohibit a 2,580 square foot commercial retail building and commercial driveway; a reduced building line from 50 feet to 32 feet along Sancus Boulevard; and a reduced perimeter yard from 25 feet to between 21 feet 3 inches and 10 feet; said property being more particularly described as follows:

8240 SANCUS BLVD. (43081), being 3.49± acres located on the east side of Sancus Boulevard, 520± feet south of Lazelle Road, and being more particularly described as follows:

Description of a 1.560 Acre Tract:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.560 acres out of Farm Lot 10, being a 1.560 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract, being at the northwest corner of said 3.487 acre tract, and being the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

- 1) South 31°25'46" East, a distance of 162.48 feet, to a point;
- 2) South 23°42'49" East, a distance of 111.76 feet, to a point;
- 3) South 01°14'23" East, a distance of 40.13 feet, to the south line of said 3.487 acre tract and being on the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40;

Thence North 88°23'58" West, a distance of 382.56 feet with the south line of said 3.487 acre tract and with the north line of said Worthington Glen North Condominium, to the southwest corner of said 3.487 acre tract, being at the southeast corner of a 0.068 acre tract of land described in a deed to the City of Columbus of record in Official Record 28998, Page G20, and being on the east right-of-way line of said Sancus Boulevard;

Thence with the west line of said 3.487 acre tract, with the east line of said 0.068 acre tract, with the east right-of-way line of said Sancus Boulevard, and with the arc of a curve to the right having a radius of 950.00 feet, a central angle of 7° 26'02", a chord bearing of North 18°38'31" West, a chord distance of 123.17 feet, and an arc length of 123.26 feet, to a northwest corner of said 3.487 acre tract and being at the southwest corner of said 0.832 acre tract;

Thence South 86°36'57" East, a distance of 194.00 feet with a north line of said 3.487 acre tract and with the south line of said 0.832 acre tract, to the southeast corner of said 0.832 acre tract;

Thence North 02°39'01" East, a distance of 168.45 feet with a west line of said 3.487 acre tract and with the east line of said 0.832 acre tract, to the TRUE POINT OF BEGINNING containing 1.560 acres of land, more or less.

Basis of Bearings: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from the Franklin County Geodetic Control Monumentation.

Description of a 1.927 Acre Tract:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Farm Lot 10, Quarter Township 1, Township 2, Range 18, United States Military Lands, being 1.927 acres out of Farm Lot 10, being a 1.927 acre tract of land out of a 3.487 acre tract of land described in a deed to Lazelle Columbus Partners LP of record in Instrument Number 201605240065206, and being more particularly described as follows:

COMMENCING for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Book 70, Page 55 and the centerline of Lazelle Road of the same record;

Thence South 86°36'57" East, a distance of 250.00 feet with the centerline of said Lazelle Road, to a point;

Thence South 03°23'03" West, a distance of 50.00 feet crossing said Lazelle Road, to the south right-of-way line of said Lazelle Road, being at the northwest corner of a 3.873 acre tract of land described in a deed to 2WDLZ, LLC of record in Instrument Number 201605240065205, being at the northeast corner of a 1.368 acre tract of land described in a deed to Chuang Properties, LLC of record in Instrument Number 200405260121639;

Thence South 03°23'03" West, a distance of 300.00 feet with the west line of said 3.873 acre tract and with the east line of said 1.368 acre tract, to the southwest corner of said 3.873 acre tract, being at the southeast corner of said 1.368 acre tract, and being on the north line of a 0.832 acre tract of land described in a deed to Sancus Enterprises, LLC of record in Instrument Number 201303250049100;

Thence South 86°36'57" East, a distance of 39.94 feet with the south line of said 3.873 acre tract and with the north line

of said 0.832 acre tract, to the northeast corner of said 0.832 acre tract and being at the northwest corner of said 3.487 acre tract;

Thence South 88°00'33" East, a distance of 89.85 feet with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the TRUE POINT OF BEGINNING of the tract to be described;

Thence South 88°00'33" East, a distance of 65.77 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to a point;

Thence South 86°40'52" East, a distance of 273.13 feet continuing with the south line of said 3.873 acre tract and with the north line of said 3.487 acre tract, to the northeast corner of said 3.487 acre tract;

Thence South 03°48'48" West, a distance of 35.00 feet with a west line of said 3.873 acre tract and with an east line of said 3.487 acre tract, to a point;

Thence South 43°26'09" East, a distance of 107.92 feet with a southwest line of said 3.873 acre tract and with a northeast line of said 3.487 acre tract, to the southeast corner of said 3.873 acre tract, being at a northeast corner of said 3.487 acre tract, and being on the west line of a 5.00 acre tract of land described in a deed to Mark R. Ciminello and Joseph A. Ciminello of record in Official Record 7544, Page G09;

Thence South 03°48'48" West, a distance of 157.58 feet with the east line of said 3.487 acre tract and with the west line of said 5.00 acre tract, to the southeast corner of said 3.487 acre tract and being at the northeast corner of the Seventh Amendment to Worthington Glen North Condominium of record in Condominium Plat Book 49, Page 132;

Thence North 88°23'58" West, a distance of 269.36 feet with the south line of said 3.487 acre tract, with the north line of said Seventh Amendment to Worthington Glen North Condominium and with the north line of Worthington Glen North Condominium of record in Condominium Plat Book 46, Page 40, to a point;

Thence crossing said 3.487 acre tract with the following three (3) courses and distances:

1) North 01°14'23" West, a distance of 40.13 feet, to a point;

2) North 23°42'49" West, a distance of 111.76 feet, to a point;

3) North 31°25'46" West, a distance of 162.48 feet, to the TRUE POINT OF BEGINNING containing 1.927 acres of land, more or less.

The above description is based on and referenced to an exhibit titled "Zoning Exhibit of a 1.927 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Franklin County, Ohio.

Property Parcel: 610-218056

Property Address: 8240 Sancus Boulevard, Columbus, OH 43081.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed use development containing a retail commercial building with up to 2,580 square feet and/or a commercial driveway, or those uses permitted in the L-AR-12, Limited Apartment Residential District, specified by Ordinance #2240-2020; Z20-045.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**LAZELLE CROSSING APARTMENTS - SITE PLAN AND DETAILS,**" dated September 10, 2020, and signed by John McKay, 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 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 Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.