



Legislation Text

File #: 1814-2021, **Version:** 1

Council Variance Application: CV21-033

APPLICANT: Magnolia Trace, LLC; c/o David Hodge, Atty.; Underhill & Hodge; 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 #1813-2021; Z21-022) to the AR-1, Apartment Residential District. The requested variance will permit a 72-unit apartment complex on two parcels which are unable to be combined due to having different tax districts. Variances to permitted uses, screening, maneuvering, parking space, minimum number of parking spaces required, area district requirements, building line, perimeter yard, and side and rear yards are included in the request. The requested variances are supportable as they do not add incompatible uses to the area, and mostly result from parcels not being able to be combined.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 area district requirements; 3333.18(B), Building lines; 3333.22, Maximum side yard required; 3333.23(D), Minimum side yard permitted; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **4701 BEECHWOOD DR. (43230)**, to permit multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV21-033).

WHEREAS, by application #CV21-033, the owner of property at **4701 BEECHWOOD DR. (43230)**, is requesting a Council variance to permit multi-unit residential with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, requires an apartment house to contain a minimum of five units, while the applicant proposes an apartment house containing more than 5 units, but the portion of the building on Parcel #600-198841 may have less than 5 units; and

WHEREAS, Section 3312.21(D)(1), Landscaping and screening, requires parking lot screening from residentially zoned property be 5 feet in height, while the applicant proposes to eliminate parking lot screening along the northern property line; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes maneuvering over parcel lines; 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 on the same parcel as the use occurs, while the applicant proposes no parking spaces on Parcel #600-198841, but with the overall development surpassing the minimum parking requirements; and

WHEREAS, 3333.12, AR-1 and AR-4 Area district requirements, requires 1,200 square feet of lot area per dwelling unit, while the applicant proposes less than 1,200 square feet of lot area per dwelling unit on Parcel #600-198841; and

WHEREAS, Section 3333.18(B), Building lines, requires a building line of no less than 50 feet along Cherry Bottom Road, while the applicant proposes reduced building lines of 25 feet for the parcels along Cherry Bottom Road, as demonstrated on the submitted site plan, and permits above ground vaults and utility enclosures within the proposed setback; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, or 8.4 feet for a 40-foot wide lot, while the applicant proposes a maximum side yard of zero feet for Parcel #600-198841; and

WHEREAS, Section 3333.23(D), Minimum side yard permitted, requires the minimum side yard to be no less than one-sixth of the height of the building, or 5.8 feet for a building 35 feet in height, while the applicant proposes side yards of zero feet for Parcel #600-198841; 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 no rear yard for Parcel #600-198841; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of zero feet along the northern property line and along the perimeter shared with Parcel #600-198841, as demonstrated on the submitted site plan; and

WHEREAS, the City Departments recommend approval because the variances will allow a multi-unit residential development that is an expansion of the existing multi-unit residential development to the north and will not add incompatible uses to the area; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **4701 BEECHWOOD DR. (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 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21(D)(1), Landscaping and screening; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49(C), Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 area district requirements; 3333.18(B), Building lines; 3333.22, Maximum side yard required; 3333.23(D), Minimum side yard permitted; 3333.24, Rear yard; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **4701**

BEECHWOOD DR. (43230), insofar as said sections prohibit an apartment building with less than 5 units on a parcel in the AR-1, Apartment Residential District; with no parking lot screening along the northern property line; with maneuvering for parking spaces over parcel lines; parking spaces divided by parcel lines, but with the overall parking space meeting the required dimensions; no parking provided on Parcel #600-199841, but with overall parking requirements being surpassed; reduced lot area of 1,200 square feet for Parcel #600-199841; reduced building lines from 50 feet to 25 feet for parcels fronting Cherry Blossom Road; reduced maximum side yard from 8.4 to zero feet for Parcel #600-199841; reduced minimum side yards from 5.8 feet to zero feet for Parcel #600-199841; no rear yard for Parcel #600-199841; and a reduced perimeter yard from 25 feet to zero feet along the northern property line and the property lines shared with Parcel #600-199841, said property being more particularly described as follows:

4701 BEECHWOOD DR. (43230), being 3.25± acres located on the west side of Cherry Bottom Road, 140± feet north of Ingleside Drive, and being more particularly described as follows:

Description 3.25± Acres

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 all of Lots 1, 2, 38 and 39 in Block "C" of the Chilcote's Ingleside Addition as recorded in Plat Book 19, Page 28 as conveyed to Floyd G. Blackburn and Jacqueline J. Blakeburn, married, for their joint lives, remainder to the survivor of them in Instrument Number 201305030073674 along with a portion of the north half of vacated Maplewood Drive as vacated by Road Record 26, Page 326 (Resolution No. 1149-96), all of Lots 3 through 17 and Lots 23 through 37 in Block "C" of said Chilcote's Ingleside Addition as conveyed to Jacqueline J. Oder in Official Record 24074, Page B05 along with a portion of the north half of said vacated Maplewood Drive, all of Lots 18 and 22 and part of Lots 19, 20 and 21 in Block "C" of said Chilcote's Ingleside Addition as conveyed to Agoston A. Varsanyi and Anne M. Varsanyi, for their joint lives, remainder to the survivor of them in Official Record 2633, Page I18 along with a portion of the north half of said vacated Maplewood Drive, and Beechwood Drive (40' R/W) as dedicated in Plat Book 19, Page 28 as further described as follows;

Beginning at the southwest corner of a 11.429 acre tract as conveyed to Magnolia Trace LLC in Instrument Number 201911070149048, the intersection of the northerly right of way line of Beechwood Drive and the easterly right of way line of Walnut View Boulevard (50' R/W) as dedicated Plat Book 19, Page 28 and also being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the south line of said 11.429 acre tract and the northerly right of way line of Beechwood Drive, **N 85° 14' 48" E, 755.2± feet** to the southwest corner a 0.353 acre tract as conveyed to the City of Columbus, Ohio in Instrument Number 201906140071184

Thence across said Beechwood Road, said Lots 19, 20 and 21 in Block "C" of the Chilcote's Ingleside and said portion of vacated Maplewood Drive, **S 04° 45' 12" E, 180.0± feet** to the south line of the north half of said vacated Maplewood Drive, the south line of said Varsanyi property and the north line of a 0.643 acre tract as conveyed to Agoston A. Varsanyi and Anne M. Varsanyi in Instrument Number 200802280030467;

Thence with the centerline of said vacated Maplewood Drive, the south line of said Varsanyi property, the south line of said Oder property, the south line of said Blackburn property, the north line of said 0.643 acre Varsanyi property, the north line of a 0.771 acre tract as conveyed to Agoston A. Varsanyi and Anne M. Varsanyi in Instrument Number 200802280030467, the north line of a tract conveyed to Linda Lee Boling and Candace Lou Geshwilm in Instrument Numbers 200901080002394 and 201303210047889, the north line of a tract conveyed to Jack E. Wooten in Deed Volume 3407, Page 670, Tract 3 and Tract 4 and the north line of a tract as conveyed to Agoston A. Varsanyi and Anne M. Varsanyi, husband and wife, for their joint lives remainder to the survivor of them in Instrument Number 200806020084227, Tract 1 and Tract 2, **S 85° 14' 48" W, 823.2± feet** to the northwest corner of said Varsanyi property recorded in Instrument Number 200806020084227, Tract 1 and Tract 2, the southwest corner of said Blackburn property and the intersection of said vacated Maplewood Drive and the easterly right of way line of Walnut View Boulevard;

Thence with the west line of said Blackburn property and the easterly right of way line of Walnut View Boulevard and across said Beechwood Drive, **N 17° 25' 18" E, 163.6± feet** to a projected angle point of the easterly right of way line of Walnut View Boulevard;

Thence with the projected easterly right of way line of Walnut View Boulevard, **N 07° 30' 48" E, 29.1± feet** to the **TRUE POINT OF BEGINNING**, containing **3.25± acres**, more or less.

Known as: 4701 Beechwood Dr., Columbus, Ohio 43230.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled, "**DEVELOPMENT PLAN**," dated June 16, 2021, and signed by Eric Zartman, Attorney for the Applicant. The plans 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 plans 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 Certificates 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.