



## Legislation Text

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**File #:** 1890-2021, **Version:** 1

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### **Council Variance Application: CV20-117**

**APPLICANT:** NRP Properties, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Multi-unit residential development.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The applicant has received a recommendation of approval from Development Commission and of disapproval from Staff for a concurrent rezoning (Ordinance #1889-2021; Z20-049) to the AR-1, Apartment Residential District. The applicant proposes to maintain an existing monopole telecommunications antenna and redevelop the rest of the site with a four-story apartment complex totaling 180 units. This request includes two site plan options, one depicting a shared driveway and the other depicting a separate driveway to access the monopole telecommunication antenna. Staff is not opposed to the requested variances but is not in support of multi-unit residential development at this location.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.21, Landscaping and screening; 3312.27, Parking setback line; 3312.29, Parking space; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5055 SINCLAIR RD. (43229)**, to permit an existing monopole telecommunications antenna and a multi-unit residential development with reduced development standards in the AR-1, Apartment Residential District (Council Variance #CV20-117).

**WHEREAS**, by application #CV20-117, the owner of property at **5055 SINCLAIR RD. (43229)**, is requesting a Council variance to permit an existing monopole telecommunications antenna and a multi-unit residential development 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, prohibits a monopole telecommunications antenna, while the applicant proposes to maintain the existing monopole telecommunication antenna and related equipment, as demonstrated on both submitted site plans; and

**WHEREAS**, Section 3312.21, Landscaping and screening, requires headlight screening between the parking setback line and street right-of-way with plant material, while the applicant proposes no headlight screening along the southern 40± of the property along Sinclair Road, as demonstrated on Site Plan B; and

**WHEREAS**, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet along Sinclair Road, while the applicant proposes a parking setback line of 0 feet for the southern 40± of the property along Sinclair Road, as demonstrated on Site Plan B; 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 of 8 feet wide by 16 feet deep, for 25 or 19 non-code required parking spaces, as demonstrated on Site Plan A and Site Plan B, respectively; and

**WHEREAS**, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of 10 feet along the northern and western property lines, as demonstrated on both submitted site plans; and

**WHEREAS**, the City Departments recommend disapproval because the requested variances are not necessarily unsupportable but, rather, multi-unit residential development is not an appropriate use for this location; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a 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 **5055 SINCLAIR RD. (43229)**, 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, Landscaping and screening; 3312.27, Parking setback line; 3312.29, Parking space; and 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5055 SINCLAIR RD. (43229)**, insofar as said sections prohibit a monopole telecommunications antenna and related equipment in the AR-1, Apartment Residential District; with no parking lot screening along the southern 40 feet of the property along Sinclair Road (Site Plan B); reduced parking setback from 25 feet to 0 feet along the southern 50 feet of the property along Sinclair Road (Site Plan B); reduced parking space size from 9 feet by 18 feet to 8 feet by 16 feet for 25 (Site Plan A) or 19 (Site Plan B) non-code required parking spaces; and reduced perimeter yards from 25 feet to 10 feet along the northern and western property lines, said property being more particularly described as follows:

**5055 SINCLAIR RD. (43229)**, being 7.43± acres located on the west side of Sinclair Road, 200± feet south of Freeway Drive North, and being more particularly described as follows:

**DESCRIPTION OF 7.425 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 2, Range 18, United States Military Lands, and being 7.425 acres of those tracts described in a deed to DRJ Family, LLC (hereafter referred to as "DRJ tract"), of record in Instrument Number 20071227022181, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the southerly line of the said DRJ tract and the proposed westerly right-of-way of Sinclair Road, being on the north line of that 3.049 acre tract described in a deed to Columbus Southern Power Company, of record in Instrument Number 200812240184021, and being on the existing west right-of-way line for Sinclair Road;

Thence North 86 degrees 26 minutes 34 seconds West, along the south line of said DRJ tract and along the north line of said 3.049 acre tract, a distance of 325.35 feet to a southwest corner of said DRJ tract, being the northwest corner of said 3.049 acre tract and being on the existing east railroad right-of-way line;

Thence North 02 degrees 50 minutes 38 seconds West, along a west line of said DRJ tract and along the existing east railroad right-of-way line, a distance of 429.37 feet to a southwest corner of said DRJ tract, being a northeast corner of

the existing railroad right-of-way;

Thence North 87 degrees 07 minutes 38 seconds West, along a south line of said DRJ tract and along the existing north railroad right-of-way line, a distance of 40.20 feet to a southwest corner of said DRJ tract, being a northeast corner of the existing railroad right-of-way;

Thence North 02 degrees 50 minutes 38 seconds West, along a west line of said DRJ tract and along the existing east railroad right-of-way line, a distance of 406.26 feet to the northwest corner of said DRJ tract, being a southwest corner of that 2.169 acre tract described in a deed to Tony W. Bowman and Richard A. Bowman, Co-Trustees of the Tony W. Bowman Revocable Trust Dated May 19, 2015, of record in Instrument Number 201505210067176;

Thence South 87 degrees 10 minutes 51 seconds East, along the north line of said DRJ tract and along the south line of said 2.169 acre tract, a distance of 452.88 feet to the intersection of the north line of said DRJ tract and the said proposed westerly right-of-way line of Sinclair Road;

Thence South 03 degrees 19 minutes 22 seconds West, along the said proposed westerly right-of-way line for Sinclair Road and along the east line of said DRJ tract, a distance of 309.37 feet to a point;

Thence South 03 degrees 03 minutes 21 seconds West, continuing along the proposed westerly right-of-way line for Sinclair Road and continuing along the east line of said DRJ tract, a distance of 526.43 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of 7.425 acres, of which:

Known as: 5055 Sinclair Rd., Columbus, Ohio 43229.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development containing up to 180 units and a monopole telecommunications antenna, 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 plans titled, "**SITE PLAN A**," or "**SITE PLAN B**," both dated June 9, 2021, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, 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.