



Legislation Text

File #: 2799-2020, **Version:** 2

APPLICANT: The Burk LLC; c/o Jeffrey Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

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 request to the L-AR-1, Limited Apartment Residential District (Ordinance #2798-2020; Z19-023) for a multi-unit residential development. Variances are requested to maintain an existing single-unit dwelling and barn and relocate an existing single-unit dwelling on-site, reduce the parking and building setbacks and perimeter yard, and permit parking spaces and part of a building to encroach into a vision clearance triangle. Staff finds the requested variances to be supportable because the site design mitigates its impact on adjacent single-unit residential uses and further protects the stream corridor protection zone present on the property.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 apartment residential district use; 3312.27, Parking setback line; 3321.05(A)(1), (B)(1), Vision clearance; 3333.18, Building lines; and 3333.255, Perimeter yard; of the Columbus City Codes for property located at **6181 THOMPSON ST. (43235)**, to permit single-unit dwellings and reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance #CV19-021).

WHEREAS, by application #CV19-021, the owner of property at **6181 THOMPSON ST. (43235)**, is requesting a Council variance to permit single-unit dwellings and reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, prohibits single-unit dwellings within an apartment complex, while the applicant proposes to maintain an existing single-unit dwelling and barn, and to relocate an existing single-unit dwelling on-site; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of no less than 25 feet along Thompson Street, while the applicant proposes a parking setback line of 0 feet; and

WHEREAS, Section 3321.05(A)(1), (B)(1), Vision clearance, requires a clear vision triangle of 10 feet at the intersection of Thompson Street with the alley and at access points, while the applicant proposes to encroach into the vision clearance triangle with parking spaces and part of a building, as shown on the site plan; and

WHEREAS, Section 3333.18, Building lines, requires a building line of 25 feet along Thompson Road, while the applicant proposes a building line of 0 feet; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet for multi-unit residential developments, while the applicant proposes to a reduced perimeter yard of 5 feet along the east and west property line, and 0 feet along the south property line, as shown on the site plan; and

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

proposed uses; and

WHEREAS, the City Departments recommend approval because the variances will cause no negative impact on the surrounding properties, with a site design that mitigates its impact on adjacent single-unit residential uses and further protects the stream corridor protection zone present on the property; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **6181 THOMPSON ST. (43235)**, in using said property as desired; and

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; 3312.27, Parking setback line; 3321.05(A)(1), (B)(1), Vision clearance; 3333.18, Building lines; and 3333.255, Perimeter yard; of the Columbus City Codes for property located at **6181 THOMPSON ST. (43235)**, insofar as said sections prohibit two single-unit dwellings and a barn within a multi-unit residential development in the L-AR-1, Apartment Residential District; with a reduced parking setback line from 25 feet to zero feet; parking spaces and part of a building encroaching into the 10 foot vision clearance triangles; reduced building line from 25 feet to 0 feet; and reduced perimeter yard from 25 feet to of 5 feet along the east and west property lines, and 0 feet along the south property line; said property being more particularly described as follows:

6181 THOMPSON ST. (43235), being 8.26± acres located north of the terminus of Thompson Street, 1,260± feet west of Linworth Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being land conveyed to 2424 DG I LLC; The Burk Linworth LLC; and Jimmy Lee Thompson, Et. Al. (all references to deeds, microfiche, plats, surveys, etc. refer to the Franklin County Recorder's Office or Engineer's Office) being more particularly described as follows:

BEGINNING at the southeast corner of Lot 69 of Henry R. McClelland's Subdivision known as Elmwood, and also being at the intersection of the west right of way of Thompson Street (50 feet wide) and the north right of way of an Alley (20 feet wide);

Thence along the south line of said Lot 69 and said north line of an Alley, North 87°52'38" West for a distance of 250.00 feet to the southwest corner of said Lot 69, and also being at the intersection of said north line of an Alley and the east right of way of an Alley (20 feet wide);

Thence along the west line of Lots 66-69 of said Elmwood Subdivision, also along said east right of way line, and also across a tract conveyed to The Burk Linworth LLC, North 02°16'25" East for a distance of 200.00 feet to the northwest corner of said Lot 66;

Thence along the north right of way of said Alley, North 87°52'39" West for a distance of 20.00 feet to the west right of way of said Alley;

Thence leaving said north line and across said The Burk Linworth LLC tract, North 02°16'25" East for a distance of 39.10 feet to a point;

Thence continuing across said The Burk Linworth LLC tract and across Reserve A of Brookside Estates Amended Plat No. 3, and the south line of said Reserve A, North 87°52'39" West for a distance of 608.68 feet to a corner of said Reserve

A;

Thence along Reserve A for the following five (5) courses:

1. North 01°29'08" East for a distance of 39.53 feet to a corner of said Reserve A;
2. North 87°44'44" West for a distance of 422.00 feet to a corner of said Reserve A, also being the easterly right of way of McVey Boulevard (60 feet wide);
3. On a curve to the right having a radius of 230.00 feet, a delta angle of 11°47'36", and a chord length of 47.26 feet bearing North 85°59'20" East to a point;
4. South 88°06'52" East for a distance of 170.00 feet to a point;
5. On a curve to the left having a radius of 330.00 feet, a delta angle of 78°39'50", and a chord length of 418.32 feet bearing North 52°33'13" East to a corner of said Reserve A;

Thence along said east right of way of McVey Boulevard, North 02°14'50" East for a distance of 99.16 feet to the northwest corner of a tract conveyed to The Burk Linworth LLC;

Thence along the north line of said tract conveyed to The Burk Linworth LLC for the following five (5) courses:

1. South 79°29'17" East for a distance of 83.48 feet to a point;
2. North 89°57'17" East for a distance of 175.00 feet to a point;
3. North 69°54'49" East for a distance of 50.00 feet to a point;
4. South 86°38'38" East for a distance of 155.00 feet to a point;
5. North 60°24'53" East for a distance of 86.93 feet to the northeast of said tract;

Thence along the east line of said tract, South 09°15'16" East for a distance of 374.94 feet to a southeast corner of said tract;

Thence along the north vacated right of way of an Alley (20 feet wide), North 87°52'39" West for a distance of 10.20 feet to the centerline of said vacated Alley;

Thence along said centerline, South 09°15'16" East for a distance of 306.01 feet to the north right of way of an Alley (20 feet wide);

Thence along said north right of way, North 87°52'39" West for a distance of 268.41 feet to the northeast corner of the intersection of said Alley and said Thompson Street;

Thence along the east right of way of said Thompson Street, North 02°16'25" East for a distance of 300.00 feet to the north right of way of said Thompson Street;

Thence along said north right of way, North 87°52'39" West for a distance of 50.00 feet to the west right of way of said Thompson Street;

Thence along said west right of way, South 02°16'25" West for a distance of 300.00 feet to the POINT OF BEGINNING;

Containing a total of 8.255 acres, more or less.

Being part of land conveyed to The Burk Linworth LLC with Tax Parcels numbered 610-213843-00, 613-213850-00, 610-213851-00, 610-213862-00, 610-213863-00, & 610-213873-00.

Being part of land conveyed to 2424 DG I LLC with Tax Parcels numbered 610-213864-00 & 610-213865-00.

Being part of land conveyed to Jimmy Lee Thompson, William Arthur Thompson, Phyllis Ann Harmony, and Peggy Ann

Valentino (Jimmy Lee Thompson, Et. Al.) with Tax Parcel numbered 610-213857-00.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS 2007 Adjustment) by observations between Franklin County Monuments numbered Frank74 & Frank174 being North 87°52'39" West.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings and a barn within an apartment complex, or those uses permitted in the L-AR-1, Limited Apartment Residential District in Ordinance #2798-2020 (Z19-023).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate 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.