



## Legislation Text

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**File #:** 1096-2022, **Version:** 1

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### **Council Variance Application: CV22-009**

**APPLICANT:** Alkire Woods LLC; c/o Jill Tangeman, Atty.; 52 East Gay Street; Columbus, OH 43215.

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

**GREATER HILLTOP 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 #1095-2022; Z21-084) to the PUD-6, Planned Unit Development and L-ARLD, Limited Apartment Residential districts to mixed-residential development. The requested Council variance will eliminate the internal perimeter yard requirements in the L-ARLD district, as the parcels that comprise the development are in two different taxing districts cannot be combined. Staff finds the requested variance to be supportable as the expansion of the apartment complex is compatible with adjacent residential developments.

To grant a Variance from the provisions of Section 3333.255, Perimeter Yard, of the Columbus City Codes; for the property located at **3855 ALKIRE RD. (43123)**, to permit a reduced perimeter yard for an apartment complex in the L-ARLD, Limited Apartment Residential District (Council Variance #CV22-009).

**WHEREAS**, by application #CV22-009, the owner of property at **3855 ALKIRE RD. (43123)**, is requesting a Council variance to permit a reduced perimeter yard for an apartment complex in the PUD-6, Planned Unit Development District and L-ARLD, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.255, Perimeter Yard, requires a to provide a perimeter yard totaling no less than 10 feet, while the applicant proposes to eliminate the internal perimeter yard requirements, as the parcels are in two different taxing districts cannot be combined, as shown on the site plan; and

**WHEREAS**, the Greater Hilltop Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested variances allow expansion of an apartment complex with development standards that are compatible with adjacent residential developments; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **3855 ALKIRE RD. (43123)**, 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 Section 3333.255, Perimeter Yard, of the Columbus City Codes; for the property located at **3855 ALKIRE RD. (43123)**, to permit a reduced perimeter yard for an apartment complex in the L-ARLD, Limited Apartment Residential District; said property being more particularly described as follows:

**3855 ALKIRE RD. (43123)**, being 15.41± acres located at the southwest corner of Alkire Road and Southwestern Road, and being more particularly described as follows:

**Subarea 2, L-ARLD, Limited Apartment Residential District, 15.41 acres:**

Parcel 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 1389 and containing 12.33+/- acres of land, more or less, said 12.33+/- acres being part of Reserve "B" as named and delineated upon the plat "Brookfield Village Apartments" of record and Plat Book 115, Page 14 and conveyed to Compton Brookfield LLC of record in Instrument Number 201610190142963, said 12.33+/- acres more particularly described as follows:

Beginning, at a southwesterly corner of said Reserve B, also being at a northeasterly corner of Lots 96 and 97 as numbered and delineated on the plat "Alkire Place Section 2" of Record in Plat Book 100, Page 22 and conveyed to Richard Allan Alford of Record in Instrument Number 202101050001100;

Thence S 88° 41' 32" E, across said Reserve "B", 3.31 feet+/- to an angle point;

Thence across said Reserve "B", with the westerly line of said Reserve "B", with the easterly line of Reserve "H" and Kingston Run Drive (Private) as named and delineated upon the record plat for Alkire Woods of record in Plat Book 106, Page 82, the following two (2) courses;

N 01° 26' 55" E, 669.16 feet+/- to a point of curvature;

with a curve to the right, having a central angle of 90° 00' 00" and a radius of 20.00 feet, an arc length of 31.42 feet, a chord bearing and chord distance of N 46° 26' 55" E, 28.28 feet+/- to a point of tangency in a northerly line of said Reserve "B", southerly line of said Reserve "H" and in a southerly line of Nottingham Lane (Private) as delineated upon said Alkire Woods plat;

Thence S 88° 33' 05" E, along the common line of said Reserve "B", said Reserve "H" and said Nottingham Lane (Private), 201.74 feet+/- to a common corner thereof, said corner also being a southeasterly corner of Sandy Lake Drive (Private) as delineated upon said Alkire Woods plat.

Thence along common lines of said Reserve "B", said Reserve "H" and said Sandy Lake Drive (Private), the following six (6) courses and distances:

N 01° 26' 55" E, 245.16 feet+/- to a point of curvature;

with a curve to the left, having a central angle of 25° 41' 40" and a radius of 325.00 feet, an arc length of 145.75 feet, a chord bearing and chord distance of N 11° 23' 55" W, 144.53 feet+/- to a point of reverse curvature;

with a curve to the right, having a central angle of 25° 41' 40" and a radius of 350.00 feet, an arc length of 156.96 feet, a chord bearing and chord distance of N 11° 23' 55" W, 155.65 feet+/- to a point;

N 01° 26' 55" E, 143.52 feet+/- to a point of curvature;

with a curve to the left, having a central angle of 26° 28' 14" and a radius of 125.00 feet, an arc length of 57.75 feet, a chord bearing and chord distance of N 11° 47' 12" W, 57.24 feet+/- to a point;

with a curve to the right, having a central angle of 62° 18' 36" and a radius of 20.00 feet, an arc length of 21.75 feet, a chord bearing and chord distance of N 06° 08' 00" E, 20.69 feet+/- to a point of reverse curvature in the northerly line of Reserve "B", the northerly terminus of said Reserve "H" and in the southerly right-of-way line of Southwestern Road (Public) as dedicated upon said Alkire Woods plat;

Thence with the northerly line of said Reserve "B" and the southerly right-of-way line of said Southwestern Road (Public), the following three (3) courses and distances:

with a curve to the left, having a central angle of 17° 13' 45" and a radius of 150.00 feet, an arc length of 45.11 feet, a chord bearing and chord distance of N 28° 40' 09" E, 44.94 feet+/- to a point of reverse curvature;

with a curve to the right, having a central angle of 49° 12' 51" and a radius of 175.00 feet, an arc length of 150.32 feet, a chord bearing and chord distance of N 44° 39' 43" E, 145.74 feet+/- to a point of reverse curvature;

with a curve to the left, having a central angle of 67° 49' 04" and a radius of 163.14 feet, an arc length of 193.10 feet, a chord bearing and chord distance of N 35° 21' 36" E, 182.02 feet+/- to a northerly corner of said Reserve "B", said corner also being in the westerly line of Reserve "A" as delineated upon the record plat for Alire Run Section 1 of record in Plat Book 104, Page 3;

Thence S 01° 26' 55" W, with the easterly line of said Reserve "B", the westerly line of said Reserve "A", the westerly line of Alkire Run Section 2, Part 2 of record in Plat Book 129, Page 40 and the westerly line of that 10.193 acre tract of land as conveyed to the City of Columbus, Ohio of record in Instrument No. 200303130074729, 2071.88 feet+/- to a common corner of said Reserve "B" and said 10.193 acre tract;

Thence N 88° 49' 58" W, along the southerly line of said Reserve "B", a northerly line of said 10.193 acre tract and a northerly line of that 27.793 acre tract of land as conveyed to DR Horton-Indiana LLC of record in Instrument No. 202109070158060, 367.64 feet+/- to a common corner of said Reserve "B" and said 27.793 acre tract, said corner also being in the easterly line of Lot 101 as numbered and delineated upon said record plat for Alkire Place Section 2.

Thence N 01° 14' 46" E, along the westerly line of said Reserve "B" and the easterly line of said Alkire Place Section 2, 329.58 feet+/- to the Point of Beginning. Containing 12.33+/- acres.

The above description was prepared by Advanced Civil Design Inc. on September 27, 2021 and is based on information obtained from the Franklin County Auditor's and the Franklin County Recorder's Office.

**Parcel 2:**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey Number 1389 and containing 3.08+/- acres of land, more or less, said 3.08+/- acres being all of Lots 96-105, Reserves D, H, and J, as numbered and delineated upon the plat "Alkire Woods" of record in Plat Book 106, Page 82, said lots and Reserves being conveyed to Alkire Woods LLC of record in Instrument Number 200604170071457, being all of Lot 1 as numbered and delineated upon the plat "Brookfield Village Apartments" of record and Plat Book 115, Page 14 and conveyed to Alkire Woods LLC of record in Instrument Number 200604170071457, being all of Reserve A-1 as numbered and delineated upon said "Brookfield Village Apartments" as conveyed to Alkire Woods LLC of Record and Instrument Number

201305020072663, being all of Reserve A and part of Reserve B as numbered and delineated upon said plat "Brookfield Village Apartments" and conveyed to Compton Brookfield LLC of record in Instrument Number 201610190142963, said 3.08+/- acres more particularly described as follows:

Beginning, at the southwesterly corner of said Reserve B-1, being the southeasterly corner of a 4.15 acre tract of land conveyed to Cynthia Naylor of Record in Instrument Number 201409080116947 and being in the north line of Lot 95 as numbered and delineated on the plat "Alkire Place Section 2" of Record in Plat Book 100, Page 22 and conveyed to Richard Allan Alford of Record in Instrument Number 202101050001100;

Thence N 01° 45' 14" E, along the easterly line of Reserve B-1 and Reserve D, along the westerly line of said 4.15 acre tract, 689.65 feet+/- to an angle point;

Thence S 88° 33' 05" E, across said Reserve D and Reserve J, along the northerly line of said Lot 96, along the southerly line of Lot 95 and across Reserve H, 213.36 feet+/- to a point in a curve;

Thence along the easterly line of Reserve H and along the westerly line of Reserve B, the following two (2) courses;

with a curve to the left, having a central angle of 90° 00' 00" and a radius of 20.00 feet, an arc length of 31.42 feet, a chord bearing and chord distance of S 46° 26' 55" W, 28.28 feet+/- to a point of tangency;

S 01° 26' 55" W, 669.16 feet+/- to a point;

Thence N 88° 41' 32" W, across Reserve B, along the southerly line of Reserve B and Reserve B-1, along the northerly line of lot 96 as numbered and delineated upon said Alkire Woods Section 2 and along the northerly line of said Lot 95, 196.08 feet+/- to the Point of Beginning. Containing 3.08+/- acres.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with those uses in the L-ARLD, Limited Apartment Residential District as specified by Ordinance #1095-2022 (Z21-084).

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**ILLUSTRATIVE PLAN - SUBAREA 2**," dated April 6, 2022, and signed by Jill S. Tangeman, Attorney for 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 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.