



Legislation Text

File #: 1669-2022, **Version:** 1

Council Variance Application: CV22-005

APPLICANT: Preferred Living.; 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: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1668-2022; Z22-007) to the L-AR-1, Limited Apartment Residential District for a multi-unit residential development with a maximum of 168 apartment units. The requested Council variance permits a reduced perimeter yard from 25 feet to 15 feet for Buildings #1 and #3, and further reduced to 5 feet for detached garages and surface parking spaces along the eastern property line, as shown on the submitted site plan. Staff supports the variances as it will have minimal impact on the neighboring multi-unit residential development. The Rocky Fork-Blacklick Accord Implementation Panel unanimously recommended approval of this request at their April 21, 2022 meeting.

To grant a Variance from the provisions of Section 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5050 WARNER RD. (43081)**, to permit a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District (Council Variance #CV22-005). **(REPEALED BY ORD. 0186-2023 PASSED 1/30/2023) BA**

WHEREAS, by application #CV22-005, the owner of property at **5050 WARNER RD. (43081)**, is requesting a Council variance to permit a reduced perimeter yard for an apartment complex in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes a reduced perimeter yard of 15 feet for Buildings #1 and #3 and 5 feet for detached garages and surface parking spaces, along the eastern property line, as shown on the site plan; and

WHEREAS, the City Departments recommend approval because the requested variance will have a negligible effect on the neighboring multi-unit residential development; and

WHEREAS, this 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 **5050 WARNER RD. (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 Section 3333.255, Perimeter yard, of the Columbus City Codes, is hereby granted for the property located at **5050 WARNER RD. (43081)**, insofar as said section prohibits a reduced perimeter yard from 25 feet to between 15 feet and 5 feet along the eastern property line; said property being more particularly described as follows:

5050 WARNER RD. (43081), being 7.68± acres located at the northeast corner of Warner Road and Limerock Drive, and being more particularly described as follows:

Zoning Description; 7.68 Acres

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 15, Township 2, Range 16, United States Military Lands, being a 7.68± acre tract of land, said 7.68± acre tract being part of an Original 3 acre tract of land conveyed to Joshua P. Shremshock and Charmagne P. Shremshock of record in Instrument Number 201602030013391, being part of an Original 2.00 acre tract of land conveyed to Eugene T. and Myra Lynn Carty of record in Official Record 1318111 and part of an Original 3.106 acre tract of land conveyed to George and Leanna Hartig of record in Instrument Number 201010270143320, said 7.68 acre tract being more particularly described as follows:

Beginning at the southeasterly corner of said Original 3 acre tract, being the southwesterly corner of a 0.147 acre tract of land conveyed to the City of Columbus, Ohio of record in Instrument Number 202003310044105, being the northwesterly corner of a 0.211 acre tract of land described as Parcel 8-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201206290093332, being the northeasterly corner of a 0.134 acre tract of land described as Parcel 7-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201205070063744 and being in the northerly right-of-way line of Warner Road (R/W-Varies);

Thence along the southerly lines of said Original 3 acre tract, said Original 2.00 acre tract, said Original 3.106 acre tract and along the northerly line of said Parcel 7-WD, the northerly line of a 0.102 acre tract of land described as Parcel 6-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201205070063744, along the northerly line of a 0.219 acre tract of land described Parcel 5-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201203210038383 and along said right-of-way line, the following four (4) courses;

N 86° 27' 43" W, 337.76± feet to an angle point;

N 75° 09' 10" W, 61.18± feet to an angle point;

N 86° 27' 43" W, 178.60± feet to a point of curvature;

with a curve to the right, having a central angle of 29° 41' 35" and a radius of 16.00 feet, an arc length of 8.29± feet, a chord bearing and chord distance of N 71° 36' 55" W, 8.20± feet to a northwesterly corner of said Parcel 5-WD, to the northeasterly corner of a 0.002 acre tract of land described as Parcel 3-WD and conveyed to the City of Columbus, Ohio of record in Instrument Number 201309090152099, to the southerly corner of a 0.104 acre tract of land described as Reserve "DD" as numbered and delineated upon the plat "Village at Albany Crossing Section 3, Part 1" of record in Plat Book 107, Page 35 and being in the easterly right-of-way line of Limerock Drive (R/W-Varies) as dedicated on said "Village at Albany Crossing Section 3, Part 1";

Thence N 03° 30' 01" E, along the westerly line of said Original 3.106 acre tract, along the easterly line of said Reserve "DD", along the easterly line of a 0.008 acre tract of land described as Reserve "F" as numbered and delineated upon the plat "Village at Albany Crossing Section 1, Part 1" of record in Plat Book 106, Page 61 and along the easterly right-of-way line of said Limerock Drive (R/W-Varies), 536.90± feet to a northwesterly corner of said Original 3.106 acre tract, the northeasterly corner of said Reserve "F" and being in the southerly line of Lot 43 as numbered and delineated upon said "Village at Albany Crossing Section 1, Part 1";

Thence S 86° 28' 30" E, along the northerly line of said Original 3.106 acre tract, said Original 2.00 acre tract, along the southerly line of said Lot 43 and along the southerly line of a 0.784 acre tract of land described as Reserve "D" as numbered and delineated upon said "Village at Albany Crossing Section 1, Part 1", 382.02± feet to a northeasterly corner of said Original 2.00 acre tract, to the southeasterly corner of said Reserve "D" and being in the westerly line of said Original 3 acre tract;

Thence along the common lines of said Original 3 acre tract and said Reserve "D", the following two (2) courses;

N 03° 05' 07" E, 79.47± feet to an angle point;

S 86° 28' 14" E, 200.18± feet to a common corner thereof and being a northwesterly corner of an 8.329 acre tract of land conveyed to Baxter Park LLC of record in Instrument Number 202006040078233;

Thence S 03° 16' 21" W, along the easterly line of said Original 3 acre tract and the westerly line of said 8.329 acre tract, 630.59± feet to the True Point of Beginning.

Containing 7.68 acre, more or less.

Property Parcel: 010-288493, 220-000554 & 220-00638.

Property Address: 5050 Warner Rd., 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 those uses permitted in the L-AR-1, Limited Apartment Residential District, specified by Ordinance #1668-2022; Z22-007.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

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