



Legislation Text

File #: 1305-2023, **Version:** 1

Council Variance Application: CV22-141

APPLICANT: David Ruma; c/o Michael Shannon, Atty.; 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 request to the L-AR-1, Limited Apartment Residential District (Ordinance #1304-2023; Z22-092) to permit a multi-unit residential development. A variance to increase the building height from 35 feet to 40 feet is proposed and is supported by staff due to the substantial buffering provided in the site plan included with Z22-092. Additionally, the request includes variances for maneuvering, parking space, minimum parking spaces required, lot area, and perimeter yard, most of which are technical in nature and supported by staff because the site consists of parcels from different taxing districts that are unable to be combined.

To grant a Variance from the provisions of Sections 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 area district requirements; and 3333.255, Perimeter yard, of the Columbus City Codes; for the property located at **5142 CENTRAL COLLEGE RD. (43081)**, to permit reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District (Council Variance #CV22-141).

WHEREAS, by application #CV22-141, the owner of property at **5142 CENTRAL COLLEGE RD. (43081)**, is requesting a Council variance to permit reduced development standards for a multi-unit residential development in the L-AR-1, Limited Apartment Residential District; and

WHEREAS, Section 3309.14, Height districts, prohibits the height of a building to exceed 35 feet at the building line in the H-35, Height District, while the applicant proposes an increased building height of 40 feet; and

WHEREAS, Section 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through the site's internal parcel lines, with the total required maneuvering area being provided; and

WHEREAS, Section 3312.29, Parking space, requires a parking space to be a rectangular area of not less than 9 feet in width by 18 feet in depth, while the applicant proposes reduced parking space sizes for parking spaces impacted by the site's internal parcel lines, with the overall parking space meeting the minimum required dimensions; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, while the applicant proposes to waive the minimum parking requirement for individual parcels and to require parking based on the overall site rather than parcel, with the overall minimum number of parking spaces being provided; 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 to waive the area district requirements for individual parcels, with the site's total density

meeting the maximum area district requirements; and

WHEREAS, Section 3333.255, Perimeter yard, requires a minimum perimeter yard of 25 feet, while the applicant proposes reduced perimeter yards of 5 feet along the western property line, zero feet along the internal parcel lines, and to allow access in the east perimeter yard drive to the existing monopole telecommunications antenna; and

WHEREAS, the City Departments recommend approval as the requested variances are offset by substantial buffering, and are mostly the result of parcels not being able to be combined due to different taxing districts, with the required dimensions, number of parking spaces, and maneuvering areas being provided overall; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed development; 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 **5142 CENTRAL COLLEGE 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 Sections 3309.14, Height districts; 3312.25, Maneuvering; 3312.29, Parking space; 3312.49, Minimum numbers of parking spaces required; 3333.12, AR-1 and AR-4 area district requirements; and 3333.255, Perimeter yard; of the Columbus City Codes, is hereby granted for the property located at **5142 CENTRAL COLLEGE RD. (43081)**, insofar as said sections prohibit increased building height from 35 feet to 40 feet; maneuvering over and through the site's internal parcel lines; reduced parking space sizes for parking spaces impacted by the site's internal parcel lines; waiving the minimum parking requirement for individual parcels and to require parking based on the overall site rather than an individual parcel; waiving the area district requirements for individual parcels; and a reduced perimeter yard from 25 feet to 5 feet along the western property line, zero feet along the internal parcel lines, and to allow access in the east perimeter yard drive to the existing monopole telecommunications antenna; said property being more particularly described as follows:

5142 CENTRAL COLLEGE RD. (43081), being 10.0± acres located on the north side of Central College Road, 440± feet east of Course Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Plain, City of Columbus, being part of Section 6, Township 2, Range 16, United States Military Lands and being all of that 5.001 acre tract of land as conveyed to Aleks and Natasha Babamovski in Instrument Number 201710260149962, all of that 3.00 acre tract of land as conveyed to Steven L. Dunbar and Cindy L. Ward in Official Record 16550E06 and Official Record 16751C09, and all of that 1.984 acre tract of land as conveyed to Christoff Land & Development, LLC in Instrument Number 201810250145804, said 10.0 acres± more particularly described as follows:

Beginning, on the southeast corner of said 3.00 acre tract, the southwest corner of that 0.574 acre tract as conveyed to Lisa Wu Fate in Instrument Number 202108270153572, being on the centerline of Central College Road as referenced in Road Record 8, Pg. 194, and the common line of Section 6 and Section 15;

Thence **N 85°19'11" W**, with the south line of said 3.00 acre tract, the centerline of said Central College Road, the common line of Section 6 and Section 15, **200.0 feet±** to the southwest corner of said 3.00 acre tract, and the southeast

corner of that 0.172 acre tract of land conveyed to the City of Columbus in Instrument Number 200712180215640;

Thence **N 03°27'42" E**, with the west line of said 3.00 acre tract, the east line to said 0.172 acre tract, **50.0 feet±** to the southeast corner of said 1.984 acre tract, the northeast corner of said 0.172 acre tract, and being on the west line of said 3.00 acre tract;

Thence **N 86°29'35" W**, with the south line of said 1.984 acre tract, the north line of said 0.172 acre tract, **150.1 feet±** to the southwest corner of said 1.984 acre tract, the northwest corner of said 0.172 acre tract, and being on the east line of said 5.001 acre tract;

Thence **S 03°16'20" W**, with the west line of said 0.172 acre tract, the east line of said 5.001 acre tract, **50.0 feet±** to the southeast corner of said 5.001 acre tract, the southwest corner of said 0.172 acre tract, and the centerline of said Central College Road;

Thence **N 86°29'35" W**, with the south line of said 5.001 acre tract, the centerline of said Central College Road, the common line of Section 6 and Section 15, **350.0 feet±** to the southwest corner of said 5.001 acre tract and an angle point on said Central College Road;

Thence **N 03°16'20" E**, with the west line of said 5.001 acre tract, across the right-of-way of said Central College Road, a west line of a 3.105 acre tract of land conveyed as Reserve "I" of the Upper Albany West Section 1 subdivision as dedicated in Plat Book 105, Pg. 86, **622.4 feet±** to the northwest corner of said 5.001 acre tract, an angle point of said Reserve "I";

Thence **S 86°29'35" E**, with the north line of said 5.001 acre tract, the north line of said 1.984 acre tract, a south line of said Reserve "I", **502.0 feet±** to the west line of said 3.00 acre tract, the northeast corner of said 1.984 acre tract, and being on a south line of said Reserve "I";

Thence **N 03°27'42" E**, with the west line of said 3.00 acre tract, the east line of said Reserve "I", **30.6 feet±** to the northwest corner of said 3.00 acre tract, an angle point of a 21.705 acre tract of land conveyed to Andrew Reserve, LLC in Instrument Number 202011200185588, and being on the east line of said Reserve "I";

Thence **S 85°19'11" E**, with the north line of said 3.00 acre tract, a south line of said 21.705 acre tract, **200.0 feet±** to the northeast corner of said 3.00 acre tract, an angle point of said 21.705 acre tract;

Thence **S 03°27'49" W**, with the east line of said 3.00 acre tract, a west line of said 21.705 acre tract, the west line of said 0.574 acre tract, **653.0 feet±** to the **Point of Beginning**. Containing **10.0 acres±** more or less.

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 in accordance with Ordinance #1304-2023 (Z22-092).

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

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