



## Legislation Details (With Text)

**File #:** 1514-2024      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/17/2024      **In control:** Zoning Committee

**On agenda:** 6/3/2024      **Final action:** 6/5/2024

**Title:** To grant a Variance from the provisions of Sections 3333.18, Building lines, and Section 3333.35(G), Private garage, of the Columbus City Codes; for the property located at 2005 DEMOREST RD. (43123), to allow reduced development standards for an apartment complex in the L-AR-1, Apartment Residential District (Council Variance #CV24-001).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1514-2024\_Attachments, 2. ORD1514-2024\_Labels

Date	Ver.	Action By	Action	Result
6/5/2024	1	CITY CLERK	Attest	
6/4/2024	1	ACTING MAYOR	Signed	
6/3/2024	1	Zoning Committee	Waive the 2nd Reading	Pass
6/3/2024	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
6/3/2024	1	Zoning Committee	Approved	Pass
6/3/2024	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
6/3/2024	1	COUNCIL PRESIDENT	Signed	

**Council Variance Application: CV24-001**

**APPLICANT:** Metro Development LLC, c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Apartment Complex.

**WESTLAND 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 #1511-2024; Z24-001) to the L-AR-1, Limited Apartment Residential District for an apartment complex containing up to 166 units. The requested Council Variance will allow reduced building lines and increased height of detached garages for the proposed apartment complex. The requested variance to reduce the building line along Demorest Road is supported due to the parcel's irregular shape, and the increase in garage height is consistent with similar requests granted for apartment complex developments to allow a roof pitch that better matches apartment buildings.

To grant a Variance from the provisions of Sections 3333.18, Building lines, and Section 3333.35(G), Private garage, of

the Columbus City Codes; for the property located at **2005 DEMOREST RD. (43123)**, to allow reduced development standards for an apartment complex in the L-AR-1, Apartment Residential District (Council Variance #CV24-001).

**WHEREAS**, by application #CV24-001, the owner of property at **2005 DEMOREST RD. (43123)**, is requesting a Council variance to allow reduced development standards for an apartment complex in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.18, Building lines, requires building lines of 40 feet along Alkire Road, while the applicant proposes a reduced building line of 25 feet along Alkire Road; and

**WHEREAS**, Section 3333.35(G), Private garage, restricts the height of a private detached garage buildings to 15 feet, while the applicant proposes to increase the permitted height to 16 feet; and

**WHEREAS**, the Westland Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval as the requested variances are consistent with similar apartment complexes, with the building lines reduction being as a result of the irregularly shaped parcel; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and a Certificate 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 **2005 DEMOREST 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 Sections 3333.18, Building lines, and Section 3333.35(G), Private garage, of the Columbus City Codes, for the property located at **2005 DEMOREST RD. (43123)**, insofar as said sections prohibit a reduced building line from 40 to 25 feet along Alkire Road; and an increased detached garage height from 15 to 16 feet; said property being more particularly described as follows:

**2005 DEMOREST RD. (43123)**, being 8.79± acres located on the west side of Demorest Road, 90± feet north of Demorest Highlands Lane, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, Township of Jackson, being part of Survey No. 1389 of the Virginia Military Survey and containing 8.79± acres, said 8.79± acres being part of that 0.87 acre tract of land described as Parcel 1 and conveyed to Jackie Lee McNabb by Affidavit of record in Instrument No. 202311220122737, Instrument No. 202208310125437 (Transfer on Death Affidavit) and originally conveyed by Deed Book 2833, P. 258, part of that 6.487 acre tract of land described as Parcel 2 and conveyed to Jackie Lee McNabb by Affidavit of record in Instrument No. 202311220122737, Instrument No. 202208310125437 (Transfer on Death Affidavit) and originally conveyed by Deed Book 3263, P. 526, part of that 1.0677 acre tract of land described as Parcel 3 and conveyed to Jackie Lee McNabb by Affidavit of record in Instrument No. 202311220122737, Instrument No. 202208310125437 (Transfer on Death Affidavit) and originally conveyed by Instrument No. 201110110129182, part of that 0.8726 acre tract of land described as Parcel 4 and conveyed to Jackie Lee McNabb by Affidavit of record in Instrument No. 202311220122737, Instrument No. 202208310125437 (Transfer on Death Affidavit) and originally conveyed by Deed Book 3266, P. 331, and being more

particularly described as follows;

**Beginning for Reference**, at Franklin County Monument “FCGS 0069” being in the centerline of Demorest Road and being S 02°02’16” W, 477.8±’ from a found Franklin County Monument “FCGS 6012” in the centerline of said Demorest Road, said beginning point also being the southeasterly corner of said Parcel 3, the northeasterly corner of said Parcel 4, the northwesterly corner of that 0.277 acre tract of land as conveyed to the City of Columbus of record in Official Record 26839, Page J17 and the southwesterly corner of that 0.11 acre tract of land described as Parcel III and conveyed to Faith Community Church of God of record in Instrument No. 200509010181173;

Thence S 01°09’27” W, with a westerly line of said 0.277 acre tract, easterly lines of said Parcel 4, Parcel 1 and Parcel 2, and along said centerline, **401.9± feet** to a southeasterly corner of said Parcel 2;

Thence N 88°43’58” W, across the right-of-way of said Demorest Road and with a southerly line of said Parcel 2, **40.0± feet** to a northeasterly corner of Lot 1 of Demorest Highlands of record in Plat Book 74, Page 69, also being the **True Point of Beginning**;

Thence N 88°43’58” W, with a southerly line of said Parcel 2, with a northerly line of Lots 1 through 17, inclusive, of Demorest Highlands of record in Plat Book 74, Page 69, **1304.5± feet** to a southwesterly corner of said Parcel 2, a northwesterly corner of said Lot 17 and in the easterly line of Lot 144 as numbered and delineated upon the record plat of Alkire Village, Section 2 Part 2, of record in Plat Book 96, Page 59;

Thence N 01°32’10” E, with a westerly line of said Parcel 2 and an easterly line of said Lot 144, **17.7± feet** to a northwesterly corner of said Parcel 2 and a southwesterly corner of Lot 1 as numbered and delineated upon the record plat of Salem Heights of record in Plat Book 26, Page 29;

Thence S 89°06’50” E, with a northerly line of said Parcel 2 and a southerly line of said Lot 1, **81.8± feet** to an angle point;

Thence N 65°29’08” E, continuing with a northerly line of said Parcel 2, a northerly line of said Parcel 3, a southerly line of Lots 1 through 11, inclusive, of said Salem Heights, partially with the southerly line of that 0.57 acre tract of land described as Parcel 24A-WL as conveyed to the State of Ohio of record in Deed Book 2822, Page 681 and partially along the limited access right-of-way of I-270, **1301.8± feet** to a northerly corner of said Parcel 3 and a westerly corner of that 0.15 acre tract of land described as Parcel 24-WL as conveyed to the State of Ohio of record in Deed Book 2818, Page 215;

Thence S 43°33’51” E, with a northeasterly line of said Parcel 3, southwesterly line of said Parcel 24-WL and along said limited access right-of-way line, **72.8± feet** to a point;

Thence across said Parcel 3, Parcel 4, Parcel 1 and Parcel 2, the following two (2) courses and distances: **S 02°02’16” W, 130.7± feet; S 01°09’26” W, 402.1± feet** to the **True Point of Beginning**, containing **8.79± acres** more or less.

Parcel No.: 160-000126, 160-002175, 160-002146, and 160-000228

Property Address: 2005 Demorest Rd., Columbus, OH 43123.

**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 #1511-2024; Z24-001.

**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.