



## Legislation Text

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**File #: 1828-2024, Version: 2**

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### **Council Variance Application: CV20-022A**

Ordinance #2216-2020, passed October 12, 2020 (CV20-022), allowed a 480-unit apartment complex with reduced development standards in the L-ARLD, Limited Apartment Residential District on property located at **2546 STELZER RD.** That ordinance included variances to maneuvering, parking space, ARLD area requirements, building and parking setbacks, required parking, and perimeter yard. The building setback variances included a reduction from 25 feet to 10 feet for the detached garages on the eastern property line along Interstate 270. A subsequent as-built site survey shows that some of these detached garages actually have a minimum setback of 9.7 feet. This ordinance amends Section 1 of Ordinance #2216-2020 to correct the building setback discrepancy and reflect the resulting 9.7 feet building setback along the eastern property line. This ordinance also removes variances that are no longer necessary due to code changes that allow multi-unit residential developments comprised of parcels with different taxing districts to span parcel lines. No other aspects of Ordinance #2216-2020 are changing with this amendment.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To amend Ordinance #2216-2020, passed October 12, 2020 (CV20-022), for property located at **2546 STELZER RD. (43219)**, to repeal Section 1 and replace it with a new Section 1 to correct the building setback variance for an existing apartment complex **and to declare an emergency.** (Council Variance #CV20-022A).

**WHEREAS**, Ordinance #2216-2020, passed October 12, 2020 (CV20-022), allowed a 480-unit apartment complex with reduced development standards in the L-ARLD, Limited Apartment Residential District at **2546 STELZER RD. (43219)**; and

**WHEREAS**, Section 1 of Ordinance #2216-2020 included a building setback variance from 25 feet to 10 feet along I-270 for the proposed apartment complex; and

**WHEREAS**, the reduced building setback for the detached garages along the eastern property line needs to be adjusted to 9.7 feet as measured in a subsequent as-built survey; and

**WHEREAS**, it is necessary to amend Section 1 of Ordinance #2216-2020 to include the necessary building setback variance to reflect the as-built conditions of the project, and to remove variances that are no longer necessary due to code changes that allow multi-unit residential developments comprised of parcels with different taxing districts to span parcel lines; and

**WHEREAS**, all other provisions contained in Ordinance #2216-2020 are unaffected by this amendment and remain in effect, and are repeated below for clarity and consistency; **and now, therefore:**

**WHEREAS**, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need to permit the property owner to complete the sale of the property pursuant to the real estate contract per Jeffrey L. Brown for the immediate preservation of the public peace, property, health and safety; now, therefore:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the existing Section 1 of Ordinance #2216-2020, passed October 12, 2020 (CV20-022), be hereby repealed and replaced with a new Section 1 reading as follows:

**SECTION 1.** That a variance from the provisions of Sections 3312.27(2), Parking setback line; and 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **2546 STELZER RD. (43219)**, insofar as said sections prohibit a reduced parking setback line from 25 feet to 15 feet along Codet Road, and to 10 feet from I-270; reduced building lines as follows: from 60 feet along Stelzer Road to 25 feet for buildings and 13 feet for porches and balconies; from 25 feet along Codet Road to 15 feet for buildings and 10 feet for air conditioning units; and from 25 feet along I-270 to 9.7 feet for garages; said property being more particularly described as follows:

**2456 STELZER RD. (43219)**, being 26.88± acres located at the northeast corner of Stelzer Road and Codet Road, and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Quarter Township 1, Township 1, Range 17, United States Military Lands and being all of Franklin County Parcel Number 520-134005, Parcel Number 010-255294, Parcel Number 010-255292, Parcel Number 010-255288, Parcel Number 010-255291, Parcel Number 010-255287, Parcel Number 010-255297, Parcel Number 191-003169, Parcel Number 010-255298, Parcel Number 191-003179, Parcel Number 191-003175, Parcel Number 010-255301 and Parcel Number 010-255299, being a 33.896 acres out of an original 34.926 acre tract (combined) as conveyed to New Salem Missionary of record in Instrument Number 200507110135048, all deed references refer to the records of the Recorder's Office Franklin County Ohio and described as follows:

Beginning at the intersection of the Easterly right-of-way line of Stelzer Road with the Southerly right-of-way line of Codet Road;

Thence South 87° 08' 49" East, along said Southerly right-of-way line a distance of 1680.59 feet to a point in the Westerly line of that 0.184 acre tract as conveyed to The State of Ohio, by deed of record in Deed Book 3106, page 433;

Thence South 18° 54' 21" East, along the Westerly line of said 0.184 acre tract, a distance of 66.59 feet to a point in the Southwesterly corner of said 0.184 acre tract;

Thence South 86° 19' 38" East, along the Southerly line of said 0.184 acre tract, a distance of 75.97 feet to a point in the Westerly limited access right-of-way of interstate-270;

Thence South 02° 56' 01" West, along said Westerly limited access right-of-way line, a distance of 764.71 feet to a point in said limited access right-of-way line;

Thence North 87° 13' 15" West, along a portion of said limited access right-of-way line and the Northerly lines of those tracts as conveyed to Jack B and Alice F Myers by deed of record in deed book 3064, page 375 and deed book 3265, page 448, Michael H. and Kathy F. Myers by deed of record in deed book 3423, page 896, 3888 Agler Road LLC by deed of record in Instrument Number 201301290014860, Jeffrey L. Patton by deed of Record in Official Record 33215f13, GEP Properties Too LLC by deed of record in Instrument Number 201211190175587, HRM-Columbus LLC be deed of record in Instrument Number 201801170006863, Lynn T. and Doris J. Kitzmiller by deed of Record in Official Record 13278h09, 3790 Agler Road LLC by deed of record in Instrument Number 201412110164778, Agler Properties LLC by deed of record in Instrument Number 201407010083489, and Robert L. and Mary E. Mathews by deed of record in Official Record 5405e04, a distance of 1795.05 feet to a point on the Easterly right-of-way of said Stelzer Road, being the Southeasterly corner of a tract of land conveyed to Franklin County of Record in Instrument Number 200408250199065;

Thence North 03° 52' 51" East, along said Easterly right-of-way line and the westerly line of said 33.896 acre tract, a distance of 830.09 feet to the Point of Beginning, and containing 33.896 acres of land, more or less, and subject to all easements, encumbrances, covenants, restrictions and matters of Record affecting the subject parcel. Bearings are based on record information.

This description was prepared from existing Records for zoning purposes and is not intended for deed transfer purposes.

**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-ARLD, Limited Apartment Residential District, specified by Ordinance #2215-2020; Z20-020.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the revised garage building setback line.

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

**SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**