



## Legislation Text

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**File #:** 0317-2021, **Version:** 1

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### **Council Variance Application: CV20-104**

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

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

**FAR EAST 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 #0316-2021; Z20-090) to the L-ARLD, Limited Apartment Residential District for a multi-unit residential development with a maximum of 160 dwelling units. The requested Council variance permits a reduced building setback line from 50 feet to 35 feet along McNaughten Road to accommodate the development's swimming pool. The variance allows the site to be designed with parking to the side or rear of buildings, which is recommended by *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).

To grant a Variance from the provision of Section 3333.18, Building lines, of the Columbus City Codes; for the property located at **1572 MCNAUGHTEN RD. (43232)**, to permit a reduced building line for an apartment complex in the L-ARLD, Limited Apartment Residential District (Council Variance #CV20-104).

**WHEREAS**, by application #CV20-104, the owner of property at **1572 MCNAUGHTEN RD. (43232)**, is requesting a Council variance to permit a reduced building line for an apartment complex in the L-ARLD, Limited Apartment Residential District; and

**WHEREAS**, Section 3333.18, Building lines, requires the building line to be 50 feet from McNaughten Road, while the Applicant requests a reduced building line of 35 feet along McNaughten Road to accommodate the development's swimming pool; and

**WHEREAS**, the Far East Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the requested variance is negligible because it applies only to the development's swimming pool, and allows the site to be designed in accordance with C2P2 Design Guidelines; 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 **1572 MCNAUGHTEN RD. (43232)**, 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 provision of Section 3333.18, Building lines, of the Columbus City Codes, is hereby granted for the property located at **1572 MCNAUGHTEN RD. (43232)**, insofar as said section prohibits a reduced building line for an apartment complex swimming pool from 50 feet to 35 feet along McNaughten Road; said property being more particularly described as follows:

**1572 MCNAUGHTEN RD. (43232)**, being 10.54± acres located on the east side of McNaughten Road, 1,500± north of East Livingston Avenue, and being more particularly described as follows:

**Zoning Description ~ 10.54 Acre +/-**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 21, Section 14, Township 12, Range 21 of Refugee Lands, being all of a 1 acre tract of land conveyed to Delmar C. Stumbaugh, Successor Trustee of record in Instrument Number 201205170069449 and Instrument Number 200011170234161 and being all of a 0.879 acre tract of land conveyed to Evelyn F. Beeghley of record in Instrument Number 201211130172103 and Official Record 10195J05 and being all of all of a 8.658 acre tract of land conveyed to Reverend Frederick F. Campbell, Bishop of the Catholic Diocese of Columbus of record in Instrument Number 201206290093699 an Deed Book 3377, Page 404, said 10.54+/- acres more particularly described as follows:

**Beginning**, at the northwesterly corner of said Stumbaugh tract, being the southwesterly corner of a tract of land conveyed to McNaughten Woods LP and in the easterly line of a tract of land conveyed to Plaza Properties Inc.;

Thence S 85° 03' 47" E, along the northerly line of said Stumbaugh tract, along the northerly line of said Campbell tract, and along a portion of the southerly line of said McNaughten Woods LP tract, 996.66 feet+/- to a northeasterly corner of said Campbell tract and the northwesterly terminus of the right-of-way line of and Alley (R/W-8') as dedicated on the plat Idlewild Manor of record in Plat Book 15, Page 18;

Thence S 04° 31' 58" W, along the easterly line of said Campbell tract and the westerly line of said Idlewild Manor plat, 488.66 feet+/- to a southeasterly corner of said Campbell tract, being the centerline of the terminus of an Alley (R/W-16') as dedicated on said Idlewild Manor plat and being the northeasterly corner of a tract of land conveyed to McNaughten Plaza Holding;

Thence N 85° 06' 17" W, with the southerly line of said Campbell tract and the northerly line of said McNaughten Plaza Holding tract, 711.13 feet+/- to the southwesterly corner of said Campbell tract and to a southeasterly corner of a tract of land conveyed to Edward F. Thurkettle Et al;

Thence with the common lines of said Campbell tract and said Thurkettle Et al tract, the following two (2) courses and distances:

N 04° 43' 13" E, 100.00 feet+/- to a common corner thereof;

N 85° 06' 17" W, 287.00 feet+/- to a common corner thereof and being in the easterly line of the Scotland Yard Condominiums;

Thence N 04° 43' 13" E, with the westerly line of said Campbell tract and the easterly line of said Scotland Yard

Condominiums, 160.38 feet+/- to a northwesterly corner of said Campbell tract and the southwesterly corner of said Beeghley tract;

Thence N 04° 41' 13" E, with the westerly lines of said Beeghley and Stumbaugh tracts, along a portion of the easterly line of said Scotland Yard Condominiums and along a portion of the easterly line of said Plaza Properties Inc. tract, 229.00 feet+/- to the **True Point of Beginning**. Containing 10.54+/- acres.

Property Parcel: 550-156223, 550-156222, 550-156224 & 550-155903.

Property Address: 1572 McNaughten Rd., Columbus, OH 43232.

**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 #0316-2021; Z20-090.

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

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