



Legislation Details (With Text)

File #: 1986-2007 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/16/2007 **In control:** Zoning Committee

On agenda: 2/11/2008 **Final action:** 2/14/2008

Title: To grant a Variance from the provisions of Section 3363.01, L-M, Limited Manufacturing District, of the Columbus City Codes for the property located at 2135 NOE BIXBY ROAD (43232), to permit a residence in the L-M, Limited Manufacturing District. (Council Variance #CV07-032).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1986-2007Atchmnts.pdf, 2. City Council Data Form_CV07-032.pdf, 3. CV07-032 Labels.pdf

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|------------------------------------|--------|
| 2/14/2008 | 1 | CITY CLERK | Attest | |
| 2/12/2008 | 1 | MAYOR | Signed | |
| 2/11/2008 | 1 | Zoning Committee | Approved | Pass |
| 2/11/2008 | 1 | COUNCIL PRESIDENT | Signed | |
| 2/4/2008 | 1 | Columbus City Council | Read for the First Time | |
| 1/22/2008 | 1 | Dev Zoning Drafter | Sent for Approval | |
| 1/22/2008 | 1 | DEVELOPMENT DIRECTOR | Reviewed and Approved | |
| 1/22/2008 | 1 | Dev Zoning Drafter | Sent to Clerk's Office for Council | |
| 1/18/2008 | 1 | Dev Zoning Reviewer | Reviewed and Approved | |
| 1/18/2008 | 1 | Dev Reviewer | Reviewed and Approved | |
| 11/20/2007 | 1 | Dev Zoning Drafter | Sent for Approval | |

Council Variance Application: CV07-032

APPLICANT: Thomas Bal; c/o Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43206.

PROPOSED USE: Residence in the L-M, Limited Manufacturing District.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Staff finds that the limitation of this residential use to the property owner and immediate family along with the nature of the proposed business and the limitations placed on the property owner's business by Ordinance #2010-2007 (Rezoning #Z07-043) are in keeping with the intent of the Zoning Code to separate industrial and residential land uses.

To grant a Variance from the provisions of Section 3363.01, L-M, Limited Manufacturing District, of the Columbus City Codes for the property located at **2135 NOE BIXBY ROAD (43232)**, to permit a residence in the L-M, Limited Manufacturing District.

(Council Variance #CV07-032).

WHEREAS, by application #CV07-032, the owner of property at **2135 NOE BIXBY ROAD (43215)**, is requesting a Variance to permit a residence in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3363.01, L-M, Limited Manufacturing District, does not permit residential uses except for a resident security person, half way house, community residential treatment center, hospital or other building specifically for human care, while the applicant proposes to reside with his family on the property in conjunction with his light manufacturing / metal fabrications business; and

WHEREAS, City Departments recommend approval because the limitation of this residential use to the property owner and immediate family along with the nature of the proposed business and the limitations placed on the property owner's business by Ordinance #2010-2007 (Rezoning #Z07-043) are in keeping with the intent of the Zoning Code to separate industrial and residential land uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate 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 **2135 NOE BIXBY ROAD (43215)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 33632.01, M, Manufacturing Districts of the Columbus City Codes for the property located at **2135 NOE BIXBY ROAD (43215)**, insofar as said sections prohibit a residence in the M, Manufacturing District, said property being more particularly described as follows:

2135 NOE BIXBY ROAD (43232), being 6.4± acres located on the west side of Noe Bixby Road, 200± feet north of Foxcroft Court, and being more particularly described as follows:

Legal Description

2135 NOE BIXBY ROAD, Columbus, Ohio

Situated in the City of Columbus, Franklin County, Ohio and being a part of Section 22, of the Refugee Lands, and being a part of a 201 acre tract as described in Deed Book 2326, Pg. 369 of the records of the Recorder of said County and being more particularly described as follows:

Beginning at an iron pin set in the north line of said 201 acre tract at the intersection of the old centerline of Noe Bixby Road as described in the 10 acre exception of said 201 acre tract; thence, S 12°36'03" W along said centerline 93.44 feet to a spike set at northeast corner of Parcel 160-BWD as recorded in Deed Book 2615, Pg. 28; thence, N 73° 42' 03" W along the north line of said parcel 30 feet to a pin set; thence, S 23° 00' 33" W along the west line of said parcel 102.70 feet to a pin set; thence, S 16° 17' 58" W along said line 79.36 feet to a pin set at the north R/W line of the Conrail tract; thence, along a curve to the left 230.59 feet, which radius is 2514.90 feet, the chord of which bears N 86° 44' 53" W. 230.51 feet to a pin set; thence, the following courses along the north line of said Conrail tract: N 89° 22' 29" W 373.80 feet to a pin set; N 00° 37' 31" E 20.00 feet to a pin set; N 89° 22' 29" W 482.00 feet to a pin set; S 00° 37' 31" W 10.00 feet to a pin set; N 89° 22' 29" W 94.60 feet to the southwest corner of the herein described tract being in the center of Big Walnut Creek; then, N 06° 44' 46" E with the creek 219.95 feet to the northwest corner of the herein described tract; thence, N 89° 55' 41" E along the south line of the Loyal Order of the Moose tract, as described in DR 6791, Pg. G07, 1266.13 feet to the place of beginning. Containing 6.403 Acres of land.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a residence

in conjunction with a metal fabrication business, or those uses permitted in the L-M, Limited Manufacturing District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate 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.