



Legislation Details (With Text)

File #: 1792-2013 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/2/2013 **In control:** Zoning Committee

On agenda: 7/22/2013 **Final action:** 7/25/2013

Title: To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; and 3312.43, Required surface for parking, of the Columbus City Codes; for the property located at 499 DERRER ROAD (43204), to allow indoor storage, and limited outdoor storage on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District, and to repeal Ordinance No. 1174-2005, passed on July 18, 2005 (Council Variance # CV12-051).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1792-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130722

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 7/25/2013 | 1 | ACTING CITY CLERK | Attest | |
| 7/24/2013 | 1 | ACTING MAYOR | Signed | |
| 7/22/2013 | 1 | COUNCIL PRESIDENT | Signed | |
| 7/22/2013 | 1 | Zoning Committee | Approved | Pass |
| 7/15/2013 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV12-051

APPLICANT: Johnson & Fischer Inc.; c/o Kristin E. Rosan and Darcy A. Shafer; Attys.; Madison & Rosan LLP; 39 East Whittier Street; Columbus, OH 43206.

PROPOSED USE: Contractor's office and storage.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the C-4, Commercial District, and developed with a 3,200± square foot office/storage building as approved by Ordinance No. 1174-2005 (CV05-015). CV05-015 also allowed a second storage building, and prohibited outdoor storage. The office/storage building construction was completed in 2008, but the second storage building was never constructed. A tree service contractor began using the property in 2011, and has been cited for storing equipment and piles of logs outside. The requested Council variance will allow an outdoor storage area for equipment and logs/branches with appropriate height limits, screening and setbacks. The site is located within the planning area of *The Greater Hilltop Plan Amendment (2010)* which recommends "Mixed Use - Neighborhood" uses for this location. Before the Plan was amended in 2010, it recommended that "expanding the permitted uses in older commercial areas to allow for limited manufacturing uses" should be considered. With the conditions proposed, Staff supports the continuation of a contractor's office and storage facility with limited outdoor storage.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses; and 3312.43, Required surface for parking, of the Columbus City Codes; for the property located at **499 DERRER ROAD (43204)**, to allow indoor storage, and limited outdoor storage on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District, and to repeal Ordinance No. 1174-2005, passed on July 18, 2005 (Council Variance # CV12-051).

WHEREAS, by application No. CV12-051, the owner of property at **499 DERRER ROAD (43204)**, is requesting a Council variance to allow indoor storage and limited outdoor storage of equipment, vehicles and supplies on a gravel surface, in conjunction with a contractor's office in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits a contractor's office with no storage of equipment or supplies, while the applicant will maintain a 3,200± square foot office/storage building and proposes an outdoor storage yard as shown on the site plan; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain an outdoor storage area for equipment, vehicles and supplies on a gravel surface as shown on the site plan; and

WHEREAS, The Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow the continuation of a contractor's office and storage facility, and Staff is comfortable with the proposed conditions addressing height, screening and setbacks for the limited outdoor storage area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance for the proposed site plan; 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 **499 DERRER ROAD (43204)**, 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 3356.03, C-4, Permitted Uses; and 3312.43, Required surface for parking, of the Columbus City Codes; is hereby granted for the property located at **499 DERRER ROAD (43204)**, insofar as said sections prohibits indoor storage and limited outdoor storage on a gravel surface in conjunction with a contractor's office in the C-4, Commercial District; said property being more particularly described as follows:

499 DERRER ROAD (43204), being 0.76± acres located on the west side of Derrer Road, 148± feet north of Sullivant Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being One Hundred Fifty (150) feet off of the north end of Lots Numbered Forty (40) and Forty-One (41) of FRANKLIN HEIGHTS SUBDIVISION, in Franklin Township, Franklin County, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, pages 124 and 125, Recorder's Office, Franklin County, Ohio.

Parcel No: 010-121991

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for indoor/outdoor storage in conjunction with a contractor's office.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**EXCELLENT ARBORISTS TREE SERVICE**," drawn by Geo-Graphics, Inc., dated May 16, 2013, and signed by Kevin N. Beechy, Professional Surveyor. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed site plan.

SECTION 5. That this ordinance is further conditioned upon the following outdoor storage area limitations:

- a. The outside storage area shall be setback a minimum of one-hundred ten (110) feet from the east property line, fifty (50) feet from the north property line, and ten (10) feet from the south and west property lines as shown on the Site Plan.
- b. The height of the wood piles shall not exceed eight (8) feet.
- c. The existing chain link fence shall include screening to achieve opacity of 95-100%, and all barbed wire is to be removed.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. That Ordinance No. 1174-2005, passed on July 18, 2005, be and is hereby repealed.