



## Legislation Details (With Text)

**File #:** 2527-2013      **Version:** 2

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

**File created:** 10/23/2013      **In control:** Zoning Committee

**On agenda:** 11/18/2013      **Final action:** 11/20/2013

**Title:** To grant a Variance from the provisions of Section 3365.01, M-1, Manufacturing District, of the Columbus City Codes, for the property located at 930 FREEWAY DRIVE NORTH (43229), to permit automotive maintenance and repair in the M-1, Manufacturing District and to declare an emergency (Council Variance # CV13-034).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2527-2013.Attachments, 2. Notice Of Public Hearing - Council Mtg20131118

Date	Ver.	Action By	Action	Result
11/20/2013	2	CITY CLERK	Attest	
11/19/2013	2	MAYOR	Signed	
11/18/2013	2	COUNCIL PRESIDENT	Signed	
11/18/2013	1	Zoning Committee	Approved as Amended	Pass
11/18/2013	1	Zoning Committee	Amended to Emergency	Pass
11/11/2013	1	Columbus City Council	Read for the First Time	

### Council Variance Application # CV13-034

**APPLICANT:** YDT Sinclair Road, LLC; 942 A Freeway Drive North; c/o Mark Taggart.

**PROPOSED USE:** Automotive maintenance and repair.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a warehouse building zoned in the M-1, Manufacturing District. The applicant requests a Council variance to allow the building to be used for automotive maintenance and repair. Automotive maintenance and repair facilities are not permitted in the M-1, Manufacturing District, but assembly, manufacturing, processing, and treatment of automobiles and automotive parts is permitted. The use is also permitted in the C-4, Commercial and M, Manufacturing Districts. Furthermore, the M-1 District allows bus garages and truck depots where routine vehicle maintenance is permitted. The automotive maintenance and repair proposed for this site is much less intense than the maintenance of a fleet of buses or trucks, and industrial uses will still be permitted by retaining the M-1, Manufacturing District. Approval of this request will not introduce an incompatible use to the area. No recommendation is being made regarding the hardship aspect of this request.

To grant a Variance from the provisions of Section 3365.01, M-1, Manufacturing District, of the Columbus City Codes, for the property located at **930 FREEWAY DRIVE NORTH (43229)**, to permit automotive maintenance and repair in the M-1, Manufacturing District **and to declare an emergency** (Council Variance # CV13-034).

**WHEREAS**, by application No. CV13-034, the owner of the property at **930 FREEWAY DRIVE NORTH (43229)**, is requesting a Council Variance to permit automotive maintenance and repair in the M-1, Manufacturing District; and

**WHEREAS**, Section 3365.01, M-1, Manufacturing District, prohibits automotive maintenance and repair facilities, while the applicant proposes an automobile maintenance and repair facility within the existing building; and

**WHEREAS**, City Departments recommend approval because although automotive maintenance and repair facilities are not permitted in the M-1, Manufacturing District, assembly, manufacturing, processing, and treatment of automobiles and automotive parts is permitted. Furthermore, the M-1 District allows bus garages and truck depots where routine vehicle maintenance is permitted. The automotive maintenance and repair proposed for this site is much less intense than the maintenance of a fleet of buses or trucks, and industrial uses will still be permitted by retaining the M-1, Manufacturing District. Approval of this request will not introduce an incompatible use to the area; 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 **930 FREEWAY DRIVE NORTH (43229)**, in using said property as desired; and

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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 a variance is granted from the provisions of Section 3365.01, M-1, Manufacturing district, of the Columbus City Codes, for the property located at **930 FREEWAY DRIVE NORTH (43229)**, insofar as said section prohibits automotive maintenance and repair in the M-1, Manufacturing District; said property being more particularly described as follows:

**930 FREEWAY DRIVE NORTH (43229)**, being 0.11± acres located 870± feet west of I-71, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, township 2, Range 18, United States Military Lands and being a 4890 square foot area over a portion of a Tract III (7.616 Acres) as conveyed to YDT Sinclair Road LLC in Instrument Number 199803310074841. Said zoning variance area being more particularly described as follows:

Commencing, for reference, at the southwesterly corner of said Tract III (7.616 Acres), being the southeasterly corner of said Tract 1 (Parcel 2) as conveyed to YDT Sinclair Road LLC in Instrument Number 199803310074841;

Thence, along the southerly line of said Tract III (7.616 Acres) and along the arc of a curve to the left, having a radius of 3970.00 feet, an arc length of 311.77 feet, a delta angle of 4°30'00", a chord bearing of South 88° 56' 45" East, a chord length of 311.72 feet to a point;

Thence, North 88° 48' 15" East, continuing along a southerly line of said Tract III (7.616 Acres), a distance of 243.49 feet to a point;

Thence North 03°56'00" East, through said Tract III (7.616 acres), a distance of 208.64 feet to a point, said point being THE TRUE PLACE OF BEGINNING of the herein described 4890 square foot area;

Thence, from said PLACE OF BEGINNING, North 03°56'00" East, continuing through said Tract III (7.616 Acres), a distance of 60.00 feet to a point;

Thence, South 86°04'00" East, continuing through said Tract III (7.616 Acres), a distance of 81.50 feet to a point;

Thence, South 03°56'00" West, continuing through said Tract III (7.616 Acres), a distance of 60.00 feet to a point;

Thence, North 86°04'00" West, continuing through said Tract III (7.616 Acres), a distance of 81.50 feet to THE TRUE PLACE OF BEGINNING.

Containing 4890 square feet of land, more or less, subject to all easements, restrictions and rights-of-way of record.

Bearings are based on the northerly right-of-way line of Freeway Drive North, being North 88°48'15" East as shown on the plat of "Freeway Subdivision" of record in Plat Book 40, page 66 and all other bearings were calculated from this Meridian.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for automotive maintenance and repair, or those uses permitted in the M-1, Manufacturing District.

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

**SECTION 4.** That this ordinance is further conditioned on the following: this Council Variance shall become null and void if a Certificate of Occupancy is issued for a new use after an automobile repair facility use is discontinued.

~~SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**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.**