



Legislation Details (With Text)

File #: 1178-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/14/2014 **In control:** Zoning Committee

On agenda: 6/23/2014 **Final action:** 6/26/2014

Title: To grant a Variance from the provisions of Sections 3332.029, SR, Suburban Residential District; 3309.14, Height districts; and 3353.05(C)(2), C-2 District development limitations, of the Columbus City Codes; for the property located at 3179 EAST LIVINGSTON AVENUE (43227), to permit a monopole telecommunication antenna and accessory equipment building in the SR, Suburban Residential District (Council Variance #CV14-011).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1178-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20140623

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 6/26/2014 | 1 | CITY CLERK | Attest | |
| 6/24/2014 | 1 | MAYOR | Signed | |
| 6/23/2014 | 1 | COUNCIL PRESIDENT | Signed | |
| 6/23/2014 | 1 | Zoning Committee | Approved | Pass |
| 6/16/2014 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV14-011

APPLICANT: New Par, d/b/a, Verizon Wireless; c/o Robert Ferguson, Agent; 3960 Brown Park Drive, Suite 1; Hilliard, OH 43026.

PROPOSED USE: Monopole telecommunication antenna.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow the construction of a 105-foot tall monopole telecommunication antenna and accessory equipment building in the SR, Suburban Residential District on property developed with a private high school. The monopole will be designed to accommodate two carriers, and variances for height and landscaping requirements are included in the request. The site is located within the planning area of the *Livingston Avenue Area Plan (2008)*, which recommends institutional uses for this location. Staff supports the request because locating the monopole within the high school complex does not have the negative impact that introducing a new monopole in a residential neighborhood would. Furthermore, the mechanical equipment associated with the monopole will be screened from adjacent residences because it is located in the center of the school property in the parking lot. Several institutional uses have incorporated monopoles within their facilities with no adverse effect on surrounding neighborhoods.

To grant a Variance from the provisions of Sections 3332.029, SR, Suburban Residential District; 3309.14, Height districts; and 3353.05(C)(2), C-2 District development limitations, of the Columbus City Codes; for the property located at **3179 EAST LIVINGSTON AVENUE (43227)**, to permit a monopole telecommunication antenna and accessory

equipment building in the SR, Suburban Residential District (Council Variance #CV14-011).

WHEREAS, by application #CV14-011, the owner of property at **3179 EAST LIVINGSTON AVENUE (43227)**, is requesting a Variance to permit a monopole telecommunication antenna and accessory equipment building in the SR, Suburban Residential District; and

WHEREAS, Section 3332.029, SR, Suburban Residential District, does not permit monopole telecommunication antennas to be located within said District, while the applicant proposes to locate a monopole telecommunication antenna on the property of a private high school; and

WHEREAS, Section 3309.14, Height districts, requires that within a thirty-five (35) foot height district, no building or structure shall be erected to a height in excess of thirty-five (35) feet, while the applicant proposes a monopole telecommunication antenna with an approximate height of one hundred five (105) feet as shown on the site plan; and

WHEREAS, Section 3353.05(C)(2), C-2 District development limitations, requires that the base of monopole telecommunication antenna sites to be screened with a minimum five (5)-foot high, seventy-five (75) percent opaque screen, while the applicant proposes an eight (8)-foot high decorative metal fence that is less than seventy-five (75) percent opaque; and

WHEREAS, City Departments recommend approval because locating the monopole within the high school complex does not have the negative impact that introducing a new monopole in a residential neighborhood would. Furthermore, the mechanical equipment associated with the monopole will be screened from adjacent residences because it is located in the center of the school property in the parking lot. Several institutional uses have incorporated monopoles within their facilities with no adverse effect on surrounding neighborhoods; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 roads, 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 **3179 EAST LIVINGSTON AVENUE (43227)**, 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 3332.029, SR, Suburban Residential District; 3309.14, Height districts; and 3353.05(C)(2), C-2 District development limitations, of the Columbus City Codes, is hereby granted for the property located at **3179 EAST LIVINGSTON AVENUE (43227)**, insofar as said sections prohibit a 105-foot tall monopole telecommunication antenna and accessory equipment building, with base screening less than seventy-five (75) percent opaque, said property being more particularly described as follows:

3179 EAST LIVINGSTON AVENUE (43227), being 0.03± acres located 83± feet south of East Livingston Avenue and 350± feet east of Crestwood Avenue, and being more particularly described as follows:

LEASE AREA:

Beginning at a found /PC stamped "CEO" on the South Right-of-Way line of Livingston Avenue, at the Northwest corner of the property conveyed to Most Reverend Frederick F. Campbell, as recorded in Instrument /200809030133762, in the

aforesaid Recorders Office said pin being along said Right-of-Way N 85'50'04" W -211.12' from a set /5 rebar with a cap stamped "FSTAN /8229"; thence following said Right-of-Way S 85'50'04" E -20.00' to a set /5 rebar with a cap stamped "FSTAN /8229"; thence leaving said Right-of-Way and traversing said Campbell property S 05'12'11" W-134.74' to a set /5 rebar with a cap stamped "FSTAN /82297· thence N 84'41'49" W -3.09' to a set /5 rebar with a cap stamped "FSTAN /8229" and the TRUE POINT OF BEGINNING of the Lease Area; thence N 84'41'49" W-22.00' to a set /5 rebar with a cap stamped "FSTAN /82297· thence N 05'12'11" E -52.00' to a set /5 rebar with a cap stamped "FSTAN /82297· thence S 84'41'49" E -22.00' to a set /5 rebar with a cap stamped "FSTAN /8229"; thence S 05'12'11" W -52.00' to the True Point of Beginning of the Proposed Lease Area, containing 1,144 sq. ft. as per survey by Frank L. Sellinger, Sr., PLS No. 8229 with FS/Tan Land Surveyors & Consulting Engineers, dated November 5, 2010, revised date March 16, 2011.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a monopole telecommunication antenna, or those uses permitted in the SR, Suburban Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plans titled, "**OVERALL SITE PLAN,**" and "**DETAILED SITE PLAN/TOWER ELEVATION,**" both signed by Darrin Kotecki, Professional Engineer, dated May 29, 2014. The plans 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 adjustment to the plans shall be 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 use.

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