



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 0326-2012, **Version:** 1

Council Variance Application: CV10-002

APPLICANT: Larry M. Schmitt; c/o Brent D. Rosenthal, Atty.; Carlile, Patchen & Murphy LLP; 366 East Broad Street; Columbus, OH 43215.

PROPOSED USE: To allow a contractor's storage yard in the R, Rural District.

NORTHEAST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The applicant requests a Council variance to permit a contractor's storage yard for a tree service business in the R, Rural District. The applicant established the use without obtaining zoning clearance and was cited by code enforcement in December, 2009. A contractor's storage yard is permitted only in the M, M-1, and M-2, Manufacturing Districts which also prohibits open storage of materials within 100-feet of any residential district. Even if the site was zoned properly, open storage of materials would be limited because contiguous properties to the north, south, and west of the site are zoned residential and are developed with single-unit dwellings in Franklin County. The site lies within the boundaries of the *Northeast Area Plan (2007)* which recommends low-density residential as the most appropriate land use on this site. Staff does not recognize that a hardship exists or that deviation from the land use recommendation of the Northeast Plan is warranted noting that the proposed use is inappropriate at this location and incompatible with surrounding residential uses, due to noise and fumes from trucks and cars as well as dust raised by these vehicles. The applicant also requests a variance to allow parking of vehicles and equipment on an unimproved surface and without striped or marked spaces and maneuvering. Staff believes that there is no hardship or practical difficulty to support the requested variances to allow parking of vehicles and equipment on an unimproved surface and furthermore has concerns about dust impacting the surrounding residences if such a surface were to be permitted. Staff believes a properly designed and drained asphalt parking lot would also be necessary to avoid any stormwater issues with the surrounding residences.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3312.39, Striping and marking, and 3312.43, Required surface for parking of the Columbus City Codes; for the property located **3903 WESTERVILLE ROAD (43224)**, to allow a contractor's storage yard in the R, Rural District with reduced development standards. (Council Variance # CV10-002).

WHEREAS, by application No. CV10-002, the owner of property at located **3903 WESTERVILLE ROAD (43224)**, is requesting a Council Variance to allow a contractor's storage yard in the R, Rural District; and

WHEREAS, Section 3332.02, R Rural District, prohibits the operation of a contractor's storage yard in the R, Rural District; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to provide no striping or marking; 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 not to provide this; and

WHEREAS, the Northeast Area Commission recommends disapproval; and

WHEREAS, City Departments recommend disapproval because the proposed use is incompatible with the surrounding residential uses due to noise and fumes from trucks and cars as well as dust raised by these vehicles. The tree service operation is too intense of a use for this established residential area and should be conducted within an M, M-1 or M-2 Manufacturing Districts as allowed by the Zoning Code. The applicant never sought zoning clearance before setting up his operation in this established residential neighborhood and therefore Staff finds no hardship. Given the size and nature of the applicants operation, Staff does not support the variance to the paving requirement due to concerns about dust raised from the vehicles using this site, some of which are quite large. A properly designed and approved asphalt parking area would be needed here to avoid any stormwater runoff issues with surrounding residences. *The Northeast Area Plan (2007)*, calls for this area to continue to be used residentially. Staff believes that there is no hardship or practical difficulty to support the requested variances to allow parking of vehicles and equipment on an unimproved surface and furthermore has concerns about dust and runoff impacting the surrounding residences if such a surface were to be permitted. The proposed use is too intense and negatively impacts the surrounding residents who bought their property with the expectation that only residential uses would be allowed in this area; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 **3903 WESTERVILLE ROAD (43224)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3333.02, R Rural District; 3312.39, Striping and marking; 3312.43, Required surface for parking; of the Columbus City Codes; for the property located at **3903 WESTERVILLE ROAD (43224)**, insofar as said sections prohibit a contractor's storage yard for a tree service business without paving and with unmarked parking spaces; said property being more particularly described as follows:

3903 WESTERVILLE ROAD (43224), being 3.3± acres located at the west side of Westerville Road, 365± feet north of Ferris Road, and being more particularly described as follows:

Legal Description
For File: **53475**

Property Address: 3903 Westerville Road, Columbus, Ohio 43224

Situated in the State of Ohio, County of Franklin, City of Columbus, and bounded and described as follows:

Beginning in the 2nd Quarter, Township No. 2 Range 17, U.S.M. lands and being more particularly described as follows:

Beginning at an iron pipe at the Northwest corner of the Isaac Young Farm as the same is shown of record in Deed Book 399, Page 54, Franklin County Records; thence, South 89 degrees 39' East 771.30 feet with the North line of said Farm to its intersection with the center line of the Westerville Road; thence, South 29 degrees 39' West 219.20 feet to a point; thence North 86 degrees 49' West 676.97 feet to an iron pipe in West line of said Isaac Young Farm and passing an iron pipe in the West line of Westerville Road at 22.34 feet; thence, North 4 degrees 10' East 197.70 feet with the West line of said Farm to the place of beginning, containing 3.276 acres. Be the same more or less and subject to all legal highways.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a contractor's storage yard for a tree service business or those uses permitted in the R, Rural, District.

SECTION 3. That this ordinance is further conditioned on all storage/parking sites will be shielded from view of the street and adjacent properties in compliance with the City of Columbus Zoning Code.

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