



Legislation Text

File #: 1734-2024, **Version:** 1

Council Variance Application: CV24-010

APPLICANT: Howard Concrete Pumping; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215; and Donald Plank, Atty.; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Limited commercial and less-objectionable manufacturing uses.

MIDEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1733-2024; Z24-005) to the L-M, Limited Manufacturing District to allow limited commercial and less-objectionable manufacturing uses. The requested variance will allow reduced separation of outdoor storage from the residential district which abuts the site to the east. Staff supports the requested variance as the site plan included with this variance, and the limitation text committed to with Rezoning Application #Z24-005, preserve existing trees to the east, west, and south property lines of the site providing a mature landscape buffer from the surrounding residential districts.

To grant a Variance from the provisions of Section 3363.41(a), Storage, of the Columbus City Codes; for the property located at **3375 REFUGEE RD. (43232)**, to allow a reduced outdoor storage setback in the L-M, Limited Manufacturing District (Council Variance #CV24-010).

WHEREAS, by application #CV24-010, the owner of property at **3375 REFUGEE RD. (43232)**, requests a Council variance to allow a reduced outdoor storage setback in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3363.41(a), Storage, requires the open storage of materials to be located a minimum of 100 feet from any residential or apartment residential district, while the applicant proposes a reduced setback along the east property line to 25 feet; and

WHEREAS, the Mideast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance as the site plan, and the concurrent rezoning Z24-005 limitation text preserves the existing trees to the east west and south of the site providing a landscape buffer from the surrounding residential districts.; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **3375 REFUGEE RD. (43232)**, 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 Section 3363.41(a), Storage, of the Columbus City Codes, is hereby granted for the property located at **3375 REFUGEE RD. (43232)**, insofar as said section prohibits a reduced open storage setback along a residential district from 100 feet to 25 feet along the east property line; said property being more particularly described as follows:

3375 REFUGEE RD. (43232), being 6.0± acres located on the south side of Refugee Road, 465± feet west of Weyburn Road , and being more particularly described as follows:

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

Being part of Section 5, Township 1, Range 21, Mathews Survey, and being part of a 104.73 acres tract conveyed to M. Jeannette McDowell by deed shown of record in Deed Book 1203, page 185, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the center line of Refugee Road, South 85 degrees and 46 minutes East, 94.75 feet from the northwest corner of above mentioned 104.73 acre tract; thence on a line parallel to the west line of original tract, South 3 degrees and 49 minutes West, 919.47 feet to an iron pipe (passing an iron pipe at 30 feet); thence South 85 degrees and 46 minutes East 284.25 feet to an iron pipe; thence North 3 degrees and 49 minutes East, 919.47 feet to a point in the center line of Refugee Road (passing an iron pipe at 889.47 feet); thence with the center line of said Road, North 85 degrees and 46 minutes West 284.25 feet to the place of beginning and containing 6.0 acres, more or less.

Excepting therefrom .3915 acres of land being a strip of land 60 feet in width, the width limits of said strip of land lying between the existing center line of the proposed south right-of-way line of Refugee Road, said strip of land extending from the west line of the said 6.0 acre tract, to the east line of said 6.0 acre tract and being 284.25 feet long, more or less, and containing 0.3915 acres of land, more or less, of which there is now contained in the present road occupation 0.1957 acres of land, more or less.

This exception description was prepared by the City of Columbus, Division of Engineering, and construction under the supervision of Theodore L. Wallace, registered Surveyor #4650.

Address: 3375 Refugee Road, Columbus, OH 43232

Parcel No.: 530-158208

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-M, Limited Manufacturing District as specified in Ordinance #1733-2024 (Z24-005).

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plan titled "**ZONING SITE PLAN**," dated June 3, 2024, and signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. 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 be subject to review and approval 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.