



Legislation Text

File #: 0838-2012, Version: 2

Council Variance Application: CV12-010

APPLICANT: Margaret O'Neal ~~Westwood Cabinetry and Millwork, LLC~~; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: Allow cabinetry/mill work use adjacent to residentially zoned property at less than the required setbacks.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The subject site is being rezoned to the L-M, Limited Manufacturing District. The applicant is requesting this concurrent Council variance along with the previously mentioned rezoning to allow cabinetry/mill work use adjacent to residential zoned property. Cabinetry and millwork are *less objectionable* and *more objectionable* uses respectively and require 25 foot and 600 foot setbacks from residentially zoned property respectively. Staff supports this concurrent Council variance given that the buildings already are existing and the site backs up to the parking lot and green space in the apartment complex as opposed to the actual dwelling units. Furthermore, given that the buildings already exist, and is on a street develop primarily with industrial uses, Staff supports deviating from the land use recommendations of the *Fifth by Northwest Neighborhood Plan* which calls for multi-unit residential development on the site. Approval of this Council variance along with rezoning Z12-004 will bring an existing industrial facility into zoning conformance and is in conformance with the land use zoning pattern in the area.

To grant a Variance from the provisions of Sections 3363.19(C), Location requirements and 3363.27(b)(2), Height and Area Regulations, of the Columbus City Codes, for the property located at **1140 CHAMBERS ROAD (43212)**, to permit cabinetry and millwork in the L-M, Limited Manufacturing District with reduced setbacks from residentially zoned property. (Council Variance # CV12-010).

WHEREAS, by application #CV12-010, the owner of property at **1140 CHAMBERS ROAD (43212)**, is requesting a Variance concurrent with rezoning Z12-004 to permit cabinetry/mill work use adjacent to residential zoned property; and

WHEREAS, Section 3363.19(C), Location requirements, prohibits *more objectionable* manufacturing uses located within less than six hundred (600) feet from the boundaries of any residential or apartment residential district, while the applicant proposes to allow cabinetry and millwork within 600 feet of residential and apartment residential districts; and

WHEREAS, Section 3363.27(b)(2), Height and Area Regulations, requires a twenty-five (25) foot setback from apartment residential district, while applicant proposes to maintain the existing zero (0) foot building setback from the adjacent residential district; and

WHEREAS, Fifth by Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval for this concurrent Council variance because the requested Council variance along with rezoning Z12-004 will bring an existing industrial facility into zoning conformance. In addition, the site backs up to the parking lot and green space in the apartment complex as opposed to the actual dwelling units, which provides some separation. Given that the buildings already exist, and is on a street develop primarily with industrial uses, Staff supports deviating from the land use recommendations of the *Fifth by Northwest Neighborhood Plan*; 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 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 **1140 CHAMBERS ROAD (43212)**, in using said property as desired and

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

SECTION 1. Variances from the provisions of Sections 3363.19(C), Location requirements; and 3363.27(b)(1), Height and Area Regulations; of the Columbus City Codes are hereby granted for the property located at **1140 CHAMBERS ROAD (43212)**, insofar as said sections prohibit cabinetry, a less objectionable use and millwork, a more objectionable use within 25 and 600 feet of any residential or apartment district, and with said property being more particularly described as follows:

1140 CHAMBERS ROAD (43212), being 0.49± acres located on the north side of Chambers Road, 700± feet west of Kenny Road, and being more particularly described as follows:

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

Being part of Quarter Township 3, Township 1, Range 18, United States Military Lands, Clinton Township, in said county, and being a part of Lot 4, set off and assigned to Hester A. Orr in partition in the case of Lucy T. Byers, plaintiff vs. Minnie Matlack, et al., defendants, No. 46847, Court of Common Pleas, Franklin County, Ohio.

Being part of premises (2 acre tract) as conveyed by deed dated June 14, 1916 from Claude Seibert, et al., to May Ackerman and recorded in Deed Volume 572, page 531, Franklin County, Ohio records.

Beginning at a point in the center of Chambers Road, which point is North 85 degrees 30' West, a distance of 200.00 feet from the southeast corner of said aforementioned 2 acre tract, measured along the center line of said Chambers Road. Thence North 85 degrees 30' West, along the center line of Chambers Road a distance of 100.00 feet to a point. Thence North 4 degrees 45' East, a distance of 213.78 feet to an iron pin on the North line of said 2 acre tract, passing an iron pin at 30.00 feet. Thence South 85 degrees 30' East, along the North line of said 2 acre tract, a distance of 100.00 feet to an iron pin, which point is 200.00 feet distant from the Northeast corner of said 2 acre tract. Thence South 4 degrees 45' West, a distance of 213.78 feet, passing an iron pin at 188.78 feet, to the place of beginning, containing 0.491 acre. Subject to all legal highways and easements of record.

Property Address: 1140 Chambers Road, Columbus, OH 43212

Parcel No. 010-248990-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for cabinetry and/or millwork or those uses permitted in the L-M, Limited Manufacturing District established with Z12-004.

SECTION 3. That this ordinance is further conditioned on ~~general compliance with drawings titled, "SITE PLAN," signed by Jeffrey L. Brown, attorney for the applicant, and dated April 20, 2012~~ **the existing one story block building as shown on the submitted drawing titled "Site Plan", signed by Jeffrey L. Brown, attorney for applicant, and dated April 20, 2012 may be expanded to the east and/or south in compliance with the City of Columbus Zoning Code so long as the expansion does not go any closer to the north property line than the existing building as shown on the submitted drawing.**

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