



Legislation Text

File #: 3099-2021, **Version:** 1

Council Variance Application: CV21-083

APPLICANT: Dennis Hecker and Cathy Hecker; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Boat and RV storage business.

WEST SCIOTO 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 request to the M-2, Manufacturing District (Ordinance #3098-2021; Z21-068) for the intended expansion of an adjacent boat and RV storage business. Variances to required surface for parking, screening, M-2 manufacturing district special provisions, and storage are included in this request. Staff supports the requested variances noting that the request is consistent with the development standards of the existing business which received similar variances.

To grant a Variance from the provisions of Sections 3312.43, Required surface for parking; 3321.09, Screening; 3367.15 (A)(C)(E), M-2 manufacturing district special provisions; and 3367.29, Storage; for the property located at **2970-2990 WOODSON DR. (43026)**, to permit reduced development standards for a boat and RV storage business in the M-2, Manufacturing District (Council Variance #CV21-083).

WHEREAS, by application #CV21-083, the owner of property at **2970-2990 WOODSON DR. (43026)**, is requesting a Council variance to permit reduced development standards for a boat and RV storage business in the M-2, Manufacturing District; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes to not provide a paved surface within the storage area; and

WHEREAS, Section 3321.09, Screening, requires screening within 20 feet of all lot lines abutting residential zoning classifications, while the applicant proposes screening within 10 feet of the abutting south and west property lines, where adjacent to the R-1, Residential District, so long as that property is zoned in a residential district; and

WHEREAS, Section 3367.15(A)(C)(E), M-2 manufacturing district special provisions, requires minimum 50 foot landscaped building and parking setbacks and open or unenclosed storage of materials and equipment only in the rear yard, while the applicant proposes a building and landscape setback of 25 feet along Woodson Drive and to provide open or unenclosed storage on the all of the property; and

WHEREAS, Section 3367.29, Storage, requires the open storage of materials to be located a minimum of 100 feet from any residential or apartment residential district, a minimum of 25 feet from lot lines, and only within the rear yard area, while the applicant proposes a 10 foot setback to the west and south of the site, a 0-10 foot setback from the property line as depicted on the attached site plan, and storage on the property including areas other than the rear yard; and

WHEREAS, the West Scioto Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the request will permit similar variances for the expansion of an existing storage business; now, therefore:

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 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 **2970-2990 WOODSON DR. (43026)**, in using said property as desired, now therefore:

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

SECTION 1. That variances from the provisions of Sections 3312.43, Required surface for parking; 3321.09, Screening; 3367.15(A)(C)(E), M-2 manufacturing district special provisions; and 3367.29, Storage, of the Columbus City Codes; are hereby granted for the property located at **2970-2990 WOODSON DR. (43026)**, insofar as said sections prohibit no paved surface within the storage area; reduced screening from 20 feet to 10 feet along the south and west property lines, so long as the adjacent property is zoned in a residential district; a reduced building setback from Woodson Drive from 50 feet to 25 feet, reduced landscaped setback from 50 feet to 25 feet from Woodson Drive, and open or unenclosed storage on the all of the property as opposed to being within the rear yard; and reduced storage setbacks from 100 feet to 10 feet to the west and south of the site adjacent to residential zoning, from 25 feet to 0-10 feet along internal property lines, and to permit storage on the property including areas other than the rear yard; said property being more particularly described as follows:

2970-2990 WOODSON DR. (43026), being 3.2± acres located on the east side of Woodson Drive, 1,100± feet north of Scioto Darby Creek Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey No. 547, being 3.208 acres of land and being all of that 1.562 acre tract of land as described in a deed to Dennis and Cathy Hecker, of record in Instrument No. 20210507008221 and all of that 1.646 acre tract of land as described in a deed to Dennis and Kathy Hecker, of record in Instrument No. 202105130085525, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

Beginning FOR REFERENCE at the centerline intersection of Scioto Darby Creek Road and Scioto Darby Executive Court as shown and delineated on the plat entitled "Scioto Darby Executive Court and Scioto-Darby Creek Road Dedication and Easements", a subdivision of record in Plat Book 73, Page 78; Thence along the centerline of said Scioto Darby Creek Road the following courses;

1. South 68° 00' 02" West, a distance of 26.08 feet to a point;
2. South 75° 42' 09" West, passing the centerline of Scioto Parkway at a distance of 260.54 feet, a total distance of 1729.84 feet to a point in the westerly line of Virginia Military Survey No. 547, also being a point in the easterly line of Virginia Military Survey No. 287, a point in the westerly line of a 0.705 acre tract of as described in a deed to A&R Properties, of record in Official Record 16228, Page E16 and a point in the easterly line of a 2.802 acre tract of land as

described in a deed to MGMTPLUS, Ltd., of record in Instrument No. 199908120205784 ;

Thence North 7° 31' 33" West, along the westerly line of said Virginia Military Survey No. 547, the easterly line of Virginia Military Survey No. 287, the westerly line of said 0.705 acre tract, the easterly line of said 2.802 acre tract and the westerly line of a 0.919 acre tract of land as described in a deed to Marianne Steger and Lisa Zellner, of record in Instrument No. 202108060139591, a distance of 1246.43 feet to a point at the northwesterly corner of said 0.919 acre tract of land, also being the southwest corner of said 1.562 acre tract and the TRUE PLACE OF BEGINNING;

Thence along the lines of said 1.562 acre tract the following courses;

1. North 7° 31' 33" West, continuing along the easterly line of said 2.802 acre tract, a distance of 133.30 feet to a point at the southwest corner of a 6.103 acre tract of land as described in a deed to Lee's RV & Boat Storage, LLC, of record in Instrument No. 201808200111301;
2. North 82° 17' 14" East, along the southerly line of said 6.103 acre tract, a distance of 510.29 feet to a point at the northwesterly corner of a 1.006 acre tract as described in a deed to Cathleen L. and Dennis A. Hecker, of record in Instrument No. 2015050700059314;
3. South 7° 31' 12" East, along the westerly line of said 1.006 acre tract, a distance of 133.34 feet to a point in the northerly line of the previously mentioned 1.646 acre tract;

Thence along the lines of said 1.646 acre tract the following courses;

1. North 82° 17' 30" East, along the southerly line of said 1.006 acre tract, a distance of 328.15 feet to a point in the westerly line of a 6.474 acre tract as described in a deed to Dennis A. and Cathleen L. Hecker, of record in Official Record 28848, Page F04;
2. South 7° 31' 33" East, along the westerly line of said 6.474 acre tract, a distance of 133.25 feet to a point in the northerly line of the previously mentioned 3.466 acre tract;
3. South 82° 17' 30" West, along the northerly line of said 3.466 acre tract, a distance of 538.10 feet to a point at the southeasterly corner of the previously mentioned 0.919 acre tract;
4. North 7° 31' 33" West, along the easterly line of said 0.919 acre tract, a distance of 133.25 feet to a point at the northeasterly corner of said 0.919 acre tract, also being a point in the southerly line of said 1.562 acre tract;

Thence South 82° 17' 30" West, along the southerly line of said 1.562 acre tract and the northerly line of said 0.919 acre tract, a distance of 300.40 feet to the TRUE PLACE OF BEGINNING and containing 3.208 acres of land.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with those uses permitted in the M-2, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**ZONING SITE PLAN**," dated November 12, 2021, and signed by David B. 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 plans 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.