



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0173-2007, **Version:** 1

Council Variance Application: CV06-059

APPLICANT: New Par, d/b/a Verizon Wireless c/o David Pike, Atty; 1578 Highway 44 East, Suite 6; Shepherdsville, KY 40165-0369.

PROPOSED USE: Monopole telecommunication antenna.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant seeks a variance to allow a 150 foot tall monopole telecommunications antenna in the AR-1, Apartment Residential District with lighting on it for an existing tennis court. The proposed tower would be placed 158-feet from the AR-1, Apartment Residential District to the north while a 300 foot separation would be required if this were located in a zoning district that permits such antennas. The proposed antenna will be able to accommodate a total of three carriers, while the Zoning Code would normally require only two carriers to be accommodated. The site is located within Area 27 of the *Northland Plan Volume I* (2001). Staff supports the proposal because this is on the site of a high school campus which contains similar tall light standards. There are no height restrictions on light standards so the high school could erect a 150 monopole for lights with just a building permit. We feel the addition of the proposed monopole telecommunications antenna which also accomodates light for a tennis court is a good solution that in effect camouflages the monopole by placing it amongst similar tall lighting structures. It is the hope that solutions such as this lessen the need for the installation of telecommunication antennas in nieighborhoods developed with housing.

To grant a Variance from the provisions of Section 3333.02, AR-1, Apartment Residential District Use, of the Columbus City Codes for the property located at **4324 KARL ROAD (43224)**, to permit a monopole telecommunication antenna with a reduced setback in the AR - 1, Apartment Residential District. (Council Variance #CV06-059).

WHEREAS, by application #CV06-059, the owner of property at **4324 KARL ROAD (43224)**, is requesting a Variance to permit a monopole telecommunication antenna with a reduced setback in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-1, Apartment Residential District Use, 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 high school with the secondary purpose of housing new lighting for existing tennis courts; and

WHEREAS, City Departments recommend approval because this is on the site of a high school campus which contains similar tall light standards. There are no height restrictions on light standards so the high school could erect a 150 monopole for lights with just a building permit. We feel the addition of the proposed monopole telecommunications antenna which also accomodates light for a tennis court is a good solution that in effect camouflages the monopole by placing it amongst similar tall lighting structures. It is the hope that solutions such as this lessen the need for the installation of telecommunication antennas in nieighborhoods developed with housing.; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 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 **4324 KARL ROAD (43224)**, 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 Section 3333.02, AR-1, Apartment Residential District Use, of the Columbus City Codes for the property located at **4324 KARL ROAD (43224)**, insofar as said sections prohibit a Monopole Telecommunications Antennas, said property being more particularly described as follows:

4324 KARL ROAD (43224), being 0.40± acres located at the northeast corner of Karl and Ferris Roads, and being more particularly described as follows:

DESCRIPTION OF 0.40 ACRE LEASE AREA

This is a description for New Par, dba Verizon Wireless, of a 0.047 acre Lease Area, all out of that 5.474 acre tract of land, recorded in Deed Book 2594, Page 633, owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, all references to records being on file in the Office of the Recorder, Franklin County, Ohio.

Situate in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, City of Columbus, County of Franklin, State of Ohio, and being a 0.047 acre Lease Area all out of that 5.474 acre tract of land, recorded in Deed Book 2594, Page 633, owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, said 0.047 acre Lease Area being more particularly described as follows:

The Point of Reference being the southwesterly corner of said 5.474 acre tract, being the southeasterly corner of a 5.000 acre tract of land owned by said Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, of record in Deed Book 2300, Page 63, Thence North 03°47'01" East, along the common line of said 5.000 and 5.474 acre tracts, a distance of 168.65 feet to an iron pin set at The True Place of Beginning of the herein described 0.047 acre Lease Area;

Thence North 03°47'01" East, along the common line of said 5.000 and 5.474 acre tracts, a distance of 60.00 feet to an iron pin set;

Thence South 86°12'59" East, into said 5.474 acre tract, a distance of 34.00 feet to an iron pin set;

Thence South 03°47'01" West, a distance of 60.00 feet to an iron pin set;

Thence North 86°12'59" West, a distance of 34.00 feet to the True Place of Beginning and containing 0.047 acre (1,072 square feet).

DESCRIPTION OF 0.325 ACRE INGRESS/EGRESS AND UTILITY EASEMENT

This is a description for New Par, dba Verizon Wireless, of a 0.325 acre Ingress/Egress and Utility Easement, all out of that 5.000 acre tract of land, of record in Deed Book 2300, Page 63, owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, all references to records being on file in the Office of the Recorder, Franklin County, Ohio.

Situate in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, City of Columbus, County of Franklin, State of Ohio, and being a 0.325 acre Ingress/Egress and Utility Easement, all out of that 5.000 acre tract of land, of record in Deed Book 2300, Page 63, owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, said 0.325 acre Ingress/Egress and Utility Easement being more particularly described as follows:

The Point of Reference being the southeasterly corner of said 5.000 acre tract, being the southwesterly corner of a 5.474 acre tract, of record in Deed Book 2594, Page 633, and also owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, Thence North 03°47'01" East, along the common line of said 5.000 and 5.474 acre tracts, a distance of 148.65 feet to The True Place of Beginning of the herein described 0.325 acre Ingress/Egress and Utility Easement;

Thence North 86°30'52" West, across said 5.000 acre tract, a distance of 648.37 feet to a point in the centerline of Karl Road, being

the westerly line of said 5.00 acre tract;

Thence North 03°45'01" East, along the centerline of Karl Road, being the westerly line of said 5.000 acre tract, a distance of 20.00 feet to a point;

Thence South 86°30'52" East, across said 5.000 acre tract, a distance of 628.38 feet to a point;

Thence North 03°47'01" East, a distance of 60.10 feet to a point;

Thence South 86°12'59" East, a distance of 20.00 feet to a point in the westerly line of said 5.474 acre tract, being the easterly line of said 5.000 acre tract,

Thence South 03°47'01" West, along the westerly line of said 5.474 acre tract, being the easterly line of said 5.000 acre tract, a distance of 80.00 feet to the True Place of Beginning and containing 0.325 acre (14,169 square feet).

DESCRIPTION OF 0.025 ACRE UTILITY EASEMENT

This is a description for New Par, dba Verizon Wireless, of a 0.025 acre Utility Easement, of which 0.018 acre is out of that 5.000 acre tract of land, of record in Deed Book 2300, Page 63, and 0.007 acre is out of that 5.474 acre tract of land, recorded in Deed Book 2594, Page 633, both owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, all references to records being on file in the Office of the Recorder, Franklin County, Ohio.

Situate in Quarter Township 1, Township 1 North, Range 18 West, United States Military Lands, City of Columbus, County of Franklin, State of Ohio, and being a 0.025 acre Utility Easement, of which 0.018 acre is out of that 5.000 acre tract of land, of record in Deed Book 2300, Page 63, and 0.007 acre is out of that 5.474 acre tract of land, recorded in Deed Book 2594, Page 633, both owned by Bishop Fredrick F. Campbell, Bishop of the Diocese of Columbus, Ohio, said 0.025 acre Utility Easement being more particularly described as follows:

The Point of Reference being the southeasterly corner of said 5.000 acre tract, being the southwesterly corner of said 5.474 acre tract, Thence North 03°47'01" East, along the common line of said 5.000 and 5.474 acre tracts, a distance of 228.65 feet to an iron pin set at the northwesterly corner of a 0.047 acre Lease Area; Thence North 86°12'59" West, into said 5.000 acre tract, a distance of 8.08 feet to The True Place of Beginning of the herein described 0.025 acre Utility Easement;

Thence North 04°18'04" East, a distance of 107.13 feet to a point in the northerly line of said 5.000 acre tract;

Thence South 87°29'17" East, along the northerly line of said 5.000 acre tract, and said 5.474 acre tract, a distance of 10.00 feet to a point;

Thence South 04°18'04" West, a distance of 107.35 feet to a point in the northerly line of said Lease Area;

Thence North 86°12'59" West, along the northerly line of said Lease Area, a distance of 10.00 feet to the True Place of Beginning and containing 0.025 acre (1,072 square feet).

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 and tennis court lighting, and those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on a commitment by the owner to maintain the existing building footprints and heights in conformance with the site plan titled "**SITE # CLMB 190 DESALES PCS / ST. FRANCIS DESALES HIGH SCHOOL; COLUMBUS OHIO 43224, Z-1 and Z-2**", all signed by Michael E. Jones, architect for the Applicant. and dated January 17, 2007. The Subject Site shall be developed in accordance with the site plans and exhibits. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Development or his 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 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.