



Legislation Text

File #: 1306-2013, **Version:** 1

Council Variance Application: CV13-013

APPLICANT: Robert del M. Castillo; c/o D.J. Young, III, Atty.; Firestone, Brehm, Wolfe, Whitney, & Young LLP; 15 West Winter Street; Delaware, OH 43015.

PROPOSED USE: Church and related accessory uses.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with an office/warehouse in an office/industrial park zoned in the M-2, Manufacturing District. The applicant requests a Council variance to allow a church with related accessory uses. The request also includes a parking space reduction of 56 required parking spaces. The site is located within the Central Industrial Subarea of the *Trabue/Roberts Area Plan* (2011), which recommends employment center for this location. While there are some reservations about introducing institutional uses in industrial locations, the religious use would occur mainly on Sundays when the industrial park is largely unused. Therefore, Staff is not concerned about the requested parking reduction, nor is it believed that there will be a conflict between the surrounding industrial uses and the proposed religious use.

To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1850 DIVIDEND DRIVE (43228)**, to permit religious services and accessory church-related office and classroom uses in an existing building with reduced parking in the M-2, Manufacturing District (Council Variance # CV13-013).

WHEREAS, by application No. CV13-013, the owner of property at **1850 DIVIDEND DRIVE (43228)**, is requesting a Council Variance to permit religious services and accessory church-related office and classroom uses in an existing building with reduced parking in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, Manufacturing District, prohibits religious uses, while the applicant proposes to use an existing office/warehouse building in the M-2, Manufacturing District for religious services and accessory office and classroom uses; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires one (1) parking space for every 30 square feet of sanctuary or auditorium space for churches, or 90 spaces for a 2,700 square-foot sanctuary; and one (1) parking space for every 250 square feet of accessory church uses, or 38 spaces for 9,300 square feet; a total parking requirement of 128 spaces, while the applicant proposes 72 parking spaces; and

WHEREAS, City Departments recommend approval because the requested religious use would occur mainly on Sundays when the industrial park is largely unused. Therefore, Staff is not concerned about the requested parking reduction, nor is it believed that there will be a conflict between the surrounding industrial uses and the proposed religious use; 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 owner of the property located at **1850 DIVIDEND DRIVE (43228)**, 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 Sections 3367.01, M-2, Manufacturing uses; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; is hereby granted for the property located at **1850 DIVIDEND DRIVE (43228)**, insofar as said sections prohibit a church with accessory religious uses with a maximum sanctuary size of 2,700 square feet and up to 9,300 square feet of accessory religious office and classroom uses, with a reduction in the minimum number of parking spaces required from 128 to 72 spaces; said property being more particularly described as follows:

1850 DIVIDEND DRIVE (43228), being 2.16± acres located on the east side of Dividend Drive, 890± feet north of Equity Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey Number 3316 and being part of an 8.410 acre tract conveyed to Small Brothers Partnership, of record in Official Record 29285119, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Begin for reference at a P.K. nail found at the centerline intersection of Dividend Drive (50 feet in width) and Equity Drive (50 feet in width) as delineated on the plat of WESTBELT BUSINESS PARK SECTION NO. 6, of record in Plat Book 57, Pages 27 and 28;

Thence North 01 degrees 59' 53" East, a distance of 909.76 feet, along the centerline of said Dividend Drive, to a point;

Thence South 88 degrees 00' 07" East, a distance of 25.00 feet, perpendicular to the centerline of said Dividend Drive, to a 3/4" iron pin found in the easterly right-of-way of said Dividend Drive at the southwesterly corner of said 8.410 acre tract and the northwesterly corner of a 13.292 acre tract conveyed to ARFO Westbelt LLC., of record in Instrument Number 199812310337753, said point also being the Point of True Beginning for the herein described tract;

Thence the following three (3) courses and distances along the easterly right-of-way of said Dividend Drive and the westerly line of said 8.410 acre tract;

- 1) North 01 degrees 59' 53" East, a distance of 136.18 feet, to a point of curvature;
- 2) Along the arc of a curve to the right having a radius of 975.00, a central angle of 07 degrees 55' 08", an arc length of 134.76 feet and a chord that bears North OS degrees 57' 27" East, a distance of 134.65 feet, to a 1/2" iron pin found at a point of tangency;
- 3) North 09 degrees 53' 57" East, a distance of 139.25 feet, to an iron pin set;

Thence the following four (4) courses and distances across said 8.410 acre tract;

- 1) South 88 degrees 00' 07" East, a distance of 216.60 feet, to an iron pin set;
- 2) South 01 degrees 20' 19" West, a distance of 19.70 feet, to an iron pin set;
- 3) South 88 degrees 10' 13" East, a distance of 54.73 feet, to an iron pin set;
- 4) South 01 degrees 59' 53" West, a distance of 280.46 feet, to an iron pin set in the southerly line of said 8.410 acre tract and the northerly line of said 13.292 acre tract;

Thence North 88 degrees 00' 07" West, a distance of 150.00 feet, along the line common to said 8.410 and 13.292 acre

tracts, to a 3/4" iron pin found;

Thence South 56 degrees 08' 07" West, a distance of 185.09 feet, along the line common to said 8.410 acre tract and 13.292 acre tract, to the Point of True Beginning, containing 2.159 acres, more or less and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of North 01 degrees 59' 53" East for the centerline of Dividend Drive, of record in Plat Book 57, Page 27 and 28.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

The above description was prepared from an on ground survey in February of 2005.

Being known as 1850 Dividend Drive, Columbus, Ohio
Parcel No. 560-277718

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a church with accessory religious uses with a maximum sanctuary size of 2,700 square feet and up to 9,300 square feet of accessory religious office and classroom uses.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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