



Legislation Text

File #: 2169-2015, **Version:** 1

Council Variance Application: CV15-005

APPLICANT: William E. Cantley; c/o James B. Harris, Atty.; Harris McClellan, Binau & Cox, PLL; 37 West Broad Street; Suite 950; Columbus, OH 43215.

PROPOSED USE: Three single-unit dwellings and contractor's storage yard.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with three single-unit dwellings, contractor storage buildings, and a storage yard on one lot zoned in the R-2, Residential District. The property is subject to a zoning code violation for expansion of the longstanding contractor's storage uses without obtaining a Certificate of Zoning Clearance. The requested Council variance will conform the existing uses and enable the applicant to apply for the necessary approvals to legitimize the site development. Variances for fronting on a public street, since the parcel is land-locked and is accessed by a private drive, and for parking surface, striping, and marking are also included in the request. The site is located within the boundaries of the *Southwest Area Plan (2009)*, which recommends semi-rural residential uses for this location. Because the site has been used as a contractor's storage since prior to being annexed into the City of Columbus in 1973, is adjacent to existing manufacturing properties along its northern and eastern boundaries, and has a significant buffer area adjacent to residential uses that will be preserved, Staff believes that this continued use will not create a detrimental impact on surrounding or adjacent properties. The request includes a site plan depicting setbacks and tree preservation areas.

To grant a Variance from the provisions of Sections 3332.033, R-2, Residential District; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3332.19, Fronting on a public street; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **1056 RICHTER ROAD (43223)**, to permit three single-unit dwellings and a contractor's storage yard on one lot with reduced development standards in the R-2, Residential District (Council Variance # CV15-005).

WHEREAS, by application No. CV15-005, the owner of the property at **1056 RICHTER ROAD (43223)**, is requesting a Council Variance to permit three single-unit dwellings and contractor's storage on one lot with reduced development standards in the R-2, Residential District; and

WHEREAS, Section 3332.033, R-2, Residential District, prohibits storage uses and only permits one single-unit dwelling per lot, while the applicant proposes continuation of a contractor's storage yard and three single-unit dwellings on one lot; and

WHEREAS, Section 3312.39, Striping and marking, requires parking spaces to be striped, while the applicant proposes to maintain gravel parking areas with no striping or marking; and

WHEREAS, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes to maintain a gravel surface for parking and

maneuvering areas; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes to maintain no frontage for the existing structures on the subject site; and

WHEREAS, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes to maintain a contractor's storage yard in the side and rear yards; and

WHEREAS, the Southwest Area Commission recommends approval; and

WHEREAS, The City Departments recommend approval of the request because the site has been used as a contractor's storage yard since prior to being annexed into the City of Columbus in 1973, is adjacent to existing manufacturing properties along its northern and eastern boundaries, and has a significant buffer area adjacent to residential uses that will be preserved. Staff believes that this continued use will not create a detrimental impact on surrounding or adjacent properties. The request includes a site plan depicting setbacks and tree preservation areas; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1056 RICHTER ROAD (43223)**, 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 3332.033, R-2, Residential District; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3332.19, Fronting on a public street; and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, is hereby granted for the property located at **1056 RICHTER ROAD (43223)**, insofar as said sections prohibit three single-unit dwellings, contractor storage buildings and a storage yard on one lot in the R-2, Residential District; with gravel parking and maneuvering areas with no striping or marking; no frontage on a public street; and obstruction of the required side and rear yards by a contractor's storage yard; said property being more particularly described as follows:

1056 RICHTER ROAD (43223), being 5.85± acres located 521± feet north of Richter Road, 750± feet west of Avis Road, and accessed via a private drive, and being more particularly described as follows:

The following real property situated in the County of Franklin, in the State of Ohio, and in the Township of Franklin and bounded and described as follows: Situated in the county of Franklin, State of Ohio, and in the Township of Franklin, and in Virginia Military Surveys Nos. 420 and 717 and being part of a 25.00 acre tract conveyed to Henry E. Huffman by deed of record in D .B. 1662, page 517, and Certificate of Transfer of record in Deed Book 1663, page 9, both deed books being in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows: Beginning at an iron pin in the north line of said 25.00 acre tract of land conveyed to Henry E. Huffman, said iron pin bearing north 87° 33' East a distance of 1966.46 feet from a point in the center line of Brown Road, said point also being the northwest corner of said 25.00 acre tract; thence South 87° 33' East with the north line of said tract a distance of 651.96 feet to an iron pin in the northeast corner of said 25.00 acre tract; thence South 2° 51' West with the east line of said tract a distance

of 420.75 feet to an iron pin in the southeast corner of said 25.00 acre tract; thence North 87° 33' West with the south line of said tract a distance of 591.43 feet to an iron pin; thence North 2° 39' West across said tract, a distance of 422.40 feet to the place of beginning, containing 5.852 acres.

Parcel No. 570-131908

Address: 1056 Richter Road; Columbus, OH 43223

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for three single-unit dwellings, contractor storage buildings, and a storage yard on one lot as depicted on the attached site plan, or those uses permitted in the R-2, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being in general conformance with the plan titled, "**CANTLEY CONTRACTORS STORAGE YARD**," dated July 23, 2015, drawn Hockaden and Associates, Inc., and signed by James B. Harris, 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 Certificates of Occupancy for the proposed uses.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.