



## Legislation Details (With Text)

**File #:** 1718-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/21/2016      **In control:** Zoning Committee

**On agenda:** 7/11/2016      **Final action:** 7/15/2016

**Title:** To grant a Variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at 61 NORTH BRICE ROAD (43213), to permit a tire retreading facility in the M-2, Manufacturing District (Council Variance # CV16-030).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD.1718-2016.Attachments, 2. ORD.1718-2016.Labels

Date	Ver.	Action By	Action	Result
7/15/2016	1	CITY CLERK	Attest	
7/14/2016	1	MAYOR	Signed	
7/11/2016	1	COUNCIL PRESIDENT	Signed	
7/11/2016	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV16-030**

**APPLICANT:** Capital Tire Inc.; c/o Rob Kuhr; 1001 Cherry Street; Toledo, OH 43608.

**PROPOSED USE:** Tire retreading facility.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is currently developed with two industrial buildings in the M-2, Manufacturing District. The applicant had believed the property to be zoned in the M-1, Manufacturing District due to a map error that was recently discovered and corrected, and wishes to convert one of the industrial buildings to a tire retreading facility. Tire retreading, like all rubber tire and tube industries, is listed as a *more objectionable* manufacturing use that is only allowed in the M and M-1, Manufacturing Districts. The site is located within the planning area of the *Broad-Blacklick Area Plan* (2011), which recommends light industrial uses for this location. The proposed tire retreading will be contained within an existing 14,400± square-foot industrial building and complies with distance separation requirements. The requested use is consistent with the development pattern of the surrounding neighborhood, which includes properties zoned in the L-M, Limited Manufacturing District, M-1 Manufacturing District, and CPD, Commercial Planned Development District. Staff supports the requested variance due to the existence of similarly-zoned properties in the immediate area and because the proposed operation will be enclosed within an existing building.

To grant a Variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; for the property located at **61 NORTH BRICE ROAD (43213)**, to permit a tire retreading facility in the M-2, Manufacturing District (Council Variance # CV16-030).

**WHEREAS**, by application # CV16-030, the owner of property at **61 NORTH BRICE ROAD (43213)**, is requesting a Variance to permit a tire retreading facility in the M-2, Manufacturing District; and

**WHEREAS**, Section 3367.01, M-2, Manufacturing district, permits only *less objectionable* manufacturing uses, while the applicant proposes a tire retreading facility which the Zoning Code categorizes as a *more objectionable* manufacturing use; and

**WHEREAS**, The Far East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested variance due to the existence of similarly-zoned properties in the immediate area and because the proposed operation will be enclosed within an existing building. This proposal will permit a manufacturing facility that is consistent with the development pattern of the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 variances 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 **61 NORTH BRICE ROAD (43213)**, in using said property as desired and

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

**SECTION 1.** That a variance from the provisions of Section 3367.01, M-2, Manufacturing uses, of the Columbus City Codes; is hereby granted for the property located at **61 NORTH BRICE ROAD (43213)**, insofar as said sections prohibit a tire retreading facility; said property being more particularly described as follows:

**61 NORTH BRICE ROAD (43213)**, being 2.9± acres located on the west side of North Brice Road, 660± feet north of East Broad Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 16, United States Military Lands, being 2.947 acres of land located in Lot 2, as delineated on the plat “Columbus Industrial Park”, of record in Plat Book 48, Page 79, and described in a deed to Columbus Office Associates, of record in Deed Book 3477, Page 518 (all reference to records being on file in the Recorder’s Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning, for reference, at intersection of the centerline of Brice Road and the present centerline of East Broad Street, as delineated on said plat “Columbus Industrial Park”;

Thence North 08 12’ 00” West, along centerline of Brice Road 80’ wide right of way, a distance of 200.00 feet, to a point of curvature;

Thence along the arc of a curve to the right, having a radius of 800.00 feet, a central angle of 33 15’ 39”, the chord of which bears North 08 25’ 47” East 457.91 feet to a point;

Thence North 64 56’ 24” West 40.00 feet to an iron pin found capped “Hockaden”, on the westerly right-of-way line of

said Brice Road, the True Point of Beginning;

Thence North 86 41' 30" West 220.40 feet, across said Lot 2, along the northerly line of a 2.964 acre tract, to an iron pin found capped "Hockaden" at the northeasterly corner of that 0.943 acre tract described in a deed to the City of Columbus of record in Deed Book 3114, Page 119:

Thence South 81 48' 00" West 225.90 feet, along the northerly line of said 0.943 acre tract and its westerly extension to a 5/8" rebar set on the westerly line of said Lot 2;

Thence North 03 37' 15" East 315.07 feet, along said westerly line, to a 5/8" rebar set;

Thence South 86 41' 30" East 375.00 feet, crossing said Lot 2 with a new division line, to a 5/8" rebar set;

Thence South 40 58' 38" East 190.26 feet, continuing across said Lot 2 with a new division line, to a 5/8" rebar set on the westerly right-of-way line of said Brice Road;

Thence southwesterly along said right -of-way line, being the arc of a curve to the left, having a radius of 840.00 feet, a central angle of 10 14' 42", the chord of which bears South 30 10' 57" West 150.00 feet, to the True Point of Beginning, containing 2.947 acres of land, more or less, subject to any easements, restrictions or right-of-way of records.

NOTE: Bearings are used for the determination of angles only. For the purpose of this description a bearing of South 81 48' 00" West was used on the present centerline of East Broad Street as delineated on said plat of "Columbus Industrial Park" of record in Plat Book 48, Page 79. The 5/8" rebars set are 30" long with plastic caps stamped "SITE ENG INC."

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a tire retreading facility with all activities conducted indoors, or those uses permitted in the M-2, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on no outside storage of tires or tire casings.

**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.