



Legislation Details (With Text)

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On agenda: 5/8/2017 **Final action:** 5/11/2017

Title: To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3321.21(B), Building lines; 3332.29, Height districts; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes; for the property located at 3220 LOWELL DRIVE (43204), to permit a monopole telecommunication antenna with reduced development standards in the R, Rural District (Council Variance # CV17-002).

Sponsors:

Indexes:

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Attachments: 1. ORD1085-2017Attachments, 2. ORD1082-2017Labels

Date	Ver.	Action By	Action	Result
5/11/2017	1	CITY CLERK	Attest	
5/9/2017	1	MAYOR	Signed	
5/8/2017	1	COUNCIL PRESIDENT	Signed	
5/8/2017	1	Zoning Committee	Approved	Pass
5/1/2017	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV17-002

APPLICANT: Capital Telecom Holdings LLC; c/o Justin Whelan, Atty.; Buckley King LPA; 600 Superior Avenue East, #1400; Cleveland, OH 44114.

PROPOSED USE: Monopole telecommunication antenna.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow the construction of a 155± foot tall monopole telecommunication antenna in the R, Rural District. Monopole telecommunication antennas are not permitted in residential districts. The location of the monopole is within a 3,600 square-foot lease area on a parcel partially developed with a religious facility. Variances for building lines, height, and antenna setbacks are included in the request. The site is located within the boundaries of the *Greater Hilltop Plan* (2010), which recommends "Institutional" land uses for this location. Staff supports the request because locating the monopole within a religious facility complex does not have the negative impact that introducing a new monopole in a residential neighborhood might. Furthermore, the mechanical equipment associated with the monopole will be screened from adjacent residences. Several institutional uses have incorporated monopoles within their facilities with no adverse effect on surrounding neighborhoods.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3321.21(B), Building lines; 3332.29,

Height districts; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes; for the property located at **3220 LOWELL DRIVE (43204)**, to permit a monopole telecommunication antenna with reduced development standards in the R, Rural District (Council Variance # CV17-002).

WHEREAS, by application # CV17-002, the owner of property at **3220 LOWELL DRIVE (43204)**, is requesting a Variance to permit a monopole telecommunication antenna with reduced development standards in the R, Rural District; and

WHEREAS, Section 3332.02, R, Rural District, 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 religious facility; and

WHEREAS, Section 3332.21(B), Building lines, requires a building setback of not less than 25 feet, while the applicant proposes a 8.5± foot building line; and

WHEREAS, Section 3332.29, Height districts, requires that within a 35-foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes a monopole telecommunication antenna with a height of 155± feet as shown on the elevation drawing; and

WHEREAS, Section 3353.05(D)(4), C-2 district development limitations, requires that the base of all monopole telecommunication antenna sites and associated support structures shall be set back 200 percent of the total height of the antenna, or 310± feet, from all residentially-zoned districts, while the applicant proposes a setback of 155± feet.

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because locating the monopole within the religious facility complex does not have the negative impact that introducing a new monopole in a residential neighborhood might. Furthermore, the mechanical equipment associated with the monopole will be screened from adjacent residences, and several institutional uses have incorporated monopoles within their facilities with no adverse effect on surrounding neighborhoods; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **3220 LOWELL DRIVE (43204)**, 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 Sections 3332.02, R, Rural District; 3321.21(B), Building lines; 3332.29, Height districts; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes, is hereby granted for the property located at **3220 LOWELL DRIVE (43204)**, insofar as said sections prohibit a 155± foot tall monopole telecommunication antenna in the R, Rural District, with a reduced building setback from 25 feet to 8.5± feet, an increased height from 35 feet to 155± feet, and a reduced monopole telecommunication antenna setback from 310± feet to 155± feet; said property being more particularly described as follows:

3220 LOWELL DRIVE (43204), being 0.08± acres located 165± feet east of the terminus of Lowell Drive, just south of Interstate 70, and being more particularly described as follows:

This is a description for Capital Telecom Holdings LLC of a Lease Area from the lands of El Paso Drive Church of God (the Grantor) as recorded in (OR 24427, pg.F10) {Deed #199310280251030} [PPN #010-238014-00] of the Franklin County Records in part of Lot 40 of the Pleasant View Acres Subdivision, (PD 20, pg.13), VMS 875 and 1279, in the City of Columbus, Franklin County, Ohio which is further described as follows:

Note: The angular variation between lines is based upon OSPC Grid North, all pins called out as set are 5/8" x 30" Rebar with caps "GWS 6357".

Beginning at a steel pin set at the Southwest corner of the said Lease Area on the South line of said Lot 40, said pin being N 66° 23' 47" E along the said South line of Lot 40 a distance of 131.87' from a 3/4" steel pipe recovered at the Southwest corner of said Lot 40 and at the Northeast corner of the Right-of-Way of Lowell Drive (50');

Thence through the said lands of the Grantor with the following three (3) courses;

- (1) N 23° 36' 13" W a distance of 60.00' to a set steel pin;
- (2) N 66° 23' 47" E a distance of 60.00' to a set steel pin;
- (3) S 23° 36' 13" E a distance of 60.00' to a steel pin set on the said South line of Lot 40, said pin being S 66° 23' 47" W along the said South line of Lot 40 a distance of 8.00' from a 3/4" steel pipe recovered at the South corner of said Lot 40;

Thence with the said South line of Lot 40, S 66° 23' 47" W a distance of 60.00' to the point of Beginning.

This Tract contains 3,600.00 sq.ft. or (0.083 Ac.) more or less.

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 in accordance with the submitted plans, or those uses permitted in the R, Rural District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in accordance with the plans titled, "**LOCATION PLAN SITE DATA & LOCATION MAP,**" "**OVERALL LOCATION PLAN,**" "**ENLARGED SITE PLAN,**" and "**SITE ELEVATION,**" signed by John J. Zimmerman, Professional Engineer, and dated April 18, 2017. The plans 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 adjustment to the plans shall be reviewed and may be approved 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 upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance 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.