



## Legislation Details (With Text)

**File #:** 1910-2018      **Version:** 2

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

**File created:** 6/27/2018      **In control:** Zoning Committee

**On agenda:** 7/23/2018      **Final action:** 7/25/2018

**Title:** To grant a Variance from the provisions of Sections 3332.033, R-2, residential district; 3332.21, Building lines; 3332.25(B), Maximum side yards required; and 3332.26(B), Minimum side yard permitted, for the property located at 3037 & 3047 FAIRWOOD AVENUE (43207), to permit the expansion of a natural gas utility substation in the R-2, Residential District (Council Variance # CV17-077) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1910-2018.Attachments.pdf, 2. ORD1910-2018.Labels.pdf

Date	Ver.	Action By	Action	Result
7/25/2018	2	CITY CLERK	Attest	
7/24/2018	2	ACTING MAYOR	Signed	
7/23/2018	2	COUNCIL PRESIDENT	Signed	
7/23/2018	1	Zoning Committee	Approved as Amended	Pass
7/23/2018	1	Zoning Committee	Amended to Emergency	Pass
7/16/2018	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV17-077**

**APPLICANT:** Columbia Gas of Ohio, Inc.; c/o Nickolas Hovis; 1600 Dublin Road; Columbus, OH 43215.

**PROPOSED USE:** Expand existing natural gas utility substation.

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels, one developed with an existing natural gas utility substation and the other with a single-unit dwelling. Both parcels are zoned in the R-2, Residential District. The proposal includes expanding the existing substation onto an adjacent lot developed with a single-unit dwelling. The requested Council variance will conform the existing substation and permit the expansion onto the adjacent lot. Variances to building setbacks, and maximum/minimum side yards are also included. This site is located within the *Tri-South Neighborhood Plan* (2003) which recommends "Single-Family Residential" uses for this location. Staff is supportive of the proposal as the expansion of an existing natural gas utility substation will not bring a new or incompatible use to the area. The existing natural gas utility substation has been in use since the 1950's and the proposed expansion is onto an adjacent property. The existing substation has previously received Board of Zoning Adjustment special permit (13311-00157) and variance (13310-00606) approvals to reconfigure and expand nonconforming buildings with reduced building setbacks and minimum side yards for a fence. Population growth in the area has resulted in the need for an improved substation. The applicant is committing to enhanced screening that was requested by the community.

To grant a Variance from the provisions of Sections 3332.033, R-2, residential district; 3332.21, Building lines; 3332.25 (B), Maximum side yards required; and 3332.26(B), Minimum side yard permitted, for the property located at **3037 & 3047 FAIRWOOD AVENUE (43207)**, to permit the expansion of a natural gas utility substation in the R-2, Residential District (Council Variance # CV17-077) **and to declare an emergency.**

**WHEREAS**, by application # CV17-077, the owner of property at **3037 & 3047 FAIRWOOD AVENUE (43207)**, is requesting a Council variance to permit the expansion of a natural gas utility substation in the R-2, Residential District; and

**WHEREAS**, Section 3332.033, R-2, residential district, does not permit a natural gas utility substation, while the applicant proposes to expand an existing natural gas utility substation; and

**WHEREAS**, 3332.21(B), Building lines, requires a minimum building setback of 25 feet from public streets, while the applicant proposes a building line of 10± feet along Fairwood Avenue for a proposed 10-foot tall fence; and

**WHEREAS**, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be a minimum of 16 feet, while the applicant proposes a maximum side yard of approximately 0 feet along the north and south property lines for a proposed 10-foot tall fence; and

**WHEREAS**, Section 3332.26(B), Minimum side yard permitted, requires a side yard of no less than five feet for lots greater than 40 feet wide, while the applicant proposes a minimum side yard of 0 feet along the north and south property lines for a proposed 10-foot tall fence; and

**WHEREAS**, the Far South Columbus Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the natural gas utility substation will not bring a new or incompatible use to the area. The existing natural gas utility substation has been in use since the 1950's and the proposed expansion is onto an adjacent property. Population growth in the area has resulted in the need for an improved substation. The applicant is committing enhanced screening that was requested by the community; 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 **3037 & 3047 FAIRWOOD AVENUE (43207)**, in using said property as desired;

**WHEREAS**, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore;

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

**SECTION 1.** Variance from the provisions of Sections 3332.033, R-2, residential district; 3332.21, Building lines; 3332.25(B), Maximum side yards required; and 3332.26(B), Minimum side yard permitted, is hereby granted for the properties located at **3037 & 3047 FAIRWOOD AVENUE (43207)**, insofar as said sections prohibit a natural gas utility substation in the R-2 district; a reduced building line from 25 feet to 10 feet for a 10-foot tall fence; a reduced maximum side yard from 16 feet to 0 feet for the 10-foot tall fence; and a reduced minimum side yard from 5 feet to 0 feet along the

north and south property lines for the 10-foot tall fence; said property being more particularly described as follows:

**3037 & 3047 FAIRWOOD AVENUE (43207)**, being 0.63± acres located on the west side of Fairwood Avenue, 285± feet south of Grovewood Drive Avenue, being more particularly described as follows:

Parcel 1:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and being more fully described as follows:

Being Lot Number One Hundred Eighty-two (182), of Southfield Addition, as the same is numbered and delineated upon the recorded plate thereof, of record in Plate Book 28, page 66, Recorder's Office, Franklin County, Ohio.

3037 Fairwood Avenue - 010-119158

Parcel 2:

(1) Situated in the State of Ohio, County of Franklin and in the Township of Marion and being more fully described as follows:

Being a part of a 107.62 acre tract in the northwest quarter of Section 11, Township 4 North, Range 22 West, Ohio River Survey.

Beginning for reference, at a railroad spike at the intersection of the center lines of Watkins Road and Fairwood Avenue; with said railroad spike also being the northeast corner of the northwest quarter of Section 11 and the northeast corner of the grantor's 107.62 acre tract;

Thence South 1° 20' West 666.35 feet in the center line of Fairwood Avenue to a point and the principal place of beginning.

Thence continuing South 1° 20' West 155.00 feet in the center line of Fairwood Avenue to a point;

Thence North 88°40' West 100.00 feet to an iron pin, passing at 20.0 feet at iron pin set in the west line of Fairwood Avenue;

Thence North 1°20' East 155.00 feet, parallel to the center line of Fairwood Avenue, to an iron pin;

Thence South 88°40' East 100.00 feet to the place of beginning, excepting therefrom a 0.103 acre tract deeded to The Ohio Fuel Gas Company on April 15, 1947, and recorded in Vol. 1377, Page 356 of the Franklin County Deed Records and being more particularly described as follows:

Being a part of a 107.62 acre tract in the northwest quarter of Section 11, Township 4, Range 22:

Beginning for reference at a railroad spike at the intersection of the center lines of Watkins Road and Fairwood Avenue; said railroad spike also being the northeast corner of the northwest quarter of Section 11; thence South 1°20' West 665 feet (found to be in error-should be 666.35 feet) along the center line of Fairwood Avenue to a nail; thence North 88°40' West 20' to an iron pin; said iron pin being on the west line of Fairwood Avenue and being the place of beginning; thence North 88°40' West 60 feet to an iron pin; thence South 1°20' West 75 feet to an iron pin; thence South 88°40' East 60 feet to an iron pin; said iron pin being on the west line of Fairwood Avenue; thence North 1°20' East 75 feet along the west line of Fairwood Avenue to the place of beginning. Containing 0.103 acres, more or less.

The tract conveyed by this description contains 0.253 acres.

(2) Situated in the County of Franklin in the State of Ohio, and in the Township of Marion and being more fully described

as follows:

Being a part of a 107.62 acre tract in the northwest quarter of Section 11, Township 4, Range 22.

Beginning for reference, at a railroad spike at the intersection of the center lines of Watkins Road and Fairwood Avenue; said railroad spike also being the northeast corner of the northwest quarter of Section 11; Thence South 1° 20' West 665 feet along the center line of Fairwood Avenue to a nail; Thence North 88°40' West 20 feet to an iron pin; said iron pin being on the west line of Fairwood Avenue and being the place of beginning; Thence North 88°40' West 60 feet to an iron pin; Thence South 1°20' West 75 feet to an iron pin; thence South 88°40' East 60 feet to an iron pin; said iron pin being on the west line of Fairwood Avenue; thence North 1°20' East 75 feet along the west line of Fairwood Avenue to the place of beginning. Containing .103 acres, more or less.

(3) Situated in the County of Franklin in the State of Ohio, and in the Township of Marion and being more fully described as follows:

Situated in Section 11, Township 4 North, Range 22 West, U.S.M.S.

Beginning, for reference, at a railroad spike at the intersection of the center lines of Watkins Road and Fairwood Avenue, said spike being also the northeast corner of the northwest quarter of Section 11 and the northeast corner of Grantor's 107.62 acre tract of land; thence South 1° 20' West, 666.35 feet in the center line of Fairwood Avenue to a point; Thence in the north line of a 0.253 acre tract of land conveyed to The Ohio Fuel Gas Company by deed dated February 20, 1952 and recorded in Volume 1666, page 279 of the Franklin County Records, North 88°40' West 100.00 feet to an iron pin, the principal place of beginning and the northeast corner of the hereinafter described tract of land;

Thence continuing North 88°40' West, 50.00 feet to an iron pin; Thence South 1°20' West, 155.00 feet parallel to the center line of Watkins Road, to an iron pin; Thence South 88°40' East 50.00 feet to an iron pin at the southwest corner of the aforesaid 0.253 acre tract of land belonging to The Ohio Fuel Gas Company; Thence North 1°20' East 155.00 feet in the west line of the 0.253 acre tract of land belonging to The Ohio Fuel Gas Company, to the principal place of beginning, containing 0.178 acres, more or less.

3047 Fairwood Avenue - 010-116160

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a natural gas utility substation, or those uses permitted by the R-2, Residential District.

**SECTION 3.** That this ordinance is further conditioned that the proposed natural gas utility substation be developed in general conformance with the site plans and fence details titled "**FAIRWOOD STATION PLAN**," "**FAIRWOOD STATION SETBACK PLAN**," "**FAIRWOOD STATION FENCE PLAN**," "**TREX FENCE STANDARD DETAILS**," "**BRICK FENCE STANDARD DETAILS**," "**SITE ELEVATION 1**," and "**SITE ELEVATION 2**," signed by Brandon D. Holt, project engineer for the applicant, and dated June 29, 2018. Any slight adjustment to the plans shall be subject to review and approval by the Director of the Department 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 building materials/colors being a neutral color (ash grey).

**SECTION 5.** That this ordinance is further conditioned on parcels 010-119158 and 010-116160 being combined prior to site compliance review.

**SECTION 6.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**