



## Legislation Details (With Text)

**File #:** 0721-2019      **Version:** 1

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

**File created:** 3/4/2019      **In control:** Zoning Committee

**On agenda:** 3/25/2019      **Final action:** 3/27/2019

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3332.29, Height district; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes; for the property located at 234 SOUTH NAPOLEON AVENUE (43213), to permit a monopole telecommunication antenna with reduced development standards in the R-4, Residential District (Council Variance #CV18-110).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0721-2019.Attachments.pdf, 2. ORD0721-2019.Labels.pdf

| Date      | Ver. | Action By             | Action                  | Result |
|-----------|------|-----------------------|-------------------------|--------|
| 3/27/2019 | 1    | CITY CLERK            | Attest                  |        |
| 3/26/2019 | 1    | ACTING MAYOR          | Signed                  |        |
| 3/25/2019 | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 3/25/2019 | 1    | Zoning Committee      | Approved                | Pass   |
| 3/18/2019 | 1    | Columbus City Council | Read for the First Time |        |

**Council Variance Application: CV18-110**

**APPLICANT:** Eco-Site, Inc.; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Monopole telecommunication antenna.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This request will permit the construction of a 110-foot high monopole telecommunication antenna on the site of a religious facility and single-unit dwelling in the R-4, Residential District. A variance is necessary because monopole telecommunications antennas are not permitted in the R-4, Residential District. The request includes additional variances to increase height and reduce setback requirements. Although there is no Council adopted plan for this area, the proposed monopole and the associated variances can be supported as the mechanical equipment is screened from residential uses as recommended by the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*. 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 3332.039, R-4 residential district; 3332.29, Height district; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes; for the property located at **234 SOUTH NAPOLEON AVENUE (43213)**, to permit a monopole telecommunication antenna with reduced development standards in the R-4, Residential District (Council Variance #CV18-110).

**WHEREAS**, by application #CV18-110, the owner of property at **234 SOUTH NAPOLEON AVENUE (43213)**, is requesting a Variance to permit a monopole telecommunication antenna with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential 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 site of the existing religious facility and dwelling; and

**WHEREAS**, Section 3332.29, Height district, 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 110± feet; and

**WHEREAS**, Section 3353.05(D)(4), C-2 district development limitations, requires that all monopole telecommunication antennas and support structures be setback 200 percent of the total height of the antenna from all residentially zoned districts, or in this case 220± feet, from all residentially-zoned districts, while the applicant proposes a setback of 106.5 feet to the north, 36.5 feet to the south, and 104.5± feet to the east; 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 **234 SOUTH NAPOLEON AVENUE (43213)**, 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 3332.039, R-4 residential district; 3332.29, Height district; and 3353.05(D)(4), C-2 district development limitations, of the Columbus City Codes, is hereby granted for the property located at **234 SOUTH NAPOLEON AVENUE (43213)**, insofar as said sections prohibit a monopole telecommunication antenna in the R-4, Residential District; an increased height from 35 feet to 110± feet; and a reduced monopole telecommunication antenna setback from 220± feet to 106.5 feet to the north, 36.5 feet to the south, and 104.5± feet to the east; said property being more particularly described as follows:

**234 SOUTH NAPOLEON AVENUE (43213)**, being 1.6± acres located at the northeast corner of South Napoleon Avenue and Elbern Avenue, and being more particularly described as follows:

Being Lots Numbered Five Hundred Twenty-two (522); Five Hundred Twenty-three (523); Five Hundred Twenty-four (524); Five Hundred Twenty-five (525); Five Hundred Twenty-six (526); Five Hundred Twenty-seven (527); Five Hundred Twenty-eight (528) in LINCOLN PARK NO. 2 as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 476, Recorder's Office, Franklin County, Ohio; together with those portions of vacated Elbern Street and Barnett Road (El Dorado Avenue) as vacated, respectively, in Ordinance Number 1875-60 and

Ordinance Number 502-61.

Prior Instrument Reference: Deed Book 2998, page 210; Deed Book 2284, page 589; Deed Book 2284, page 591 and Deed book 2284, page 598

Parcel Numbers: 010-089468; 010-088376; 010-088377; 010-088378; 010-088668; and 010-089014

Address: 250 South Napoleon Ave., Columbus, Ohio 43213

**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-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled, "**OVERALL SITE PLAN**," signed by David Hodge, Attorney for the Applicant, and dated February 13, 2019. 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 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. The specific locations of equipment within the Eco-Site compound shall be finalized at the time of Site Compliance review.

**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.