



Legislation Text

File #: 2063-2013, **Version:** 1

Council Variance Application: CV13-031

APPLICANT: Roof to Road LLC; c/o Donald Plank, Atty.; 145 East Rich Street, Floor 3; Columbus, OH 43215.

PROPOSED USE: Salvage/recycling operation.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant requests a Council variance to allow a salvage/recycling operation in an M-1, Manufacturing District. The site is located within the planning area of the *Southwest Area Plan* (2009), which recommends lower intensity light industrial uses for this location. At present, salvage yards are permitted only in the M, Manufacturing District with a Special Permit from the Columbus Board of Zoning Adjustment; however, a proposed code change is pending allowing this use to also be located in the M-1, Manufacturing District with a Special Permit (Ord. No. 0698-2012). Staff does not object to the proposed salvage/recycling operation as a secondary use in the M-1 District, which allows for the most intense manufacturing uses, particularly given the restricted nature of the request in terms of space and location on the parcel. Approval of this request will not introduce an incompatible use to the area. The applicant will also be required to obtain a Special Permit from the Columbus Board of Zoning Adjustment where additional conditions and limitations can be assessed.

To grant a Variance from the provisions of Section 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, for the property located at **894 FRANK ROAD (43223)**, to request a Special Permit from the Columbus Board of Zoning Adjustment for a salvage/recycling operation in the M-1, Manufacturing District (Council Variance CV13-031).

WHEREAS, by application No. CV13-031, the owner of the property at **894 FRANK ROAD (43223)**, is requesting a Council Variance to permit a salvage/recycling operation in the M-1, Manufacturing District; and

WHEREAS, Section 3389.07, Impound lot, junk yard or salvage yard, requires a Special Permit and only allows salvage yards in an M, Manufacturing District, while the applicant proposes a salvage/recycling operation in an M-1, Manufacturing District; and

WHEREAS, the Southwest Area Commission recommends disapproval; and

WHEREAS, City Departments recommend approval because this request will not introduce an incompatible use to the area. Staff does not object to the proposed salvage/recycling operation as a secondary use in the M-1 District, particularly given the restricted nature of the request in terms of space and location on the parcel. The applicant will also be required to obtain a Special Permit from the Columbus Board of Zoning Adjustment where additional conditions and limitations can be assessed; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 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 **894 FRANK 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 is granted from the provisions of Section 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, for the property located at **894 FRANK ROAD (43223)**, insofar as said section prohibits a salvage/recycling operation use in the M-1, Manufacturing District; said property being more particularly described as follows:

894 FRANK ROAD (43223), being 4.521± acres located 680± feet north of Frank Road, and 2,020± feet east of Brown Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Virginia Military Survey No. 420, and being in part of a 26.622 acre tract (Tract I), part of a 51.000 acre tract (Tract II) conveyed to Inland Products, Inc. in Deed Book 3782, Page 227, and an original 105.712 acre tract (Parcel No. 1) conveyed to 800 Frank Road, LLC. in Instrument No. 200502110027261, and being more particularly described as follows:

Beginning, for reference, at a point in the north line of Frank Road marking the southwest corner of said 26.622 acre tract (Tract I);

Thence South 75° 56' 37" East 872.29 feet, in the north line of Frank Road and the south line of said 26.622 acre tract, to a point;

Thence North 14° 03' 23" East 675.62 feet, across said 26.622 acre tract (Tract I), to a point being the True Place of Beginning of the herein described lease area:

Thence North 18° 59' 48" West 578.00 feet, across said 26.622 acre tract (Tract I) and said 51.000 acre tract (Tract II), to a point;

Thence South 78° 14' 32" East 540.00 feet, across said 51.000 acre tract (Tract II) and said original 105.712 acre tract (Parcel No. 1), to a point;

Thence South 08° 23' 40" West 460.00 feet, across said original 105.712 acre tract (Parcel No. 1) and 26.622 acre tract (Tract I), to a point;

Thence North 86° 06' 36" West 274.00 feet, across said 26.622 acre tract (Tract I), to the place of beginning, containing 4.521 acres more or less, of which 0.321 acres are in said 26.622 acre tract (Tract I), 0.676 acres are in said 51.000 acre tract (Tract II) and 3.524 acres are in said original 105.712 acre tract (Parcel No. 1).

Basis of bearings assumed, based on the north line of Frank Road being South 75° 56' 37" East.

All referenced documents are on file at the Franklin County Recorder's Office, Columbus, Ohio

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a salvage/recycling operation in accordance with a Special Permit from the Columbus Board of Zoning Adjustment.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.