



Legislation Text

File #: 1604-2014, **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: Approval.

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 subject site. Approval of this request will not introduce a new or incompatible use to the area. The applicant will also be required to obtain a Special Permit from the Columbus Board of Zoning Adjustment (BZA) where additional conditions and limitations can be imposed.

To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing district; and 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, for the property located at **894 FRANK ROAD (43223)**, to permit a salvage/recycling operation in the M-1, Manufacturing District in accordance with a Special Permit from the Columbus Board of Zoning Adjustment (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 3365.01, M-1 Manufacturing district, prohibits salvage yards, while the applicant proposes a salvage/recycling operation; 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, which will still be required to receive a Special Permit from the Columbus Board of Zoning Adjustment; and

WHEREAS, the Southwest Area Commission recommends approval; 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 subject site. 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 imposed; 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 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 from the provisions of Sections 3365.01, M-1, Manufacturing district, and 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, is hereby granted for the property located at **894 FRANK ROAD (43223)**, insofar as said sections prohibit a salvage/recycling operation use in the M-1, Manufacturing District; said property being more particularly described as follows:

894 FRANK ROAD (43223), being 4.52± 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, or those uses permitted in the M-1, Manufacturing District.

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

SECTION 4. That this ordinance is further conditioned on the following:

- 1) Under the authority of Columbus City Code Section 3307.10(B), Variances by City Council, which Section permits Council to impose requirements and conditions including the duration of a variance, the duration of this Council Variance and Special Permit (to be specifically so conditioned by the BZA) will be limited to 10 years from the effective date of the ordinance. The time duration of the shingle salvage use may be extended subject to the following conditions:
 - a) All applicable City of Columbus permits, including a Salvage Yard License, renewed annually or as the City Code may specify in the future, are applied for and received from the City of Columbus;
 - b) There has been full compliance with all requirements of the permit(s) issued by the City of Columbus at all times;
 - c) Shingles continue to be tested for asbestos by an independent lab with no positive asbestos test results and the test results are shared with the EPA and City of Columbus;
 - d) Compliance with other conditions of SWAC approval, as stated in items #2 - #4, inclusive, as follows;
- 2) All trash is removed from the property in general and, specifically, the trash presently piled at the northwest corner of the leased property shall be removed. All trash (scrap wood, plastic, paper) shall be contained and disposed of on-site in appropriate containers which are covered to prevent debris from blowing into the community. The on-site trash containers shall be emptied on a regular basis.
- 3) The maximum height of any pile or piles of shingles shall be 30 feet as approved by the BZA as a variance along with the Special Permit.
- 4) Although the specific parking areas will move as a result of the shifting of the pile on the leased property - management will provide designated parking for employees and customers.
- 5) The shingle salvage use shall occur only on the 4.521 +/- acres described in the legal description submitted with this application.
- 6) There shall be no other salvage use on any of the Franklin County Auditor's parcels on which the shingle salvage use is located. These parcels are specifically: 570-145444, 570-145445, and 570-145446.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.