



## Legislation Text

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**File #:** 1052-2016, **Version:** 2

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### **Council Variance Application: CV16-010**

**APPLICANT:** S&S Crawford Properties, LLC; c/o Aaron J. Weir, Atty.; Brennan, Manna & Diamond; 250 Civic Center Drive, Suite 300; Columbus, OH 43215.

**PROPOSED USE:** Tire retreading facility.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with an industrial building in the M-2, Manufacturing District. The requested Council variance will allow the conversion of the building into a tire retreading facility. The variance is necessary because all rubber tire and tube industries are listed as a *more objectionable* manufacturing use that the M-2 district does not allow and must be located at least 600 feet from residentially-zoned property. A variance to reduce the 600-foot distance separation requirement is included in the request as there are existing residential uses adjacent to the site. The site is located within the planning area of *The Greater Hilltop Plan Amendment* (2010), which recommends Neighborhood Mixed Use for this location. The proposed tire retreading facility is a small-scale operation limited to the inside of an existing 19,231± square-foot industrial building that is located approximately 150 feet from the closest dwelling to the west, and 460 feet from the closest dwelling to the south. The tires are only being remolded, which is a much less intense industrial process than tire manufacturing. Given the M-2 zoning and existing industrial use of the property, Staff supports the proposed use and distance separation reduction, and finds that the request is consistent with the development pattern of the surrounding neighborhood. Approval of this request will not add an incompatible use to the area.

To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3363.19(C), Location requirements, of the Columbus City Codes; for the property located at **2237 EAKIN ROAD (43213)**, to permit a tire retreading facility with reduced distance separation in the M-2, Manufacturing District (Council Variance # CV16-010) **and to declare an emergency.**

**WHEREAS**, by application No. CV16-010, the owner of property at **2237 EAKIN ROAD (43213)**, is requesting a Variance to permit a tire retreading facility with reduced development standards in the M-2, Manufacturing District; and

**WHEREAS**, Section 3367.01, M-2, Manufacturing district, permits only *less objectionable* manufacturing uses, while the applicant proposes a tire retreading facility which the Zoning Code categorizes as a *more objectionable* manufacturing use; and

**WHEREAS**, Section 3363.19(C), Location requirements, requires *more objectionable* uses to be located a minimum of six-hundred (600) feet from any residential or apartment residential district, while the applicant proposes a tire retreading facility on a lot that abuts residentially-zoned property; and

**WHEREAS**, The Greater Hilltop Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed use would utilize the existing building, with all activities being conducted indoors. This proposal will permit a manufacturing facility that is consistent with the development pattern of the surrounding neighborhood; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 variances 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 **2237 EAKIN ROAD (43213)**, in using said property as desired and

**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.** That a variance from the provisions of Sections 3367.01, M-2, Manufacturing uses; and 3363.19(C), Location requirements, of the Columbus City Codes; is hereby granted for the property located at **2237 EAKIN ROAD (43213)**, insofar as said sections prohibit a tire retreading facility with a reduction in the required distance separation from residentially-zoned property from six hundred (600) feet to zero (0) feet; said property being more particularly described as follows:

**2237 EAKIN ROAD (43213)**, being 3.22± acres located at the southeast corner of Eakin Road and Woodbrook Lane, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, VIRGINIA MILITARY SURVEY NO. 971 AND BEING 3.217 ACRES OF LAND ENTIRELY OUT OF A 3.819 ACRE TRACT OF LAND BELONGING TO BLS RENTALS LTD. OF RECORD IN INSTRUMENT NUMBER 200708070138578 AT THE FRANKLIN COUNTY RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND SAID 3.217 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MAG NAIL (SET), SAID MAG NAIL BEING LOCATED AT THE MOST NORTHWESTERLY PROPERTY CORNER OF SAID 3.819 ACRE TRACT, SAID MAG NAIL ALSO BEING LOCATED AT THE CENTERLINE OF EAKIN ROAD (50 FEET WIDE);

THENCE FROM SAID POINT OF BEGINNING ALONG THE MOST NORTHERLY PROPERTY LINE OF SAID 3.819 ACRE TRACT, AND ALSO ALONG THE SAID CENTERLINE OF EAKIN ROAD, S. 75 DEGREES 47 MINUTES 44 SECONDS E., A DISTANCE OF 157.32 FEET TO A MAG NAIL (SET);

THENCE ACROSS SAID 3.819 ACRE TRACT, S. 14 DEGREES 44 MINUTES 26 SECONDS W. (PASSING A P.K.. NAIL (SET) AT A DISTANCE OF 30,000 FEET), A TOTAL DISTANCE OF 250.00 FEET TO AN IRON PIN (SET);

THENCE CONTINUING ACROSS SAID 3.819 ACRE TRACT, S. 75 DEGREES 47 MINUTES 44 SECONDS E. A

DISTANCE OF 102.00 FEET TO AN IRON PIN (SET), SAID IRON PIN BEING LOCATED AT THE MOST EASTERLY PROPERTY LINE OF SAID 3.819 ACRE TRACT, SAID IRON PIN ALSO BEING LOCATED AT THE MOST WESTERNLY PROPERTY LINE OF A 2.00 ACRE TRACT BELONGING TO ONOFRIO AND JOANNE PEZZO OF RECORD IN INSTRUMENT NO. 200506010106037 AT SAID RECORDER'S OFFICE;

THENCE ALONG SAID WESTERLY PROPERTY LINE, S. 14 DEGREES 44 MINUTES 26 SECONDS W. A DISTANCE OF 351.20 FEET TO AN IRON PIN (SET), SAID IRON PIN BEING LOCATED AT A POINT IN ARC IN THE WESTERLY RIGHT- OF-WAY LINE OF C.S.X. RAILROAD (60 FEET WIDE}); THENCE ALONG SAID ARC THAT BEARS TO THE LEFT {HAVING A RADIUS OF 11519.19 FEET, A DELTA ANGLE OF 00 DEGREES 19 MINUTES 14 SECONDS) A CHORD BEARING OF S. 37 DEGREES 19 MINUTES 46 SECONDS W. A CHORD DISTANCE OF 64.27 FEET TO AN IRON PIN {FOUND), SAID IRON PIN BEING A ½" REBAR PLUGGED J.J. SURVEYING, AND IN GOOD CONDITION; SAID IRON PIN BEING LOCATED AT THE MOST NORTHEASTERLY PROPERTY CORNER OF WOODBROOK VILLAGE CONDOMINIUMS OF RECORD IN PLAT BOOK I, PAGE 970 AT SAID RECORDER'S OFFICE;

THENCE ALONG A NORTHERLY PROPERTY LINE OF SAID WOODBROOK VILLAGE CONDOMINIUMS TRACT, N. 75 DEGREES 15 MINUTES 19 SECONDS W., A DISTANCE OF 224.62 FEET TO AN IRON PIN (FOUND), SAID IRON PIN BEING A ½" REBAR PLUGGED J.J. SURVEYING, AND IN GOOD CONDITION, SAID ALSO IRON PIN BEING LOCATED AT THE EASTERLY RIGHT-OF-WAY LINE OF WOODBROOK LANE (VARIABLE RIGHT-OF-WAY);

'THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N. 14 DEGREES 44 MINUTES 26 SECONDS E, A DISTANCE OF 458. 10 FEET TO AN IRON PIN (FOUND). SAID IRON PIN BEING 1" O.D. AND IN GOOD CONDITION;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N. 75 DEGREES 15 MINUTES 34 SECONDS W., A DISTANCE OF 10.00 FEET TO AN IRON PIN (FOUND), SAID IRON PIN BEING 1" O.D. AND IN GOOD CONDITION;

THENCE AGAIN CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N. 14 DEGREES 44 MINUTES 26 SECONDS E., {PASSING AN IRON PIN BEING 1" O.D., AND IN GOOD CONDITION AT A DISTANCE OF 170.00 FEET) A TOTAL DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.217 ACRES OF LAND.

PARCEL NUMBER: 570-109487

NOTE: IRON PINS (SET) ARE 30" X 1" O.D. WITH YELLOW PLASTIC CAPS INSCRIBED 6065, AND ARE IN EXCELLENT CONDITION.

BASIS OF BEARING IS THE CENTERLINE OF EAKIN ROAD BEING, S. 75 DEGREES 23 MINUTES 00 SECONDS E, AS SHOWN IN INSTRUMENT NO. 200506010106037, AT THE FRANKLIN COUNTY RECORDER'S OFFICE, FRANKLIN COUNTY, 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 tire retreading facility with all activities conducted indoors, or those uses permitted in the M-2, Manufacturing District.

**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.~~  
**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.**