



Legislation Text

File #: 3121-2017, **Version:** 1

Council Variance Application: CV17-070

APPLICANT: New Par, D/B/A Verizon Wireless; c/o Dan Noble; 7575 Commerce Court; Columbus, OH 43035.

PROPOSED USE: Monopole telecommunication antenna.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This request will permit the construction of a 120' high monopole telecommunications antenna on the Ohio State Fairgrounds which is zoned R, Rural. A variance is necessary because monopole telecommunications antennas are not permitted in the R, Rural district. The request includes additional variances to reduce vision clearance, building lines, height, and to permit alternative screening to match the fairground's existing wrought iron fencing with additional landscaping proposed. There is no Council adopted plan for this area. The proposed monopole and the associated variances can be supported because the structure will be located within the fairgrounds and will present no negative impact on the nearest residential uses which are located at least 350 feet away on the west side of adjacent raised railroad tracks.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3321.05(A)(2), Vision clearance; 3332.21 (D)(2), Building lines; 3332.29, Height districts; and 3353.05(D)(2), C-2 district development limitations, of the Columbus City Codes; for the property located at **482 EAST ELEVENTH AVENUE (43211)**, to permit a monopole telecommunication antenna with reduced development standards in the R, Rural District (Council Variance # CV17-070).

WHEREAS, by application # CV17-070, the owner of property at **482 EAST ELEVENTH AVENUE (43211)**, is requesting a Variance to permit a monopole telecommunication antenna with reduced development standards in the R, Rural District; and

WHEREAS, Section 3332.02, R, Rural 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 Ohio State Fairgrounds; and

WHEREAS, Section 3321.05(A)(2), Vision clearance, requires a clear vision triangle of 12 feet at the intersection of a driveway and the street right-of-way, and prevents plantings with foliage between 2.5' - 6' above finished grade within said area, while the applicant proposes landscaping within the antenna compound; and

WHEREAS, Section 3332.21(B), Building lines, requires a building setback of approximately 12 feet, while the applicant proposes a zero foot building line for a 7 foot tall fence; and

WHEREAS, Section 3332.29, Height districts, 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 120± feet as shown on the elevation drawing; and

WHEREAS, Section 3353.05(D)(4), C-2 district development limitations, requires that the base of all monopole telecommunication antenna sites and associated support structures be screened and buffered, at least 75% opaque, while the applicant proposes fencing that matches existing fencing along the site with additional landscaping as shown on the

site plan; and

WHEREAS, City Departments recommend approval because locating the monopole within the Ohio State Fairgrounds does not have a negative impact on the nearest residential uses which are located at least 350 feet away on the west side of adjacent raised railroad tracks; 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 **482 EAST ELEVENTH AVENUE (43211)**, 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 3332.02, R, Rural District; 3321.05(A)(2), Vision clearance; 3332.21(D)(2), Building lines; 3332.29, Height districts; and 3353.05(D)(2), C-2 district development limitations, of the Columbus City Codes, is hereby granted for the property located at **482 EAST ELEVENTH AVENUE (43211)**, insofar as said sections prohibit a 120± foot tall monopole telecommunication antenna in the R, Rural District, with landscaping within 12 feet of the right-of-way; a reduced building setback from 12 feet to 0 feet; an increased height from 35 feet to 120± feet; and reduced screening opacity; said property being more particularly described as follows:

482 EAST ELEVENTH AVENUE (43211), being 0.07± acres located on the north side of East Eleventh Avenue, 233± feet west of Daugherty Avenue, and being more particularly described as follows:

This is a description for New Par, dba Verizon Wireless, of a 0.072 acre Land Space, all out of that 5.55 acre tract of land owned by Ohio State Board of Agriculture, of record in Deed Book 166, Page 538, recorded May 17, 1884, all references to records being on file in the Office of the Recorder, Franklin County, Ohio.

Situated in Section 4, Township 1, Range 18, United States Military Lands, being a part of Lot 7 of George Stevenson's Heirs Subdivision, of record in Plat Book 1, Page 322 and which has been destroyed by fire, and re-recorded in Chancery Records Book 2, Page 322, City of Columbus, County of Franklin, State of Ohio, and being a 0.072 acre Land Space, all out of that 5.55 acre tract of land owned by Ohio State Board of Agriculture, of record in Deed Book 166, Page 538, recorded May 17, 1884, said 0.072 acre Land Space being more particularly described as follows:

The Point of Reference being an iron pin found at the intersection of the south right of way line of said 11th Avenue, with the westerly right of way line of Daugherty Avenue, and being the northwest corner of Lot 11 of Benjamin Monett's State Fair Park Addition, of record in Plat Book 5, Page 486; The Secondary Point of Reference being an iron pin found at the intersection of said westerly right of way line of Daugherty Avenue, with the northerly right of way line of Bonham Avenue, being the southwesterly corner of Lot 36 of said Benjamin Monett's State Fair Park Addition which bears South 03°04'33" West, at a distance of 276.70 feet; Thence from said Point of Reference North 03°04'33" West, into the right of way of 11th Avenue, a distance of 30.00 feet to a point on the centerline of said 11th Avenue, and being in the southerly line of said 5.55 acre tract; Thence North 86°54'54" West, along the centerline of said 11th Avenue, being the south line of said 5.55 acre tract, a distance of 280.18 feet to a point; Thence North 03°05'06" East, into said 5.55 acre tract, a distance of 34.07 feet to an iron pin set and being the True Place of Beginning of the herein described 0.072 acre Land Space, passing the northerly right of way of said 11th Avenue at a distance of 30.00 feet;

Thence North 03°05'06" East, a distance of 35.00 feet to an iron pin set;

Thence South 86°54'54" East, a distance of 50.00 feet to an iron pin set;

Thence South 70°55'33" East, a distance of 64.92 feet to an iron pin set;

Thence South 86°54'54" East, a distance of 11.34 feet to an iron pin set;

Thence South 22°26'29" West, a distance of 2.89 feet to an iron pin set at a point of non tangent curvature;

Thence 10.78 feet along the arc of a curve to the right, having a radius of 10.00 feet, a central angle of 61°45'25", the chord of which bears South 53°19'11" West, a chord distance of 10.26 feet to an iron pin set at a point of tangency;

Thence South 84°11'54" West, a distance of 10.09 feet to an iron pin set;

Thence North 05°48'06" West, a distance of 3.13 feet to an iron pin set;

Thence South 84°11'54" West, a distance of 60.55 feet to an iron pin set;

Thence North 86°54'54" West, a distance of 44.63 feet to the True Place of Beginning, containing 0.072 acre (3,124 square feet).

For the purpose of this description, a bearing of North 86°54'54" West was used on a portion of the centerline of 11th Avenue, being the southerly line of that 5.55 acre tract of land owned by Ohio State Board of Agriculture, of record in Deed Book 166, Page 538, recorded May 17, 1884, on file in the Office of the Recorder, Franklin County, Ohio. Said bearing based upon the Ohio South Zone - State Plane Coordinates.

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, Rural District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the plan titled, "**COMPOUND PLAN**," and signed by Rob Ferguson, Agent for the Applicant, and dated November 15, 2017. The plans 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 Compound Plan 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.