



## Legislation Text

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**File #:** 2769-2018, **Version:** 1

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### **Council Variance Application: CV18-074**

**APPLICANT:** City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage; c/o Jeremy Cawley; 1250 Fairwood Avenue; Columbus, OH 43206.

**PROPOSED USE:** Air quality facility for the proposed Lockbourne Intermodal Subtrunk (LIS) sewer.

**FAR SOUTH COLUMBUS AREA COMMISSION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow the construction of an air quality facility in the R, Rural District in conjunction with a planned subtrunk sewer project. The request includes variances for the use, lot size, and fronting requirements. A use variance is needed because although the R, Rural District allows certain soil conservation and watershed protection or reservoir-related uses, an air quality facility is not a permitted use. The R, Rural District also requires a minimum lot size of five acres with structures fronting on a public street, yet the proposed facility will require only 0.6 acres, and instead abutts a parcel along Rowe Road owned by the City of Columbus that is in Hamilton Township. The site is located within the planning area of the *South Central Accord* (1997), which recommends "Public and Semi-public" uses for this location. The proposed air quality facility is consistent with the Accord's land use recommendation, and will benefit surrounding residents by helping to eliminate any intrusive odors from the proposed subtrunk sewer. The facility will also provide ventilation which will minimize corrosion and extend the life of the sewer.

To grant a Variance from the provisions of Sections 3332.02, R, rural district; 3332.06, R, rural area district requirements; and 3332.19, Fronting; of the Columbus City Codes; for the property located at **548 ROWE ROAD (43137)**, to allow an air quality facility with reduced development standards in the R, rural district (Council Variance #CV18-074).

**WHEREAS**, by application #CV18-074, the owner of property at **548 ROWE ROAD (43137)**, is requesting a Council variance to allow an air quality facility with reduced development standards in the R, Rural District; and

**WHEREAS**, Section 3332.02, R, rural district, only permits certain soil conservation and watershed protection or reservoir-related uses, while the applicant proposes to construct an air quality facility for a planned subtrunk sewer project; and

**WHEREAS**, Section 3332.06, R, rural area district regulations, requires a minimum lot size of five acres, while the lot size for the proposed use is 0.6 acres; and

**WHEREAS**, Section 3332.19 Fronting, requires a principal building to front upon a public street, while the fan building for the facility has no frontage, but abutts a parcel of land owned by the City of Columbus that is located within Hamilton Township and adjacent to Rowe Road; and

**WHEREAS**, The Far South Columbus Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow an air quality

facility associated with a public utility that is consistent with the land use recommendations of the *South Central Accord*. The facility will benefit surrounding residents by helping to eliminate any intrusive odors from the proposed subtrunk sewer, and will also provide ventilation which will minimize corrosion and extend the life of the sewer; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; and

**WHEREAS**, said variances 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 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 variances will alleviate the difficulties encountered by the owners of the property located at **548 ROWE ROAD (43137)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That variances from the provisions of Sections 3332.02, R, rural district; 3332.06, R, rural area district regulations; 3332.19, Fronting; of the Columbus City Codes; are hereby granted for the property located at **548 ROWE ROAD (43137)**, insofar as said sections prohibit an air quality facility in the R, Rural District on a reduced lot size from 5 acres to 0.6 acres that has no frontage on a public street; said property being more particularly described as follows:

**548 ROWE ROAD (43137)**, being 0.6± acres located on the north side of Rowe Road, 1± mile east of South High Street, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, described as follows:

City of Columbus  
Legal Description  
Parcel A

Situated in the State of Ohio, County of Franklin, Township of Hamilton and being a part of Section 10, in Township 3, Range 22, Congress Lands, and part of a 195.528 acre tract of land identified as Parcel # 8 as conveyed to Edward J. Herrmann, Bishop of the Diocese of Columbus, Ohio in Deed Book 3689, Page 713(Parcel # 8) of the Franklin County Deed Records, and is bound and described as follows:

Beginning at Franklin County Geodetic Survey Monument designation: FCGS 5674 found at an angle point in the centerline of Rowe Road as referenced by Franklin County Geodetic Survey Monument designation :FCGS 5675 located North 47°11'26" West at 434.85';

Thence North 34°43'55" East 9.33 feet, along a line to a point on the Southerly line of the historic Columbus Lateral (Feeder) of the Ohio Erie Canal as acquired by the State of Ohio by the Canal Land Act of 1825 and as described in the Commissioner's Register and as demonstrated on page 18 of the Plat of the Columbus Feeder of the Ohio & Erie Canal dated January 30, 1927 as conveyed to the City of Columbus in Instrument Number 201510050140741 and the prolongation of the easterly property line of said Parcel # 8 conveyed to said Edward J. Herrmann;

Thence North 36°05'08" East 81.25 feet passing through said City of Columbus tract along said prolongation of said east line to the northerly line of said City of Columbus portion of the historic Columbus Lateral Canal and the southeast corner of said Parcel # 8 conveyed to said Edward J. Herrmann;

Thence North 63°07'36" West 45.44 feet, along the north line of the City of Columbus portion of the historic Columbus Lateral Canal to a 5/8"iron pin set and the **PRINCIPLE PLACE OF BEGINNING** of the parcel herein described;

Thence North 63°07'36" West 168.27 feet, continuing along the north line of the said City of Columbus portion of the historic Columbus Lateral Canal to a 5/8"iron pin set;

Thence North 51°11'52" East 212.69 feet, along a line passing over and through said Parcel # 8 conveyed to said Edward J. Herrmann to a 5/8" iron pin set;

Thence South 55°16'19" East 110.68 feet, along a line passing over and through said Parcel # 8 conveyed to said Edward J. Herrmann to a 5/8" iron pin set;

Thence South 36°05'08" West 181.02 feet, along a line passing over and through said Parcel # 8 conveyed to said Edward J. Herrmann to a 5/8" iron pin set north line of the said City of Columbus portion of the historic Columbus Lateral Canal and the **PRINCIPLE PLACE OF BEGINNING** and containing 0.604 acres (26321.1197 square feet) of land as surveyed by Bemba K. Jones in May of 2016.

The above description was prepared by Bemba K Jones, P.S. #7343 in August 2016 and is based on existing records and an actual field survey performed by XYZ Professional Services LTD. in May 2016. A drawing of the above description is attached hereto and made a part hereof.

Iron pins set are 5/8" diameter iron pipe, 30" long with plastic cap inscribed BKJ 7343.

Bearings are based on the Ohio State Plane Coordinate System NAD83, CORS12. A bearing of North 47° 11' 26" West was observed and held for the center line of Rowe Road.

All references used in this description can be found at the Recorder's Office Franklin County, Ohio unless otherwise noted.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an air quality facility, or those uses permitted in the R, Rural District.

**SECTION 3.** That this ordinance is further conditioned upon 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.