



Legislation Text

File #: 1135-2019, **Version:** 1

Council Variance Application: CV19-017

APPLICANT: Arlington Resources, Ltd.; c/o Eric Zartman, Atty.; Underhill & Hodge LLC; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Storage use within a mixed-use development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel partially developed with a monopole telecommunications tower in the C-2, Commercial District. The requested Council variance will permit storage uses in addition to a leasing office and three residential units on the second floor which are already permitted uses of the C-2 district. A Council variance is necessary because the C-2 district does not permit storage uses or dwellings above storage uses. Also included in the request are variances to reduce drive aisle and maneuvering along a property line of a parcel that is also owned by the applicant, and a reduction for distance separation of less objectionable uses from adjacent residential districts. The site is within the planning area of *The Northwest Plan* (2016), which recommends "Community Commercial" uses at this location. While the Plan's recommendation does not support the storage use, it is complementary to other permitted uses. The building design has been reviewed by the Planning Division and found to be consistent with Plan recommendations.

To grant a Variance from the provisions of Sections 3353.03, C-2 permitted uses; 3311.28(a), Less objectionable uses; 3312.09, Aisle; 3312.25, Maneuvering; and 3353.05(B), C-2 district development limitations, of the Columbus City Codes; for the property located at **5015 DIERKER ROAD (43220)**, to permit storage as a primary use in a mixed-use development in the C-2, Commercial District (Council Variance #CV19-017).

WHEREAS, by application #CV19-017, the owner of property at **5015 DIERKER ROAD (43220)**, is requesting a Council Variance to allow storage as a primary use in a mixed-use development in the C-2, Commercial District; and

WHEREAS, Section 3353.03, C-2, permitted uses, permits offices and residential above permitted commercial uses, while the applicant proposes to permit storage as a primary use in a mixed-use development in the C-2, Commercial District, with apartments located above said storage use; and

WHEREAS, Section 3311.28(a), Requirements, requires that less objectionable uses be located not less than 25 feet from residential districts, while the applicant proposes 10 feet from the adjacent residential district; and

WHEREAS, Section 3312.09, Aisle, requires aisle width and maneuvering to be 20 feet for 90-degree parking spaces, while the applicant proposes an aisle of 3.6 feet on the property with additional space across a property line of a parcel that is also owned by the applicant; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering across a property line of a parcel that is also owned by the applicant; and

WHEREAS, Section 3353.05(B), C-2 district development limitations, requires dwelling units to be located above uses

permitted in the district, while the applicant proposed to allow dwelling units located above storage uses; and

WHEREAS, City Departments recommend approval despite *The Northwest Plan*'s recommendation for commercial uses as the storage use is complementary to other permitted uses on the site and the building design has been reviewed by the Planning Division and found to be consistent with Plan recommendations; 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 **5015 DIERKER ROAD (43220)**, 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 3353.03, C-2 permitted uses; 3311.28(a), Less objectionable uses; 3312.09, Aisle; 3312.25, Maneuvering; and 3353.05(B), C-2 district development limitations; of the Columbus City Codes, is hereby granted for the property located at **5015 DIERKER ROAD (43220)**, insofar as said section prohibits storage in the C-2, Commercial District, with less objectionable uses to be located 10 feet from residential districts where 25 feet is required; a parking lot aisle that is divided by a property line; maneuvering across a property line; and residential units located above storage uses; said property being more particularly described as follows:

5015 DIERKER ROAD (43220), being 0.51± acres located on the west side of Dierker Road, 390± feet north of West Henderson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus.

Situated in the State of Ohio, County of Franklin, City of Columbus: Being a portion of Lot No. 6 in Davis Henderson Road Subdivision No. 2, as shown, of record in Plat Book 43, Page 81, Recorder's Office, Franklin County, Ohio, said Lot No. 6 having been conveyed to Dean S. and Patricia M. Baker by deed, of record in Deed Book 3225, Page 12, Recorder's Office, Franklin County, Ohio, said portion being bounded and described as follows:

Beginning at a 5/8-inch diameter solid iron pin found in the West line of Dierker Road at the Northeast corner of said Lot No 6 and at the Southeast corner of Lot No 5 in said Davis Henderson Road Subdivision No. 2;

Thence South 3° 26' 38" West along West line of Dierker Road, along a portion of the East line of said Lot No 6 and parallel with and 30.00 feet Westerly by perpendicular measurement from the centerline of Dierker Road a distance of 80.25 feet to a 3/4-inch I.D. iron pipe set:

Thence North 86° 33' 22" West crossing said Lot No 6 and parallel with and 80.25 feet Southerly by perpendicular measurement from the North line of said Lot No. 6, a distance of 208.80 feet to a 3/4-inch I.D. iron pipe set in a South line of said Lot No 6 and in a North line of a 1.843-acre tract of land conveyed to Pete T. and Billie K. Mattis by deed, of record in Instrument 199901290023905, Recorder's Office in County Ohio;

Thence North 62° 17' 00" West along a portion of a South line of said Lot No. 6 and along a portion of a North line of said 1.843-acre tract, a distance of 105.57 feet to a 3/4-inch I.D. iron pipe found at a Southwest corner of said Lot No. 6, at the Northwest corner of said 1.843-acre tract and at a corner of a 1.027 acre tract of land conveyed to Sean M. and Barbara Brogan by deed, of record in Official Record 33739A09, Recorder's Office, Franklin County, Ohio;

Thence North 3° 26' 38" East along a West line of said Lot No. 6 and along an East line of said 1.027-acre tract, a distance of 36.86 feet to a 3/4-inch I.D. iron pipe found at the Northwest corner of said Lot No. 6, at the Northeast corner of said 1.027-acre tract and in the South line of said Lot No. 5;

Thence South 86° 33' 22" East along the North line of said Lot No. 6 and along a portion of the South line of said Lot No. 5, a distance of 305.04 feet to the place of beginning; containing 0.514 acre of land, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a mixed-use development with a maximum of 2,200 square feet of storage area, or those uses permitted in the C-2, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the Plan titled, "**TEDERS' RENTAL PROPERTIES - ZONING REVIEW EXHIBIT**," dated April 17, 2019, and signed by Eric Zartman, Attorney for the Applicant. The plan 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 adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. Storage is limited to items utilized for property management/leasing office operations including, but not limited to, filing cabinets, paint, temporary heaters/A.C. units, backup generator, lawn mower, tools for small repairs, furniture, etc.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.