



## Legislation Text

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**File #:** 2551-2019, **Version:** 1

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### **Council Variance Application: CV18-105**

**APPLICANT:** Connie J. Klema, Attorney; P.O. Box 991; Pataskala, OH 43062.

**PROPOSED USE:** Storage yard.

**SOUTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned C-4, Commercial and M-2, Manufacturing districts, and is being used for open storage of construction equipment and materials. The site is subject to a Zoning Code violation (18470-03561) for initiating the storage yard use without a Certificate of Zoning Clearance. The requested Council variance is necessary because open storage is prohibited in the C-4 district, is only permitted in the rear yard within the M-2 district, and is subject to certain setback and distance separation requirements. The site is within the boundaries of the *Southwest Area Plan* (2009), which recommends light industrial land uses at this location. A site plan commitment is included that addresses landscaping along the north and west boundaries of the parcel where adjacent to residential development. A commitment for street trees along Stimmel Road and Harmon Avenue is also included in the request. Staff is supportive of the reduced development standards as this proposal is comparable to industrial developments on adjacent properties, and includes landscaping provisions to improve the streetscape and to buffer the adjacent residential uses.

To grant a variance from the provisions of Sections 3356.03, C-4 permitted uses; 3367.15(c)(e), M-2, manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes; for the property located at **714 STIMMEL RD. (43223)**, to permit a storage yard with reduced development standards in the C-4, Commercial District and M-2, Manufacturing District (Council Variance #CV18-105).

**WHEREAS**, by application #CV18-105, the owner of property at **714 STIMMEL RD. (43223)**, is requesting a Council variance to permit a storage yard with reduced development standards in the C-4, Commercial District and M-2, Manufacturing District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit storage uses, while the applicant proposes to legitimize a storage yard that is partially within the C-4 Commercial District; and

**WHEREAS**, 3367.15(c)(e), M-2, manufacturing district special provisions, requires a minimum 50 foot landscaped setback, and only permits open storage in the rear yard, while the applicant proposes no landscaped setback, with open storage not occurring in the rear yard due to the absence of buildings on the subject site; and

**WHEREAS**, Section 3367.29(b), Storage, requires the open storage of materials to be located at least 100 feet from any residential or apartment residential district, and at least 125 feet from the centerline of a secondary thoroughfare (50-80 feet of right-of-way), while the applicant proposes to maintain a storage yard within 50 feet of residential districts located across Harmon Avenue, and 30 feet from the centerlines of both Stimmel Road and Harmon Avenue which equates to a zero foot setback from those right-of-way lines; and

**WHEREAS**, the Southwest Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the request is comparable to industrial developments on adjacent properties, and includes landscaping provisions to improve the streetscape and to buffer the adjacent residential uses; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 owner of the property located at **714 STIMMEL RD. (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 3356.03, C-4 permitted uses; 3367.15(c)(e), M-2, manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes; is hereby granted for the property located at **714 STIMMEL RD. (43223)**, in so far as said sections prohibit a storage yard in the C-4, Commercial District; with no landscaped setbacks from Stimmel Road and Harmon Avenue where 50 feet is required; open storage not occurring in the rear yard in the M-2, Manufacturing District; a reduced setback from residential districts to 50 feet where 100 feet is required; and reduced setbacks from the centerlines of Stimmel Road and Harmon Avenue from 125 feet to 30 feet (zero feet from the right-of-way lines), said property being more particularly described as follows:

**714 STIMMEL RD. (43223)**, being 8.06± acres located at the northwest corner of Stimmel Road and Harmon Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Virginia Military Survey#422 and part of the 23.06 Acre tract conveyed to OG Holdings, Ltd. of record in Instrument Number 200707310133199 ~ Parcel I, Recorder's Office, Franklin County, Ohio (all reference to recorded documents are on file in said Recorder's Office, unless otherwise noted), and being more particularly described as follows:

Beginning at a railroad spike set at the southeast corner of said 23.06 Acre tract and the intersection of the centerline of Harmon Avenue (60 feet wide) with the centerline of Stimmel Road (width varies - Road Record 11, page 327), said spike being South 07°07'42" East, 1,064.15 feet along the centerline of said Harmon Avenue from Franklin County Engineer's Monument Box FCGS 1635;

Thence, along part of the south line of said 23.06 Acre tract and the centerline of said Stimmel Road, North 82°35'19" West, 822.00 feet to a railroad spike set;

Thence, across said 23.06 Acre tract the following two courses:

1) North 03°39'05" East, 435.48 feet to an iron pipe set (passing an iron pipe set at 30.07 feet);

2) South 85°11'47" East, 730.00 feet to a railroad spike set in the centerline of said Harmon Avenue and in the east line of said 23.06 Acre tract (passing an iron pipe set at 699.34 feet), said spike being South 07°07'42" East, 580.92 feet from

said Monument box FCGS 1635;

Thence, along part of the east line of said 23.06 Acre tract and along the centerline of said Harmon Avenue, South 07° 07'42" East, 483.23 feet to the place of beginning CONTAINING 8.062 Acres, subject, however, to all legal highways, leases, agreements, easements, restrictions of record and of records in the respective utility offices.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with open storage in accordance with the attached site plan, or those uses permitted in the C-4, Commercial and M-2, Manufacturing districts.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**ZONING SITE COMPLIANCE PLAN**," dated September 25, 2019, and signed by Connie J. Klema, 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 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 upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

**SECTION 5.** That this ordinance is further conditioned upon the following:

1. Right-of-way dedications of 30 feet from the centerlines of Stimmel Road and Harmon Avenue shall be completed prior to the approval of the final site compliance plan.
2. Street trees spaced at minimum 40 feet intervals shall be planted on the outside of the fence along Stimmel Road and Harmon Avenue. Species shall be approved by the Department of Recreation and Parks at the time of final site compliance approval.

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