



## Legislation Text

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**File #:** 0639-2020, **Version:** 1

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### **Council Variance Application: CV19-132**

**APPLICANT:** Pro Cars 3815 Storage; c/o Jana Whittredge, Agent; P.O. Box 73; Ashville, OH 43103.

**PROPOSED USE:** Impound lot and salvage yard.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant requests a Council variance to allow an impound lot and salvage yard use in an M-1, Manufacturing district. The site is subject to a Zoning Code violation (194470-0468) for initiating the impound and salvage operations without a Certificate of Zoning Clearance. The requested Council variance is necessary because impound lots and salvage yards are permitted only in the M, Manufacturing District with a Special Permit from the Columbus Board of Zoning Adjustment. The site is within the boundaries of the *Scioto Southland Area Plan* (2007), which recommends light manufacturing land uses at this location. Staff is supportive of the request as the site is adjacent to other manufacturing uses and approval will not introduce an incompatible use to the area. The proposal includes provisions for street trees to be installed forty feet on center along the Lockbourne Industrial Parkway frontage, with a six foot high chain link fence with nontransparent vinyl slats (or other appropriate screen) installed behind the trees to improve the streetscape. The applicant will be required to complete Special Permit Application #BZA19-150 with the Columbus Board of Zoning Adjustment (BZA) where additional conditions and limitations can be imposed.

To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing district; and 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, for the property located at **3815 LOCKBOURNE INDUSTRIAL PKWY. (43207)**, to permit an impound lot and salvage yard in the M-1, Manufacturing District, subject to a Special Permit from the Columbus Board of Zoning Adjustment (Council Variance CV19-132).

**WHEREAS**, by application #CV19-132, the owner of property at **3815 LOCKBOURNE INDUSTRIAL PKWY. (43207)**, is requesting a Council Variance to permit an impound lot and salvage yard in the M-1, Manufacturing District; and

**WHEREAS**, Section 3365.01, M-1 Manufacturing district, prohibits impound, junk and salvage yards, while the applicant proposes an auto impound lot and salvage operation; and

**WHEREAS**, Section 3389.07, Impound lot, junk yard or salvage yard, requires a Special Permit and only allows salvage yards in an M, Manufacturing District, while the applicant proposes an impound and salvage operation in an M-1, Manufacturing District, which will still be required to obtain a Special Permit from the Columbus Board of Zoning Adjustment; and

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

**WHEREAS**, City Departments recommend approval of the requested Council variance because the request does not introduce an incompatible use to the area and includes provisions for street trees and a screening fence to improve the

streetscape. The applicant will be required to complete Special Permit Application #BZA19-150 with the Columbus Board of Zoning Adjustment (BZA) where additional conditions and limitations can be imposed; 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 **3815 LOCKBOURNE INDUSTRIAL PKWY. (43207)**, 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 3365.01, M-1, Manufacturing district, and 3389.07, Impound lot, junk yard or salvage yard, of the Columbus City Codes, is hereby granted for the property located at **3815 LOCKBOURNE INDUSTRIAL PKWY. (43207)**, insofar as said sections prohibit an impound lot and salvage yard in the M-1, Manufacturing District; said property being more particularly described as follows:

**3815 LOCKBOURNE INDUSTRIAL PKWY. (43207)**, being 14.39± acres located on the west side of Lockbourne Industrial Parkway, 625± feet south of Williams Road, and being more particularly described as follows:

**TRACT I**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 14, Township 4, Range 22, Congress Lands, and being out of the remainder of that tract as conveyed to Electrical Contractors and Associates, of record in Official Record 13591B04, said remainder tract being a part of Reserve B of "Lockbourne Industrial Park" as recorded in Plat Book 50, Page 57, (all references refer to the record of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at the centerline intersection of Williams Road with Lockbourne Industrial Parkway, witness a railroad spike found 0.67 feet North and 1.42 feet West;

Thence South 03° 50' 26" West, with the centerline of said Lockbourne Industrial Parkway, a distance of 666.66 feet;

Thence North 86° 09' 34" West, leaving said centerline, a distance of 30.00 feet to an iron pin set in the westerly right-of-way line of said Lockbourne Industrial Parkway, the True Point of Beginning;

Thence South 03° 50' 26" West, with said westerly right-of-way line, a distance of 326.50 to an iron pin set marking the northeasterly corner of that 9.889 acre tract as conveyed to Joseph C. Bowman of record in Official Record 35083B17;

Thence North 86° 09' 34" West, with the northerly line of said 9.889 acre tract, a distance of 601.05 feet to an iron pin set marking the northwesterly corner thereof, in the easterly line of that 8.10 acre tract as conveyed to Cardinal Container Corporation of record in Official Record 1763D05;

Thence North 03° 50' 26" East, with the easterly line of said 8.10 acre tract, a distance of 326.50 feet to an iron pin set;

Thence South 86° 09' 34" East, across said Electrical Contractors and Associates tract, a distance of 601.05 feet to the True Point of Beginning and containing 4.505 acres, more or less.

Iron pins set, where indicated, are iron pipes, thirteen-sixteenth (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the same bearing system as “Hamilton Lakes North Section 1” as recorded in Plat Book 95, Pages 7 and 8.

## TRACT II

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Reserve “B” of “LOUCKBOURNE INDUSTRIAL PARK”, as the plat of same is a record in Plat Book 50, page 57, all references being to records in the Recorder’s Office, Franklin County, Ohio and bounded and described as follows:

Beginning for reference at a railroad spike found at the intersection of the centerline of Williams Road with the centerline of Lockbourne Industrial Parkway (as dedicated by plat of record in Plat Book 50, page 57 and being 60 feet in width);

Thence South 5 deg. 36’ 30” West, along the centerline of Lockbourne Industrial Parkway, a distance of 994.14 feet to a point;

Thence North 84 deg. 23’ 30” West, a distance of 30.00 feet to an iron pin set in the westerly right-of-way line of Lockbourne Industrial Parkway, being the TRUE POINT OF BEGINNING, the northeasterly corner of the tract herein intended to be described;

Thence South 5 deg. 36’ 30” West, along said right-of-way line of Lockbourne Industrial Parkway, a distance of 717.96 feet to an iron pin set;

Thence North 84 deg. 23’ 30” West, a distance of 600.00 feet to an iron pin set;

The North 5 deg. 36’ 30” East, a distance of 717.96 feet to an iron pin set;

Thence South 84 deg. 23’ 30” East, a distance of 600.00 feet to the point of beginning, containing 9.889 acres, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on the same meridian as the bearing of the northerly right-of-way line of south Columbus Airport Road (North 84 deg. 25’ 30” West), of record in Plat Book 50, page 57.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an impound lot and salvage yard in accordance with a Special Permit from the Columbus Board of Zoning Adjustment, or those uses permitted in the M-1, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned on the following: Street trees forty feet on center shall be installed along the Lockbourne Industrial Parkway frontage, with a six foot high chain link fence with nontransparent vinyl slats (or other appropriate screen) installed behind the trees, unless otherwise approved by the Board of Zoning Adjustment with Special Permit Application #BZA19-150.

**SECTION 4.** That this ordinance is further conditioned on 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.