



Legislation Text

File #: 1293-2021, **Version:** 1

Council Variance Application: CV20-037

APPLICANT: HK Phillips Restoration, Inc.; c/o Jeffrey L. Brown, Atty.; Smith and Hale, LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Contractor's office and storage yard.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #1292-2018; Z20-032) to the M, Manufacturing District. The applicant requests variances to aisle width, parking lot landscaping and screening, building and parking setbacks, residential distance separation, and storage location. Staff supports the requested variances noting that the applicant has included screening to the east of the site, sidewalks and street trees along Harmon Avenue, consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines, and will develop the site in accordance with the submitted site plan.

To grant a Variance from the provisions of Sections 3312.09, Aisle; 3312.21, Landscaping and screening; 3312.27, Parking setback line; 3363.24, Building lines in an M, Manufacturing District; 3363.27(B)(1) (2), Height and area regulations; and 3363.41, Storage; of the Columbus City Codes; for the property located at **972 HARMON AVE. (43223)** to permit reduced development standards for a contractor's office and storage yard in the M, Manufacturing District (Council Variance #CV20-037).

WHEREAS, by application #CV20-037, the owner of property at **972 HARMON AVE. (43223)**, is requesting a Council variance to permit reduced development standards for a contractor's office and storage yard in the M, Manufacturing District; and

WHEREAS, Section 3312.09, Aisle, requires a minimum width of twenty feet for parking spaces located at a 90 degree angle to the drive aisle, while the applicant proposes a seventeen foot wide drive aisle; and

WHEREAS, Section 3312.21, Landscaping and screening, requires landscaping to be provided both inside and on the perimeter of a parking lot, while the applicant proposes only to provide the landscaping and screening demonstrated on the submitted site plan; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback line of 25 feet along Harmon Avenue and Wharton Avenue, while the applicant proposes a reduced parking setback of 0 feet along Harmon Avenue and Wharton Avenue, as demonstrated on the submitted site plan; and

WHEREAS, Section 3363.24, Building lines in an M-Manufacturing district, requires a building line of 40 feet along Harmon Avenue and 25 feet along Wharton Avenue, while the applicant proposes 0 foot building lines along both Harmon Avenue and Wharton Avenue, as demonstrated on the submitted site plan; and

WHEREAS, Section 3363.27(B)(1), Height and area regulations, requires the building line to be 25 feet from public streets, while the applicant proposes 0 foot building lines along both Harmon Avenue and Wharton Avenue, as

demonstrated on the submitted site plan ; and

WHEREAS, Section 3363.27(B)(2), Height and area regulations, requires a minimum distance of 25 feet from any residential district, while the applicant proposes a contractor's storage yard, a less objectionable use, that is contiguous to a residential district; and

WHEREAS, Section 3363.41, Storage, requires the open storage of materials be located at least 100 feet from any residential district, 30 feet from a street right-of-way line, and 20 feet from a lot line, while the applicant proposes setbacks of 0 feet from a residential district, 0 feet from Wharton Avenue, and 0 feet from all other interior lot lines, as demonstrated on the submitted site plan; and

WHEREAS, the City Departments recommend approval because the requested Council variance includes a commitment to develop the site in accordance to the submitted site plan which demonstrates screening to the east, and sidewalks and street trees along Harmon Avenue, consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **972 HARMON AVE. (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 3312.09, Aisle; 3312.21, Landscaping and screening; 3312.27, Parking setback line; 3363.24, Building lines in an M, Manufacturing District; 3363.27(B)(1)(2), Height and area regulations; and 3363.41, Storage, of the Columbus City Codes, is hereby granted for the property located at **972 HARMON AVE. (43223)**, insofar as said sections prohibit a reduced aisle width from twenty feet to seventeen feet; no interior parking lot landscaping and screening except as demonstrated on the submitted site plan; reduced parking setbacks from 25 feet to 0 feet along Harmon Avenue and Wharton Avenue; reduced building lines from 40 feet and 25 feet to 0 feet along Harmon Avenue and Wharton Avenue, respectively; reduced distance separation for a less objectionable manufacturing use from a residential zoning district from 25 feet to 0 feet; and reduced open storage setback from a residential district from 100 feet to 0 feet, from the Wharton Avenue right-of-way line from 30 feet to 0 feet, and from interior lot lines from 20 feet to 0 feet; said property being more particularly described as follows:

972 HARMON AVE. (43223), being 0.72± acres located at the northeast corner of Harmon Avenue and Greenlawn Avenue, and being more particularly described as follows:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being Lot Number 1, 2, 60, 61 and 62, WHARTON PLACE, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 42 and 43, Recorder's Office, Franklin County, Ohio.

Together with the following described real estate:

Situate in the City of Columbus, Franklin County, Ohio. Being an alley fifteen (15) feet in width in the WHARTON

PLACE ADDITION, recorded in Plat Book 5, Page 42 of the Franklin County Recorder's Office. Said alley being between Lot 60 and Lots 61, 62 of said Addition from the southerly right-of-way line of Wharton Avenue (50' right-of-way) to the northerly right-of-way line of a twenty (20) foot wide alley which runs east-west between Wharton Avenue and Greenlawn Avenue, being more particularly described as follows:

Beginning at a bent 1/2" iron pipe found at the southeast corner of Lot 61 where the westerly line of the fifteen (15) foot wide alley intersects the northerly right-of-way line of said twenty (20) foot alley, said point being the northeast corner of a part of that twenty (20) foot alley vacated by City Ordinance 1295-84;

Thence North 10 degrees 38 minutes 48 seconds West along the easterly line of Lot 61 and Lot 62, the westerly line of said fifteen (15) foot alley for a distance of 108.24 feet to a 3/4" iron pipe previously set at the northeast corner of Lot 62, being on the southerly line of Wharton Avenue;

Thence North 78 degrees 05 minutes 00 seconds East along said southerly right-of-way line for a distance of 15.01 feet to a 3/4" iron pipe previously set at the northwest corner of Lot 60;

Thence South 10 degrees 38 minutes 48 seconds East along the westerly line of Lot 60, the easterly right-of-way line of said fifteen (15) foot alley for a distance of 111.38 feet to a 3/4" iron pipe previously set at the southwest corner of Lot 60;

Thence South 89 degrees 57 minutes 03 seconds West along the northerly right-of-way line of said twenty (20) foot alley for a distance of 15.27 feet to the Point of Beginning.

Said property contains 0.038 acres more or less.

This description prepared by Ahlers, Moe and Associates Inc. based on an actual survey in June 1995. The Basis of bearings for this description and survey being the southerly right-of-way line of Wharton Avenue as North 78 degrees 05 minutes 00 seconds East, derived for the plat of WHARTON PLACE ADDITION, Plat Book 5, Page 42.

Less and Excepting the following described real estate:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Virginia Military Survey Number 422, also being a part of Lots 1, 2, 61 & 62 of the Wharton Place Addition Subdivision as recorded in Plat Book 5, Page 42, and being a part of that 20 foot wide alley as vacated by City of Columbus Ordinance No. 1295-84, conveyed to Harold K. Phillips Masonry Inc. by deed shown of record in Official Record 14676D12, all references being to those of record in the Recorder's Office, Franklin County, Ohio, being more particularly described as follows:

Beginning at an iron pin found marking the southeasterly corner of said Lot 2 in the existing northerly right-of-way line of Greenlawn Avenue (County Road No. 146);

Thence North 87 degrees 45 minutes 19 seconds West, along the southerly line of said Lots 1 & 2, and along the existing northerly right-of-way line of Greenlawn Avenue, a distance of 93.18 feet to a point marking the southwesterly corner of said Lot 1 in the existing easterly right-of-way line of Harmon Avenue;

Thence North 09 degrees 18 minutes 40 seconds West, along the westerly line of said Lots 1, 61 & 62, and the existing right-of-way line of Harmon Avenue, a distance of 253.62 feet to a point marking the northwesterly corner of said Lot 62 in the existing southerly right-of-way line of Wharton Avenue;

Thence North 80 degrees 11 minutes 55 seconds East, along the northerly line of said Lot 62, and along the existing southerly right-of-way line of Wharton Avenue, a distance of 5.00 feet to a point in the proposed easterly right-of-way line of Harmon Avenue;

Thence South 09 degrees 18 minutes 40 seconds East, along the proposed easterly right-of-way line of Harmon Avenue, a

distance of 173.25 feet to an angle point in the proposed easterly right-of-way line of Harmon Avenue;

Thence South 16 degrees 26 minutes 07 seconds East, along the proposed easterly right-of-way line of Harmon Avenue, a distance of 36.37 feet to an point of tangent curvature in the proposed easterly right-of-way line of Harmon Avenue;

Thence southeasterly, along the arc of a curve to the left, (Delta = 65 degrees 10 minutes 06 seconds, Radius = 52.00 feet), a chord bearing and distance of South 49 degrees 01 minutes 10 seconds East, 56.01 feet to a point of tangency in the proposed northerly right-of-way line of Greenlawn Avenue;

Thence South 81 degrees 36 minutes 13 seconds East, continuing along the proposed northerly right-of-way line of Greenlawn Avenue, a distance of 49.35 feet to a point in the easterly line of said Lot 2;

Thence South 02 degrees 21 minutes 02 seconds West, along the easterly line of said Lot 2, a distance of 6.00 feet to the Point of Beginning and containing 0.060 acre, more or less, of which the present road occupies (P.R.O.) 0.000 acre.

The Grantor reserves the right to ingress and egress to and from the residual area.

The bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD 1927, between Army Corps of Engineers points 135-7 and 135-6 of the Franklinton Floodwall, bearing South 83 degrees 35 minutes 24 seconds East, a distance of 1702.86 feet.

The above described area contains 0.051 acre net take from Auditor's Parcel No. 010-005632, total record area 0.409 acre.

The above described area contains 0.009 acre take from Auditor's Parcel No. 010-063331 and is carried on the tax map as 0.330 acre.

Known as 972 Harmon Ave., Columbus, OH 43223
Parcel Number IDs: 010-063331 & 010-005632

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a contractor's storage yard or those uses permitted in the M, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE COMPLIANCE PLAN SHEETS 1 AND 2,**" dated May 10, 2021, and signed by Jeffrey L. Brown, Attorney for the Applicant. 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 adjustments to the plans 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 shall take effect and be in force from and after the earliest period allowed by law.