



Legislation Text

File #: 2191-2021, **Version:** 1

Council Variance Application: CV21-053

APPLICANT: Marshall Acquisitions LLC; c/o Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Floor 2; Columbus, OH 43215.

PROPOSED USE: Impound lot.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a warehouse building zoned in the M-1, Manufacturing District. The site is subject to a Zoning Code violation (20470-04446) for initiating impound operations without a Certificate of Zoning Clearance. The requested Council variance will allow an impound lot and salvage yard use in an M-1, Manufacturing District, subject to an approved Special Permit from the Columbus Board of Zoning Adjustment (BZA). The variance is necessary because impound lots and salvage yards are permitted only in the M, Manufacturing District with a Special Permit. The site is within the planning area of the *Hamilton Road Corridor Revitalization Plan* (2008), which recommends industrial and warehouse land uses at this location, and includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). 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. Planning Division staff continues to recommend landscaping and screening along the Groves Road frontage, but does not condition their support on this recommendation. The applicant will be required to complete Special Permit Application #BZA21-056 for which the Zoning Code provides that 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 **4645 GROVES RD. (43232)**, to permit an impound lot in the M-1, Manufacturing District, subject to a Special Permit from the Columbus Board of Zoning Adjustment (Council Variance CV21-053).

WHEREAS, by application #CV21-053, the owner of property at **4645 GROVES RD. (43232)**, is requesting a Council variance to permit an impound lot 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 impound lot; 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 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 Greater South East 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. The applicant will be required to complete Special Permit Application #BZA21

-056 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 **4645 GROVES RD. (43232)**, 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 **4645 GROVES RD. (43232)**, insofar as said sections prohibit an impound lot in the M-1, Manufacturing District; said property being more particularly described as follows:

4645 GROVES RD. (43232), being 7.01± acres located at the southwest corner of Groves Road and Eastland Commerce Center Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 28, Township 11, Range 21, Refugee Lands, and being part of a 28.478 Acre tract conveyed to Vince K. Oliver as shown of record in Deed Book 3185, Page 394, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing, at a set P.K. nail in the centerline of Groves Road (60 feet wide) at the northeast corner of the 8.743 Acre tract conveyed to Groves Road Associates, Ltd., as shown of record in Official Record Volume 10431 A-05, said Recorder's Office, said nail being North 89 degrees 44 minutes 19 seconds East, 430.00 feet from the northwest corner of said original 28.478 Acre tract;

Thence, along said centerline and the northerly line of said Section 28, North 89 degrees 44 minutes 29 seconds East, 212.00 feet to a set P.K. nail, and the TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

Thence, continuing along said centerline, North 89 degrees 44 minutes 29 seconds East, 387.19 feet to a set P.K. nail at the northwest corner of the 7.550 Acre tract conveyed to Buel-Sone Corporation as shown of record in Deed Book 3505, Page 440, said Recorder's Office;

Thence, along the westerly line of said 7.550 Acre tract, South 0 degrees 21 minutes 24 seconds East, 885.23 feet to a found iron pin in the southerly line of said original 28.478 Acre tract (passing a found iron pin at 30.00 feet), and the northerly line of the Eastland Concord Company's 1.441 Acre tract (Deed Book 3101, Page 434);

Thence, along part of the southerly line of said original 28.478 Acre tract, and the northerly line of said 1.441 Acres, South 89 degrees 41 minutes 29 seconds West, 387.09 feet to a found iron pin;

Thence, across said original 28.478 Acre tract, North 0 degrees 21 minutes 48 seconds West, 885.57 feet to the point of beginning, (passing a found iron pin at 855.57 feet) CONTAINING 7.869 ACRES, more or less.

Excepting all of the 0.862 acre dedicated by Plat Book 73, Page 13 as right of way.

Subject to all restrictions, reservations, covenants, conditions, easements, leases, rights of way and zoning ordinances of record.

Parcel No. 010-211497-00

Property Address: 4645 Groves Road, Columbus, Ohio

Prior Reference: Volume 15567, Page J12

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 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 applicant obtaining all applicable permits and a Certificate of Zoning Clearance 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.