



## Legislation Text

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**File #:** 2336-2021, **Version:** 1

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### **Council Variance Application: CV21-046**

**APPLICANT:** Agler Properties LLC; c/o James Monsul; 592 Office Parkway; Westerville, OH 43081.

**PROPOSED USE:** Industrial development.

**NORTHEAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2335-2021; Z21-034) to the M-2, Manufacturing District to maintain and expand an industrial development, including office/warehouse buildings and a contractor's office and storage yard. The request includes variances to not provide parking lot trees, to permit a minimum of 91 parking spaces, and to reduce parking, building, and storage setbacks. These reduced development standards reflect many existing conditions of the site, and do not further impact adjacent properties. The proposal includes a commitment to a site plan which depicts landscaping to be installed along the Agler Road frontage, and replacement of gravel parking surfaces to be improved with asphalt.

To grant a Variance from the provisions of Sections 3311.28(a), Requirements; 3312.21(A), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3367.15(A)(D), M-2 manufacturing district special provisions; and 3367.29 (B)(3), Storage, of the Columbus City Codes; for the property located at **3756 AGLER RD. (43219)**, to permit reduced development standards for an industrial development in the M-2, Manufacturing District (Council Variance #CV21-046).

**WHEREAS**, by application #CV21-046, the owner of property at **3756 AGLER RD. (43219)**, requests a Council variance to permit reduced development standards concurrent with a rezoning request to the M-2, Manufacturing District; and

**WHEREAS**, Section 3311.28(a), Requirements, requires that less objectionable uses be located not less than twenty-five (25) feet from residential districts, while the applicant proposes to maintain zero feet for the existing development to the west, and proposes a setback of 1 foot for new buildings; and

**WHEREAS**, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, with 10 trees being required for 91 parking spaces, while the applicant proposes no trees within the parking lot; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one parking space per 450 square feet of general office space, one parking space per 1,000 square feet of storage space plus one for each vehicle used in the business, and two parking spaces per service bay, while the applicant proposes 91 total parking spaces for the existing and proposed development and potential future expansion (9,375 square feet of office space and 66,375 square feet of warehouse space) which would require 92 total spaces; and

**WHEREAS**, Section 3367.15(A)(D), M-2, manufacturing district special provisions, requires minimum 50 foot

landscaped building and parking setbacks, while the applicant proposes to maintain reduced building and parking setbacks of 18 feet from the future right-of-way line of Agler Road (current setback is 28 feet); and

**WHEREAS**, Section 3367.29(B)(3), Storage, requires the open storage of materials to be located a minimum of 100 feet from any residential or apartment residential district and a minimum of 25 feet from lot lines, while the applicant proposes to maintain an outside storage area within 1 foot of adjacent property lines as depicted on the attached site plan; and

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

**WHEREAS**, the City Departments recommend approval because the requested variances will allow the applicant to conform existing conditions on site, and includes site improvements for landscaping along the Agler Road frontage and parking surface; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates 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 **3756 AGLER RD. (43219)**, 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 3311.28(a), Requirements; 3312.21(A), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3367.15(A)(D), M-2 manufacturing district special provisions; and 3367.29 (B)(3), Storage, of the Columbus City Codes, is hereby granted for the property located at **3756 AGLER RD. (43219)**, insofar as said sections prohibit reduced setbacks from a residential district from 25 feet to zero feet along the west property line for existing buildings and 1 foot along the north and west property lines for new buildings; no interior parking lot trees; a parking space reduction from 91 required spaces to 92 provided spaces; reduced building and parking setback lines from 50 feet to 18 feet (upon dedication of 10 additional feet of right-of-way along Agler Road); reduced open storage setback along a residential district from 100 feet to 1 foot; and reduced open storage setback from a lot line from 25 feet to 1 foot; said property being more particularly described as follows:

**3756 AGLER RD. (43219)**, being 3.81± acres located on the north side of Agler Road, 414± feet east of Stelzer Road, and being more particularly described as follows:

Situated in Quarter Township 1, Township 1 North, Range 17 West, United State Military Lands, located in the Mifflin Township, County of Franklin and State of Ohio.

Being the tract of land described to Agler Properties, LLC, an Ohio Limited Liability Company in Instrument Number 201407010083489 of the Franklin County Recorders' Office, Franklin County, Ohio.

**Commencing** at Franklin County Geodetic Survey Monument 4458, located in the centerline of Agler Road, 0.28 miles east of Stelzer Road;

Thence North 86 degrees 17 minutes 49 seconds West (N 86°17'49" W), along the centerline of Agler Road, a distance of

993.30 feet (993.30') to a point at the southwesterly corner of a 0.146-acre tract of land described as Parcel 87WD to the Franklin County Commissioners in Official Record 07596 F-03;

Thence leaving the centerline of said Agler Road, North 03 degrees 31 minutes 15 seconds East (N 03°31'15" E), along the westerly line of said 0.146 acre tract and a 0.037 acre tract of land described as Parcel 91WD to the Franklin County Commissioners in Instrument Number 200409280226315, and the easterly line of a 0.184 acre tract of land described as Parcel 83WD, Take Two to the Franklin County Commissioners in Official Record 07628 A-08, and the easterly line of a 0.046 acre tract of land described as parcel 65WD2 to the Franklin County Commissioners in Instrument Number 200407090159970, a distance of 50.00 feet (50.00') to a 5/8 inch diameter steel rebar w/ cap inscribed "Franklin County Engineer", found and held, on the northerly right of way line of said Agler Road at the southeasterly corner of a 2.000 acre tract of land described to Paul S. Lawrence Memorial Post 9857, Veterans of Foreign Wars of the U.S., an Ohio Non-Profit Corporation, being the **Point of Beginning** of the tract herein described;

Thence leaving the said northerly right of way line, North 03 degrees 31 minutes 15 seconds East (N 03°31'15" E), along the easterly line of the said 2.000 acre tract, the easterly line of a 0.873 acre tract described to Sena C. Lyons and James M. Eisinger in Instrument Number 200505120090392, a 0.873 acre tract of land described to Lisa Alley as Parcel One in Official Record 33967 E-05, a 0.873 acre tract of land described as Parcel Two to Lisa Alley in Official Record 33967 E-05, a 1.749 acre tract of land described to Clinton Roese and Charlene F. Roese in Instrument Number 199709050086841 and Instrument Number 200108150189286, a 0.873 acre tract of land described to JLH Group, Ltd. in Instrument Number 199712300177407, a 0.873 acre tract of land described to Michael J. Ciak and Debra J. Ciak in Volume 3648, Page 870, and a 0.926 acre tract of land described to Robert L. Mathews and Mark Ellen Mathews in Volume 3122, Page 308, Volume 3358, Page 645, and Official Record 05405 E-04, a distance of 1,034.02 feet (1,034.02') to a 3/4 inch diameter steel pipe, found & held, on the southerly line of a 15.679 acre tract of land described to The New Salem Missionary Baptist Church in Instrument Number 200507110135048, also being the City of Columbus Corporation line as described in Ordinance Number 1507-00, and of record in Instrument Number 200009130184747;

Thence leaving the northeasterly corner of the said 0.926 acre tract, South 87 degrees 13 minutes 45 seconds East (S 87° 13'45" E), along the southerly line of said 15.679 acre tract and said City of Columbus Corporation line, a distance of 160.49 feet (160.49') to a pin set at the northwesterly corner of a 2.000 acre tract of land described to 3790 Agler Road, LLC, an Ohio Limited Liability Company in Instrument Number 201412110164778;

Thence leaving the southerly line of said 15.679 acre tract, South 03 degrees 31 minutes 15 seconds West (S 03°31'15" W), along the westerly line of the said 2.000 acre tract, a distance of 1,036.65 feet (1,036.65') to a pin set on the northerly right of way line of said Agler Road, at the northeasterly corner of said 0.037 acre tract of land described to the Franklin County Commissioner;

Thence leaving the westerly line of said 2.00-acre tract, North 86 degrees 17 minutes 26 seconds West, along the northerly right of way of said Agler Road and the northerly line of said 0.37-acre tract, a distance of 160.48 feet (160.48') to the **Point of Beginning**, consisting of 3.814 acres of land (166,147 square feet), more or less.

This description is for annexation purposes only and is not to be used for transfer.

All pins set are 5/8-inch diameter steel rebar, 30 inches in length, with an orange cap inscribed "GHG LLC".

Bearings in this description are based on the Ohio State Plane Coordinate System, South Zone, NAD 83 (2011), with Agler Road having a bearing of North 86 degrees 16 minutes 46 seconds West (N 86°16'46" W), as established in the area of the subject tract by a Global Positioning Survey (GPS) performed by Gandeey Heydinger Group, LLC during March 2017.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for industrial development as permitted by the M-2, 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 PLAN SHEET 1A**” dated July 19, 2021, and signed by James Monsul, Agent 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. The setback from Agler Road as depicted on the site plan may be reduced to account for right-of-way dedication.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy 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.