



Legislation Text

File #: 1284-2022, **Version:** 1

Council Variance Application: CV21-104

APPLICANT: A-Temporary Fence, LLC; c/o Richard Signoracci, Agent; 2163 Sprucefield Drive; Columbus, OH 43229.

PROPOSED USE: Industrial development.

NORTH CENTRAL 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 #1283-2022; Z21-073) to the L-M, Limited Manufacturing District for a fencing contractor's storage facility. The requested concurrent Council variance includes variances for reduced parking, storage, and building setbacks, and to maintain no parking lot screening or screening for adjacent residential properties. The request is supported as the parking and building setbacks are existing conditions, and additional street trees, maintenance of a landscaped area on the south side of the site, and storage yard fence opacity improve the site's screening. Staff notes that although the site abuts residentially-zoned property to the east and south, those properties are either undeveloped, are being used for commercial or industrial purposes, or are pending zoning to a commercial district. The request will not introduce incompatible uses to the area as surrounding properties are used for similar purposes.

To grant a Variance from the provisions of Sections 3312.21(B), Landscaping and screening; 3312.27(4), Parking setback line; 3321.09, Screening; 3363.24, Building lines in an M-Manufacturing district; and 3363.41, Storage, of the Columbus City Codes; for the property located at **1402 JOYCE AVE. (43219)**, to permit reduced development standards for contractor's storage in the L-M, Limited Manufacturing District (Council Variance #CV21-104).

WHEREAS, by application #CV21-104, the owner of property at **1402 JOYCE AVE. (43219)**, requests a Council variance to permit reduced development standards for contractor's storage in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.21(B), Landscaping and screening, requires that any portion of a parking lot abutting any public street shall be screened for headlights on the perimeter adjacent to the public street, and that perimeter parking lot screening shall be provided within 80 feet of residentially-zoned property, while the applicant proposes to maintain no headlight screening or parking lot screening; and

WHEREAS, Section 3312.27(4), Parking setback line, requires a parking setback of 25 feet from the street right-of-way line, while the applicant proposes to maintain parking setback line of zero feet; and

WHEREAS, Section 3321.09, Screening, requires screening for nonresidential zoning districts abutting residential zoning districts, while the applicant proposes to maintain no screening for the adjacent residentially zoned districts to the east and south except for the proposed 100% opaque eight foot tall fence along the east property line, and landscaped buffer along the south property line, as depicted on the site plan included with Ordinance #1283-2022 (Z21-073); and

WHEREAS, Section 3363.24, Building lines in an M-Manufacturing district, requires a building line of 30 feet along

Joyce Avenue, and 25 feet along Windsor Avenue, while the applicant proposes a 19 foot building line along Joyce Avenue, and a 20 foot building line along Windsor Avenue; 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 reduced setbacks of 15 feet from the residentially zoned property to the east (which is pending zoning to the CPD, Commercial Planned Development District), 20 feet along Windsor Avenue, and zero feet along the east property line; and

WHEREAS, the North Central Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances will legitimize a fencing contractor storage facility with enhanced landscaping. The request will not introduce incompatible uses to the area as surrounding properties are used for similar purposes; 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 **1402 JOYCE AVE. (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 3312.21(B), Landscaping and screening; 3312.27(4), Parking setback line; 3321.09, Screening; 3363.24, Building lines in an M-Manufacturing district; and 3363.41, Storage, of the Columbus City Codes, is hereby granted for the property located at **1402 JOYCE AVE. (43219)**, insofar as said sections prohibit no parking lot headlight or perimeter landscaping and screening; a reduced parking setback line from 25 feet to zero feet; no screening between nonresidential and residentially zoned districts to the east and south except for the proposed 100% opaque eight foot tall fence along the east property line, and landscaped buffer along the south property line; reduced building setback lines from 30 feet to 19 feet along Joyce Avenue, and from 25 feet to 20 feet along Windsor Avenue; and reduced open storage setbacks from 100 feet to 15 feet from the residentially zoned property to the east, from 30 feet to 20 feet along Windsor Avenue, and from 20 feet to zero feet along the east property line; said property being more particularly described as follows:

1402 JOYCE AVE. (43219), being 0.62± acres located at the southeast corner of Joyce Avenue and Windsor Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and bounded and described as follows:

Being Lots Number One (1) and Two (2) and being Lots Number Three (3) and Four (4), of LEACREST ADDITION to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, page 38, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM 0.003 ACRES, more or less, as more fully described below:
PARCEL 99B-WD

JOYCE AVENUE AND 17TH AVENUE IMPROVEMENTS
IN THE NAME AND FOR THE USE OF THE CITY OF COLUMBUS

Situated in the State of Ohio, County of Franklin, City of Columbus and being in Quarter Township 4, Township 1, Range 18 of the United States Military Lands and being part of a tract of land conveyed to Carl J. Stephen by deed of record in Deed Book 3667, Page 195 all references to the Recorder's Office, Franklin County, Ohio, also being Lot 1 of Leacrest Subdivision in Plat Book 18, Page 38 and being a parcel of land located on the right side of the centerline of construction for Joyce Avenue and the south side of the centerline of Windsor Avenue, made for the City of Columbus by Dynotec Inc., and recorded in Plat Book 3667, Page 195, and being further bounded and described as follows:

Beginning at an iron pin set at the intersection of the easterly right of way line of Joyce Avenue (60' RW) and the southerly right of way line of Windsor Avenue (60' RW), said point being the Grantor's northwest corner and said Lot 1, and being 30.00 feet right of station 65+06.39 on Joyce Avenue;

Thence S 86°17'06" E along said southerly right of way line of Windsor Avenue and the north line of said lot 1 a distance of 35.83 feet to an iron pin set, being 65.82 feet right of station 65+06.67;

Thence S 88°00'16" W crossing onto said Grantor a distance of 25.68 feet to an iron pin set, being 40.30 feet right of station 65+03.92;

Thence S 36°29'05" W continuing through said Grantor a distance of 19.25 feet to an iron pin set on the easterly right of way line of Joyce Avenue and the west line of said lot 1, being 30.00 feet right of station 64+87.65;

Thence N 04°09'11" E along the west line of said Lot 1 and the said easterly right of way of Joyce Avenue a distance of 18.75 feet, to the point of beginning;

The above described area is contained within the Franklin County Auditor's Parcel Number 010-126394. Within said boundary is 0.003 acres, more or less, of which 0.000 acres is in the present road occupied, for a net take of 0.003 acres, more or less.

This description and survey was prepared from field observations made in March 2009 and reviewed on July 10, 2012 by Robert A. Bosworth, Registered Surveyor #7750.

All iron pins set are 5/8" rebar (30" long) with a yellow plastic cap stamped "R/W DYNOTEC, INC" and are to be placed to the completion of construction by the City of Columbus Survey Department.

The basis of bearings in this description is based on GPS observations using the Ohio CORS Network (Ohio South Zone) to determine a grid bearing in the NAD83 (96CORS adjustment) state plane coordinate system. The Columbus, Mount Vernon, and McConnelsville CORS stations were used in determining the grid bearing, and establishing a bearing along the centerline of Joyce Avenue to be N 13°32'54E (north of 17th Avenue).

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses as permitted by the L-M Limited Manufacturing District as specified by Ordinance #1283-2022 (Z21-073).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.