



## Legislation Text

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**File #:** 2004-2022, **Version:** 1

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### **Council Variance Application: CV22-027**

**APPLICANT:** Brad Woltz, 868 Partners, LLC; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Warehouse and office.

**FAR SOUTH COLUMBUS 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 #2003-2022; Z22-023) to the L-M-2, Limited Manufacturing District to permit warehouse and office uses. The requested variance will permit an office/storage development with reductions to less objectionable use separation, maneuvering, striping and marking, required surface, minimum number of required parking spaces (92 required; 63 provided), and open storage location and setbacks. Variances to maneuvering and parking spaces are also requested in consideration of the proposed lot split for the future telecommunications antenna parcel. The request is generally consistent with the development pattern in the surrounding area, and is similar to other approved variance proposals that have been supported. Proposed street trees, additional landscaping and buffering, and a pedestrian walkway are included with the rezoning ordinance.

To grant a Variance from the provisions of Sections 3311.28(a), Less objectionable uses; 3312.25, Maneuvering; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3312.49, Minimum number of parking spaces required; 3367.15(E), M-2 manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes; for the property located at **2270 WILLIAMS RD. (43207)**, to permit reduced development standards for warehouse and office uses in the L-M-2, Limited Manufacturing District (Council Variance #CV22-027).

**WHEREAS**, by application #CV22-023, the owner of property at **2270 WILLIAMS RD. (43207)**, requests a Council variance to permit reduced development standards concurrent with a rezoning request to the L-M-2, Limited Manufacturing District; and

**WHEREAS**, Section 3311.28(a), Less objectionable uses, requires a minimum 25 foot setback from residential districts for M-2, Manufacturing district uses, while the applicant proposes a 20 foot setback from a residential district; and

**WHEREAS**, Section 3312.25, Maneuvering, requires every parking space have sufficient access and maneuvering area, or 20 feet for 90 degree parking spaces, while the applicant proposes to allow maneuvering across parcel lines with less than 20 feet of maneuvering area; and

**WHEREAS**, Section 3312.39, Striping and marking, requires parking spaces to be striped or marked, while the applicant proposes no striping or marking; and

**WHEREAS**, Section 3312.43, Required surface for parking, requires the surface of any parking or loading space, parking lot, aisle or driveway be designed to control storm water runoff and be improved with Portland cement, or other approved hard surface other than gravel or loose fill, while the applicant proposes the parking spaces to be on unimproved surfaces;

and

**WHEREAS**, 3312.49, Minimum number of parking spaces required, requires one parking space per motor vehicle used in the business, plus one parking space per 1,000 square feet of warehouse space for the first 20,000 square feet, plus one parking space per 5,000 square feet for any amount of warehouse space between 20,000 and 120,000 square feet; one parking space per 450 square feet of office space; and 2 two spaces for every service bay for auto repair, for a total of 92 parking spaces for 48,000 square feet of warehouse space, 21,600 square feet of office space, and two fleet vehicle service bays, while the applicant proposes 63 total parking spaces; and

**WHEREAS**, 3367.15(e), M-2, manufacturing district special provisions, permits the open or unenclosed storage of materials and equipment in the rear yard only, while the applicant proposes to allow the storage of open or unenclosed materials and equipment in the side yard in addition to the code permitted rear yard; and

**WHEREAS**, Section 3367.29(b), Storage, requires the open storage of materials to be located within the rear yard 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 an outside storage area in advance of the rear yard, within 5 feet of residential districts, and within 5 feet of lot lines; and

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

**WHEREAS**, the City Departments recommend approval because the requested variances are generally consistent with the development pattern in the surrounding area, and proposed street trees, additional landscaping and buffering, and a pedestrian walkway are included with the rezoning ordinance; 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 **2270 WILLIAMS RD. (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 3311.28(a), Less objectionable uses; 3312.25, Maneuvering; 3312.39, Striping and marking; 3312.43, Required surface for parking; 3312.49, Minimum number of parking spaces required; 3367.15(e), M-2 manufacturing district special provisions; and 3367.29(b), Storage, of the Columbus City Codes, is hereby granted for the property located at **2270 WILLIAMS RD. (43207)**, insofar as said sections prohibit the minimum separation of less objectionable uses from a residential district from 25 feet to 20 feet; maneuvering across parcel lines with less than 20 feet of maneuvering area; no striping and marking; unimproved surface for parking and maneuvering; a reduction in the minimum number of parking spaces from 92 required to 63 provided; open storage in the side yard; reduced open storage setback along a residential district from 100 feet to 5 feet; and reduced open storage setback from a lot line from 25 feet to 5 feet; said property being more particularly described as follows:

**2270 WILLIAMS RD. (43207)**, being 6.24± acres located on the north side of Williams Road, 500± feet west of Alum Creek Drive, and being more particularly described as follows:

Parcel 1:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of section 12, Township 4, Range 22, of the Congress Lands, also being the same tract of land conveyed to Alberta H. Gregory Et.al. (3), as recorded In Official Record 2816, page D-10,

Beginning at a point in the center of Williams Road (40' R/W established in 1850), said point being N 86 deg. 05' 09" W, a distance of 607.27 feet from a monument box in the intersection of Williams Road with Alum Creek Drive,

Thence N 86 deg. 05' 09" W, with the center of said Williams Road a distance of 194.49 feet to a point in the center of said road,

Thence N 04 deg. 01' 55" E, with the west line of a tract of land conveyed to William R. Tyo (Tax Parcel No. 10-197190), and the west line of a tract of land conveyed to Columbus All-Breed Training Club Inc. (Tax Parcel No. 10-181424), passing a 3/4 inch IDIPipe found at a distance of 20 feet, a total distance of 938.64 feet to a 1 1/2 inch IDIPipe found at the southwest corner of a tract of land conveyed to Richard A. Winnestaffer (Tax parcel No. 10-111819), Official Record 13671, page 113,

Thence S 86 deg. 05' 42" E, with the south line of said Winnestaffer lands, a distance of 323.87 feet to a 3/4 inch IDI Pipe found at the northeast corner of a tract of land conveyed to Alum Creek Baptist Church (Tax Parcel No. 10-111854),

Thence S 03 deg. 59' 10" W, with the west line of said Church lands, a distance of 627.33 feet to a 3/4 Inch IDIPipe found on the north line of F.O. Craig (Tax Parcel 10-111855),

Thence N 85 deg. 55' 10" W, with the north lines Craig, McGee (Tax Parcel 10-111856), Kleinlein Tax Parcel No. (Tax Parcel 10-111878) respectively, a distance of 130.63 feet to a 3/4 inch IDIPipe found at the northwest corner of said Kleinlein lands,

Thence S 03 deg. 53' 43" W, with the west line of said Kleinlein lands, passing a 3/4 inch iron pipe found at a distance of 291.31 feet, a total distance of 311.73 feet to the place of beginning and containing 6.055 Acres more or less, subject to any right-of-ways and or laws and restrictions of record.

Bearings for this description are based on State Plane Coordinate System, (South Zone), and the North American Datum of 1983, as established from a survey by Franklin County Engineer "Survey Department", in 1989.

All 5/8 inch rebars set have a length of 30", and are capped with a plastic marker stamped "SURVEYING FIRST CO".

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

Situated in the state of Ohio, County of Franklin, City of Columbus, in the Southeast Quarter of Section 12, Township 4, Range 22, Congress Lands, and being part of the 6.055 Acre tract conveyed to Larry G. Stanley, et.al. in Official Record Volume 15426 B-16, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a set P.K. nail in the centerline of Williams Road, said point being North 86 degrees 05 minutes 09 seconds West, 607.27 feet from found Franklin County Monument "FCGS 8820" at the centerline intersection of Williams Road and Alum Creek Road, said point also being the southwest corner of a tract conveyed to Floyd and Beulah F. Kleinlein in Deed Book 3398, Page 348 and the southeast corner of said 6.055 Acre tract;

Thence, along the centerline of Williams Road and the south line of said 6.055 Acre tract, North 86 degrees 05 minutes 09 seconds West, 194.49 feet to a set P.K. nail at the southwest corner of said 6.055 Acre tract, also being the southeast

corner of a 0.420 Acre tract conveyed to William K. and Beverly R. Tyo in Official Record Volume 6992 H-16;

Thence, along part of the west line of said 6.055 Acre tract and part of the east line of said 0.420 Acre tract, North 04 degrees 01 minutes 55 seconds East, 50.00 feet to a set iron pin;

Thence, across said 6.055 Acre tract, parallel with the centerline of Williams Road and the south line of said 6.055 Acre tract, South 86 degrees 05 minutes 09 seconds East, 194.37 feet to a set iron pin in the east line of said 6.055 Acre tract and in the west line of said Kleinlein tract;

Thence, along part of the east line of said 6.055 Acre tract and part of the west line of said Kleinlein tract, South 03 degrees 53 minutes 43 seconds West, 50.00 feet to the Point of Beginning, CONTAINING 0.223 ACRES, subject, however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

Iron pins set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. 16579". Basis of bearings is North 86 degrees 05 minutes 09 seconds West on the centerline of Williams Road as per Official Record Volume 15426 B-16.

Parcel 2:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, formerly the Township of Marion:

Being a part of the Southeast Quarter of Section Twelve (12), Township 4, Range 22, Matthews Survey of Congress lands and being more particularly described as follows:

Beginning at a stake in the center of the County Road N. 87° W 20° 20.46 poles from the Southeast corner of said Section No. 12; thence North 87° West 28.14 poles to a stake; thence N 3° E 62.54 poles to a stake; thence S 87° E 28.14 poles to a stake; thence S 3° W 62.54 poles to the place of beginning containing eleven (11) acres of land except one (1) acre conveyed to Mary B. Kleinlein to Ethel M. Kleinlein in two parcels of one quarter each by deeds dated June 13, 1921 and August 2, 1923 and of record in Volume 699, Page 428 and Volume 754, Page 535 respectively of records of deeds of said county. The part hereby conveyed being more particularly described as follows: Beginning at a point in the center of County Road North 87° West 547.59 feet from the southeast corner of said Section No. 12; thence North 3° East a distance of 311.15 feet to a point; thence North 87° West 60 feet to a point; thence South 3° West 311.15 feet to a point; thence South 87° East 60 feet to the place of beginning.

EXCEPTING THE FOLLOWING DESCRIBED 0.069 ACRE TRACT (DESCRIBED IN INSTRUMENT NO. 201008240108640)

Situated in the State of Ohio, County of Columbus, City of Columbus, located in Section 12, Township 4-North; Range 22-West, Matthew's Survey of Congress Lands of 1795-1802, and being a part of that 0.428 acre tract as conveyed to Albert Dowden and Juanita Dowden by deed of record in Official Record 33693 J03, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Being a parcel of land located on the left side of the Plat of the Centerline of Right-of-Way of FRA-C.R. 1224.14, as recorded in Plat Book \_\_\_\_, Page \_\_\_\_:

Beginning for reference at Franklin County Monument #8820, at the intersection of the existing right-of-way centerline of Williams Road (County Road 123), with the existing right-of-way centerline of Alum Creek Drive (County Road 122), being 0.00 feet right of Alum Creek Drive station 76+49.63;

Thence North 86° 05 minutes, 07 seconds West, a distance 548.24 feet along the existing right-of-way centerline of said Williams Road, and along the southerly line of said Section 12 to the southeast corner of said Dowden 0.428 acre tract, being 0.00 feet left of Williams Road station 24+33.49, and being the Point of True Beginning;

Thence continuing North 86° 05 minutes, 07 seconds West, a distance of 60.00 feet, along the existing right-of-way centerline of said Williams Road, and along the southerly line of said Dowden 0.428 acre tract, to the southwest corner of said Dowden 0.428 acre tract, being 0.00 feet left of Williams Road station 23+73.49;

Thence North 04° 04 minutes, 21 seconds East, a distance of 50.00 feet along the westerly line of said Dowden 0.428 acre tract, and along the easterly line of that 0.223 acre tract as conveyed to the City of Columbus by deed of record in Official Record 28783 D16, to an iron pin set at the intersections with the proposed northerly right-of-way line of said Williams Road, being 50.00 feet left of Williams Road Station 23+73.63;

Thence South 86° 05 minutes, 07 seconds East, a distance of 60.00 feet across said Dowden 0.428 acre tract, and along the proposed northerly right-of-way line of said Williams Road to an iron pin set at the intersection with the easterly line of said Dowden 0.428 acre tract, being 50.00 feet left of Williams Road station 24+33.63;

Thence South 04° 04 minutes 21 seconds West, a distance of 50.00 feet along the easterly line of said Dowden 0.428 acre tract, and along the westerly line of that 0.429 acre tract as conveyed to Sadie R. McGee by deed of record in Official Record 16501 H20, to the Point of True Beginning, containing 0.069 acres, more or less, of which 0.034 acres, more or less, lies within the present road occupied;

Of the above described area, 0.069 acres is contained within the Franklin County Auditor's parcel 530-111878;

The bearing datum of the afore-described parcel is based on the bearing of South 86° 05 minutes, 07 seconds East, for the centerline of Williams Road, from and adjusted field survey using G.P.S. methods using Franklin County Monuments #8819, #8826, #8840, based on the Ohio State Plane Coordinate System, South Zone, NAD 83.

This description was based upon a survey of Alum Creek Drive and Williams Road by R.D. Zande & Associates, Inc., in March 1999, and prepared on March 19, 2007 by Tim A. Baker, Registered Surveyor 7818.

Iron pins set are 3/4 inches in diameter by 30 inches long with a 1-1/2 inch aluminum cap placed on top, bearing the name "ODOT R/W" and "R D ZANDE & ASSOC."

**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 permitted in the L-M-2, Limited Manufacturing District as specified in Ordinance #2003-2022 (Z22-023).

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the plans titled "**PROPOSED OFFICE/WAREHOUSE BUILDING,**" "**SITE PLAN,**" and "**LANDSCAPE PLAN**," all dated June 20, 2022, signed by Eric Zartman, 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 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

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate 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.