



Legislation Text

File #: 0173-2023, **Version:** 1

Council Variance Application: CV22-058

APPLICANT: Colonial Landscaping; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Landscape contractor's facility.

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 request to the L-M, Limited Manufacturing District (Ordinance #0172-2022; Z22-048) to allow a landscape contractor's facility. Variances are requested to modify the parking setback, building lines, height and area regulations, and storage requirements. Staff supports the variances as they allow the existing facility to be brought into compliance, and notes the triangular shape of the property limits the ability to comply with required setbacks. Additionally, the request incorporates landscaping, softening the parking lot's impact from the roadway, consistent with the *Northeast Area Plan's* design guidelines.

To grant a Variance from the provisions of Sections 3312.27, Parking setback line; 3363.24, Building lines in an M-manufacturing district; 3363.27(b)(2), Height and area regulations; and 3363.41, Storage, of the Columbus City Codes; for the property located at **3730 WESTERVILLE RD. (43224)**, to permit reduced development standards for a landscape contractor's facility in the L-M, Limited Manufacturing District (Council Variance #CV22-058).

WHEREAS, by application #CV22-058, the owner of property at **3730 WESTERVILLE RD. (43224)**, is requesting a Council variance to permit reduced development standards for a landscape contractor's facility in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet from the street right-of-way line, while the applicant proposes a reduced setback of 12 feet; and

WHEREAS, Section 3363.24, Building lines in an M-manufacturing district, requires a building setback line of 25 feet along Westerville Road, while the applicant proposes a reduced building setback line of zero feet for an eight foot tall fence; and

WHEREAS, Section 3363.27(b)(2), Height and Area Regulations, requires a 25 foot setback from residentially-zoned property, while the applicant proposes a reduced setback of 5 feet along the northern property line and 14 feet along the southern property line; and

WHEREAS, Section 3363.41, Storage, requires the open storage of materials be located at least 100 feet from any residential district, while the applicant proposes a reduced setback of 14 feet from adjacent residentially zoned property; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances allow an existing landscape contractor's facility to be brought into compliance, and provide desirable site design elements consistent with the *Northeast Area Plan's* 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 **3730 WESTERVILLE RD. (43224)**, 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 3312.27, Parking setback line; 3363.24, Building lines in an M-manufacturing district; 3363.27(b)(2), Height and area regulations; and 3363.41, Storage, of the Columbus City Codes, is hereby granted for the property located at **3730 WESTERVILLE RD. (43224)**, insofar as said section prohibits a landscape contractor's facility with a reduced parking setback line from 25 to 12 feet; a reduced building setback from 25 to zero feet for an eight foot tall fence; a reduced distance separation from residentially-zoned property from 25 to 5 feet along the northern property line and 14 feet along the southern property line; and a reduced open storage setback from 100 to 14 feet from residentially zoned adjacent property; said property being more particularly described as follows:

3730 WESTERVILLE RD. (43224), being 1.32± acres located on the east side of Westerville Road, 870± feet south of Walnut Creek Drive, and being more particularly described as follows:

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

Being a part of the Second Quarter of Township 1, Range 17, United States Military Lands, and being a part of the Moses W. and S.K. Mayes tract as the same is recorded in Deed Book 2549, Page 466, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Westerville Road (old location) at the Southwest corner of the O.C. Rittenour tract (Deed Book 2211, Page 613) Franklin County Deed Records or the Northeast corner of the Moses W. and S.K. Mayes tract; thence along the North line of the said Mayes tract or the South line of the said O.C. Rittenour tract South 42 degrees 49' East (passing an iron pipe found at 50.84 feet) 407.7 feet to an iron pin found; thence along the Southwesterly line of the said Rittenour tract, South 21 degrees 53' East, 24.17 feet to an iron pin found; thence across the said Mayes tract, North 79 degrees 00' 30" West (passing an iron pin at 370.83 feet), 428.49 feet to a point in the centerline of Westerville Road (old location); thence along the centerline of the road, North 29 degrees 18' East 294.97 feet to the Place of Beginning, containing 1.324 acres, more or less.

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, Limited Manufacturing District in accordance with Ordinance #0172-2023 (Z22-048).

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.