



Legislation Details (With Text)

File #: 3140-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/4/2022 **In control:** Zoning Committee

On agenda: 12/5/2022 **Final action:** 12/7/2022

Title: To grant a Variance from the provisions of Section 3353.03, Permitted uses, of the Columbus City Codes; for the property located at 2686-2772 SAWBURY BLVD. (43235), to permit salon, massage, and pet training/grooming uses within an existing office development in the C-2, Commercial District (Council Variance #CV22-089).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD3140-2022.Attachments, 2. ORD3140-2022.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--|--------|
| 12/7/2022 | 1 | CITY CLERK | Attest | |
| 12/6/2022 | 1 | MAYOR | Signed | |
| 12/5/2022 | 1 | COUNCIL PRESIDENT | Signed | |
| 12/5/2022 | 1 | Zoning Committee | Waive the 2nd Reading | Pass |
| 12/5/2022 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 12/5/2022 | 1 | Zoning Committee | Approved | Pass |
| 12/5/2022 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |

Council Variance Application: CV22-089

APPLICANT: Sawbury Columbus 4m; c/o Yancy Xue; 2700 Sawbury Boulevard; Columbus, OH 43235.

PROPOSED USE: Commercial development.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels developed with an office complex in the C-2, Commercial District. The requested Council variance will permit salon, massage, and pet training/grooming uses within the existing development which are not permitted in the C-2, Commercial District. The site is within the planning area of *The Northwest Plan* (2016), which recommends "Office" land uses at this location. Staff views the proposed uses as a limited form of retail service uses that are otherwise compatible with smaller-scale office uses as is present at this location.

To grant a Variance from the provisions of Section 3353.03, Permitted uses, of the Columbus City Codes; for the property located at **2686-2772 SAWBURY BLVD. (43235)**, to permit salon, massage, and pet training/grooming uses within an existing office development in the C-2, Commercial District (Council Variance #CV22-089).

WHEREAS, by application #CV22-089, the owner of property at **2686-2772 SAWBURY BLVD. (43235)** is requesting a Council variance to permit salon, massage, and pet training/grooming uses within an existing office development in the C-2, Commercial District; and

WHEREAS, Section 3353.03, Permitted uses, does not permit salon, massage, and pet training/grooming uses in the C-2, Commercial District, while the applicant proposes these uses within an existing office development; and

WHEREAS, City Departments recommend approval because the proposed uses are a limited form of retail service uses compatible with the office uses in the existing development; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **2686-2772 SAWBURY BLVD. (43235)**, 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 Section 3353.03, Permitted uses, of the Columbus City Codes, is hereby granted for the property located at **2686-2772 SAWBURY BLVD. (43235)**, insofar as said section prohibits salon, massage, and pet training/grooming uses in the C-2, Commercial District; said property being more particularly described as follows:

2686-2772 SAWBURY BLVD. (43235), being 3.97± acres located on the north side of Sawbury Boulevard, 450± feet east of Sawmill Road, and being more particularly described as follows:

Parcel I: 590-195553-00

Situated in the State of Ohio, County of Franklin, City of Columbus, and in Lot 16 as the same is numbered and delineated upon the plat of Flavel Tuller's Survey of Section 1, Township 2, Range 19, United States Military Lands, in Plat Book 3, Page 60, containing 1.441 acres of land, more or less, said 1.441 acres being out of that 4.000 acre tract of land described in the deed to Donald R. Kenney, Tr of record in Official Record 3571 Page HO1, both being of record in the Recorder's Office, Franklin County, Ohio, said 1.441 acres of land being more particularly described as follows:

Beginning, for reference, at a ¾-inch (1.0.) iron pipe in a northerly right of way line of Sawbury Boulevard as said Sawbury Boulevard in so designated and delineated upon the plat of Summerwood Section No. 3 Phase No. 1 (Dedication of Parts of Sawbury Boulevard, Sawmill Road, Shirlington Drive and Billingsley Road and Easements) in Plat Book 57, Page 50, said reference point of beginning being the southwesterly corner of that 12.117 acre tract of land described in the deed to Donald R. Kenney, Trustee, in Deed Book 3798, Page 796, both being of record in the Recorder's Office, Franklin County, Ohio; thence, from said reference point of beginning, westwardly, with a northerly right of way line of said Sawbury Boulevard, the same being the arc of a curve to the right having a radius of 1,920 feet, a central angle of 29 58' 07" and a chord that bears N 82° 15'29" W, a chord distance of 99.47 feet to a point at the true point of beginning in the southeasterly corner of said 4.000 acre tract;

Thence, from said true point of beginning, westwardly, with the southerly boundary of said 4.000 acre tract and with a northerly right of way line of said Sawbury Boulevard, the same being the arc of a curve to the right having a radius of

1,920.00 feet, a central angle of 30 20' 45" and a chord that bears N 79° 06' 03" W, a chord distance of 112.11 feet to a point of reverse curvature in the northerly right of way line of said Sawbury Boulevard;

Thence westwardly, with the southerly boundary of said 4.000 acre tract and with a northerly right of way line of said Sawbury Boulevard, the same being the arc of a curve to the left having a radius of 1,980.00 feet, a central angle of 1° 12' 21" and a chord that bears N 78° 01' 50" W, a chord distance of 41.67 feet to a point;

Thence N 0° 20' 19" E, crossing said 4.000 acre tract, a distance of 405.73 feet to a point in the northerly line of said 4.000 acre tract, the same being in the southerly line of that ten acre tract of land described in the deed to Americo Nini, Mary A. Nini, Ralph L. Sanese and Theodora Sanese of record in Deed Book 2856, Page 35, Recorder's Office, Franklin County, Ohio;

Thence S 89° 49' 59" with the northerly line of said 4.000 acre tract, with, in part, the southerly line of said Nini et al ten acre tract and with, in part, the southerly line of that 3.984 acre tract of land described in the deed to Dale Edward Williams of record in Deed Book 3408, Page 90, Recorder's Office, Franklin County, Ohio, a distance of 147.22 feet to the northeasterly corner of said 4.000 acre tract;

Thence S 00° 09' 44" E, with the easterly line of said 4.000 acre tract, a distance of 435.13 feet to the true point of beginning and containing 1.441 acres of land, more or less.

Parcel II: 590-196062-00

Situated in the State of Ohio, County of Franklin, City of Columbus, and in Lot 16 as the same is numbered and delineated upon the plat of Flavel Tuller's Survey of Section 1, Township 2, Range 19, United States Military Lands, Plat Book 3, Page 60, containing 1.256 acres of land, more or less, said 1.256 acres being out of that 4.000 acre tract of described in the deed to Donald R. Kenney, Tr of record in Official Record 3571 Page HO1, both being of record in the Recorder's Office, Franklin County, Ohio, said 1.256 acres of land being more particularly described as follows:

Beginning, for reference, at a 3/4-inch (I.D.) iron pipe in a northerly right of way line of Sawbury Boulevard as Sawbury Boulevard is so designated and delineated upon the plat of Summerwood Section No. 3 Phase No. 1 (Dedication of Parts of Sawbury Boulevard, Sawmill Road, Shirlington Drive and Billingsley Road and Easements) In Plat Book 57, Page 50, said reference point of beginning being the southwesterly corner of that 12.117 acre tract of land described in the deed to Donald R. Kenney Trustee, in Deed Book 3798, Page 756, both being of record in the Recorder's Office, Franklin County, Ohio; from said reference point of beginning, in part, with the southerly line of said 4.000 acre tract and with the northerly right of way line of said Sawbury Boulevard, the following two courses and distances:

1.) Westwardly, with the arc of a curve to the right, having a radius of 1,920 feet, a central angle of 6° 18' 53" and a chord that bears N 80° 35' 06" W, a chord distance of 211.50 feet to a point of reverse curvature;

2.) Westwardly, with the arc of a curve to the left having a radius of 1,980.00 feet, a central angle of 1° 12' 21" and a chord that bears N 78° 01' 50" W, a chord distance of 41.67 feet to the true point of beginning;

Thence, from said true point of beginning, westwardly, with the southerly line of said 4.000 acre tract and with the northerly right of way line of said Sawbury Boulevard and with the arc of a curve to the left, having a radius of 1,980.00 feet, a central angle of 4° 04' 23" and a chord that bears N 80° 40' 12" W, a chord distance of 140.73 feet to a point;

Thence N 00° 20' 19" E, crossing said 4.000 acre tract, a distance of 383.32 feet to a point in the northerly line of said 4.000 acre tract, the same being in the southerly line of that ten acre tract of land described in the deed to America Nini, Mary A. Nini, Ralph L. Sanese and Theodora Sanese of record in Deed Book 2856, Page 35, Recorder's Office, Franklin County, Ohio;

Thence S 89° 49' 59" E, with the northerly line of said 4.000 acre tract and with the southerly line of said Nini et al ten acre tract, a distance of 139.00 feet to a point;

Thence S 00° 20' 19" W crossing said 4.000 acre tract, a distance of 405.73 feet to the true point of beginning and containing 1.256 acres of land, more or less.

Subject to rights of ways, easements and restrictions, if any, of previous record.

PARCEL III: 590-196061-00

Situated in the State of Ohio, County of Franklin, City of Columbus, and in Lot 16 as the same is 196062 numbered and delineated upon the plat of Flavel Tuller's Survey of Section 1, Township 2, Range 19, United States Military Lands, in Plat Book 3, Page 60, containing 1.303 acres of land, more or less, said 1.303 acres being out of that 4.000 acre tract of land described in the deed to Donald R. Kenney, Tr. of record in Official Record 3571 Page HOI, both being of record in the Recorder's Office, Franklin County, Ohio, said 1.256 acres of land being more particularly described as follows:

Beginning, for reference, at a ¾-inch (I.D.) iron pipe in a northerly right of way line of Sawbury Boulevard as said Sawbury Boulevard is so designated and delineated upon the plat of Summerwood Section No. 3 Phase No. 1 (Dedication of Parts of Sawbury Boulevard, Sawmill Road, Shirlington Drive and Billingsley Road and Easements) in Plat Book 57, Page 50, said reference point of beginning being the southwesterly corner of that 12.117 acre tract of land described in the deed to Donald R. Kenney, Trustee, in Deed Book 3798, Page 796, both being of record in the Recorder's Office, Franklin County, Ohio; thence, from said reference point of beginning, in part, with the southerly line of said 4.000 acre tract and with the northerly right of way line of said Sawbury Boulevard the following two courses and distances:

1.) Westwardly, with the arc of a curve to the right, having a radius of 1,920.00 feet, a central angle of 6° 18' 53" and a chord that bears N 80° 35' 06" W, a chord distance of 211.50 feet to a point of reverse curvature;

2.) Westwardly, with the arc of a curve to the left, having a radius of 1,980.00 feet, a central angle of 5° 16' 44" and a chord that bears N 80° 04' 02" W, a chord distance of 182.36 feet to the true point of beginning;

Thence, from said true point of beginning, westwardly with the southerly line of said 4.000 acre tract and with the northerly right of way line of said Sawbury Boulevard and with the arc of a curve to the left, having a radius of 1,980.00 feet, a central angle of 4° 23' 09" and a chord that bears N 84 ° 53' 58" W, a chord distance of 151.52 feet to the southwesterly corner of said 4.000 acre tract;

Thence N 0 ° 20' 19" E, with, in part, the easterly line of that 2.144 acre tract of land described in the deed to the Board of American Missions of the Lutheran Church in America of record in Deed Book 3397, Page 620, Recorder's Office, Franklin County, Ohio, crossing the southeasterly corner of said 2,144 acre tract at a distance of 169.19 feet, a total distance of 370.29 feet to the northeasterly corner of said 2.144 acre tract, the same being in the northwesterly corner of said 4.000 acre tract and in the southerly line of that ten acre tract of land described in the deed to Americo Nini, Mary A, Nini, Ralph L. Sanese and Theodora Sanese of record in Deed Book 2856, Page 35, Recorder's Office, Franklin County, Ohio;

Thence S 89 ° 49 ' 59" E, with the northerly line of said 4.000 acre tract and with the southerly line of said Nini et al ten acre tract, a distance of 151.00 feet to a point;

Thence S 00° 20' 19" W, crossing said 4.000 acre tract, a distance of 383.32 feet to the true point of beginning and containing 1.303 acres of land, more or less.

Subject to all rights of ways, easements and restrictions, if any, of previous record.

Property Addresses:

2686 - 2714 Sawbury Boulevard, Columbus, OH 43235

2718 - 2744 Sawbury Boulevard, Columbus, OH 43235

2748 - 2772 Sawbury Boulevard, Columbus, OH 43235

Parcel Number(s): 590-195553-00, 590-196062-00, 590-196061-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for salon, massage, and pet training/grooming uses, or those uses permitted in the C-2, Commercial District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.