



## Legislation Details (With Text)

**File #:** 3258-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/16/2022      **In control:** Zoning Committee

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

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3363.41, Storage, of the Columbus City Codes; for the property located at 1769 E. DUBLIN-GRANVILLE RD. (43229), to permit automobile storage in conjunction with an off-site dealership in the C-4, Commercial District (Council Variance #CV22-102).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3258-2022\_Attachments, 2. ORD3258-2022\_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  | Approved   | Pass   |
| 12/5/2022 | 1    | Zoning Committee  | Adopt the findings of staff as the findings of Council | Pass   |
| 12/5/2022 | 1    | Zoning Committee  | Accept entire staff report into evidence as an exhibit | Pass   |

### Council Variance Application: CV22-102

**APPLICANT:** Caldwell Real Estate 161, LLC; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 400; Columbus, OH 43215.

**PROPOSED USE:** Automobile storage.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The 1.32± acre site consists of one parcel developed with a parking lot in the C-4, Commercial District. The applicant is requesting a Council variance to permit automobile storage in conjunction with an off-site dealership. Staff considers the proposed use consistent with the *Northland I Area Plan* (2014) land use recommendation for "Commercial (Community)." Additionally, the submitted site plan provides for screening of the site and landscaping along the East Dublin-Granville Road frontage, and does not represent any significant changes to the existing condition on the site.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3363.41, Storage, of the Columbus City Codes; for the property located at **1769 E. DUBLIN-GRANVILLE RD. (43229)**, to permit automobile storage in conjunction with an off-site dealership in the C-4, Commercial District (Council Variance #CV22-102).

**WHEREAS**, by application #CV22-102, the owner of property at **1769 E. DUBLIN-GRANVILLE RD. (43229)**, is requesting a Council variance to permit automobile storage in conjunction with an off-site dealership in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, prohibits the storage of automobiles with no dealership located on-site, while the applicant proposes storage of new, undamaged and operational automobiles for an off-site dealership; and

**WHEREAS**, Section 3363.41, Storage, requires the open storage of materials be located in the M, Manufacturing District 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 a storage lot in the C-4, Commercial District with setbacks of zero feet from a residential district, 25 feet from East Dublin-Granville Road, and 0 feet from all other interior lot lines, as shown on the site plan; and

**WHEREAS**, City Departments recommend approval because the requested variance will permit automobile storage, which is considered consistent with the *Northland I Area Plan*, includes screening and landscaping along the right-of-way frontage, and does not introduce an incompatible use; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance 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 **1769 E. DUBLIN-GRANVILLE RD. (43229)**, 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 3356.03, C-4 permitted uses; and 3363.41, Storage, of the Columbus City Codes, is hereby granted for the property located at **1769 E. DUBLIN-GRANVILLE RD. (43229)**, insofar as said sections prohibit automobile storage for an off-site dealership in the C-4, Commercial District; with reduced open storage setbacks from 100 feet to zero feet along a residential district boundary, from 30 feet to 25 feet along the East Dublin-Granville Road right-of-way line, and from 20 feet to zero feet along interior lot lines, said property being more particularly described as follows:

**1769 E. DUBLIN-GRANVILLE RD. (43229)**, being 1.32± acres located on the south side of East Dublin-Granville Road, 300± feet west of Tamarack Boulevard, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus, being in Quarter Township 4, Township 2, Range 18, United States Military Lands and being 1.322 acres all out of that 2.914 acre tract described in a deed to ADAMS REAL ESTATE INVESTMENT CO. of record in Instrument Number 201306210104819 (all references are to the records in Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at an iron pin found capped "Bird & Bull" 0.1' below grade at the northeasterly corner of Lot 2 as same is designated and delineated on the recorded plat of "TAMARACK SQUARE" of record in Plat Book 41, page 42, being on the westerly right-of-way line of Tamarack Boulevard (60.00 foot R/W) and being the southeasterly corner of said 2.914 acre tract;

Thence North 84 degrees 49' 50" West 306.82 feet, along the northerly line of said Lot 2 and the southerly line of said

2.914 acre tract, to an iron pin set, the True Point of Beginning:

Thence North 05 degrees 20' 02" East 85.94 feet, along the easterly line of that 3.154 acre tract described in a deed to NGHEIM TRAN L.L.C. of record in Instrument Number 201112210166837, to an iron pin set at the southwesterly corner of that 0.868 acre tract described in a deed to BURGER KING CORPORATION of record in Instrument Number 200206040138609, witness a ¾" hollow iron pin found at South 84 degrees 49' 50" East 0.35 feet;

Thence South 84 degrees 49' 50" East 150.00 feet along a common line of said 2.914 and 0.868 acre tracts, to a ¾" hollow iron pin found 2.0' below grade;

Thence North 05 degrees 06' 51" East 244.00 feet, continuing along common lines of said tracts, to a ¾" hollow iron pin found bent 0.5' below grade, on the southerly right-of-way line of Dublin-Granville Road (State Route 161) variable with the right-of-way;

Thence South 87 degrees 42' 48" East 134.41 feet, along a northerly line of said 2.914 acre tract and a southerly line of that 3.182 acre tract described in a deed to the State of Ohio of record in Deed Book 2999, page 196, to an iron pin set;

Thence South 05 degrees 10' 10" West 336.70 feet, crossing said 2.914 acre tract with a new division line to the Point of Beginning, containing 1.322 acres of land, more or less, subject to any easements, restrictions or right-of-ways of previous record.

Parcel No. 010-293623

Property Address: 1769 E. Dublin-Granville Rd., Columbus, OH 43229

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for the storage of new, undamaged and operational automobiles for an off-site dealership, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**" dated November 14, 2022, and signed by Jeffrey L. Brown, Attorney 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.

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