



Legislation Text

File #: 1029-2022, **Version:** 1

Council Variance Application: CV21-064

APPLICANT: Michael Shifflet; c/o Craig Moncrief, Atty.; Plank Law Firm; 411 East Town Street, Floor 2; Columbus, OH 43215.

PROPOSED USE: Storage in conjunction with an existing automobile repair facility.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with an automobile repair facility zoned in the C-4, Commercial District. The site is subject to a code violation for the installation of storage containers on the property without authorized Zoning Clearance. The site is also subject to the Sullivant Avenue/Greater Hilltop Urban Commercial Overlay (UCO). The requested Council variance will allow three storage containers on the rear of the property and the storage of a mobile stage. A variance for dumpster location is included in this request. The site is located within the boundaries of the *Hilltop Land Use Plan* (2019), which recommends "Mixed Use 2" land uses at this location. Additionally, the Plan includes complete adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The proposal includes upgrades to the site with the addition of landscaping along the site frontage, screening of the dumpster, and painting of the storage containers with the likelihood that they will be used for an art installation project. Planning Division staff is supportive of the proposed landscaping along Sullivant Avenue which is consistent with C2P2 landscaping guidelines and sufficiently screens the existing chain link fencing. Staff also notes that painting of the containers is consistent with C2P2 public and private art guidelines.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; and 3372.607(C), Landscaping and screening, of the Columbus City Codes; for the property located at **3374 SULLIVANT AVE. (43204)**, to permit storage with reduced development standards for an automobile repair facility in the C-4, Commercial District (Council Variance #CV21-064).

WHEREAS, by application #CV21-064, the owner of property at **3374 SULLIVANT AVE. (43204)**, is requesting a Council variance to permit to permit storage with reduced development standards for an automobile repair facility in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, prohibits storage, while the applicant proposes three storage containers in conjunction with an existing automobile repair facility, and storage of a mobile stage, as shown on the site plan; and

WHEREAS, Section 3372.607(C), Landscaping and screening, requires that dumpsters shall be located behind the principal building, while the applicant proposes a dumpster enclosure in the parking lot east of the existing building, as shown on the site plan; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the proposal includes

updates to the site with landscaping along the site frontage, screening of the dumpster, and painting of the storage containers with the likelihood that they will be used for an art installation project, consistent with C2P2 design guidelines. The requested variances will allow the applicant to pursue a Certificate of Zoning Clearance to comply with an active code violation; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed storage areas and dumpster enclosure; 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 **3374 SULLIVANT AVE. (43204)**, in using said property as desired;

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 3372.607(C), Landscaping and screening, is hereby granted for the property located at **3374 SULLIVANT AVE. (43204)**, insofar as said sections prohibit storage containers in conjunction with an existing automobile repair facility and storage of a mobile stage in the C-4, Commercial District; with a dumpster located east of the principal building instead of behind it; said property being more particularly described as follows:

3374 SULLIVANT AVE. (43204), being 0.68± acres located on the north side of Sullivant Avenue, 175± feet east of Demorest Avenue, and being more particularly described as follows:

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

TRACT I

Being Lot Numbers Seven Hundred Twenty-Eight (728), Seven Hundred Twenty-Nine (729) and Seven Hundred Thirty (730), and also the west 25' (approximately) feet of Letchworth Avenue as vacated by Ordinance No. 821-51, in Westgate park Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 10, Recorder's Office, Franklin County, Ohio.

TRACT II

Being Lot Number Seven Hundred Thirty-One (731), in Westgate Park Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 10, Recorder's Office, Franklin County, Ohio, also the east 25' (approximately feet of Letchworth Avenue as vacated by Ordinance No. 821-51.

PARCEL NO.: 010-79242

PROPERTY ADDRESS: 3374 Sullivant Avenue, Columbus, Ohio 43204

Prior Instrument Reference: OFFICIAL RECORDS VOLUME 33572, PAGE B20 of the Deed Records of Franklin County Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for storage in conjunction with an automobile repair facility, or those uses 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, "**SITE PLAN**," dated March 31, 2022, and signed by Robert Bruce Faris, Architect 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 storage areas and dumpster enclosure.

SECTION 5. That this ordinance is further conditioned on the applicant painting the storage containers and exploring their use for a mural/art installation project.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.