

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION:	CV25-119
Location:	5929-5975 E. MAIN ST. (43213) , being 9.46± acres located at the southwest corner of East Main Street and McNaughten Road (010-129717; Far East Area Commission).
Existing Zoning:	CAC, Community Activity Center District.
Proposed Use:	Accessory storage.
Applicant(s):	Matt Toddy c/o Aaron Glasgow, Atty.; Two Miranova Place, Suite 700; Columbus, OH 43215.
Property Owner(s):	W & D Davis Investment Co Ltd c/o Aaron Glasgow, Atty.; Two Miranova Place, Suite 700; Columbus, OH 43215.
Planner:	Eastman Johnson; 614-645-7979; roejohnson@columbus.gov

BACKGROUND:

- The site consists of one parcel developed with a shopping center in the CAC, Community Activity Center District. The requested Council variance will allow accessory storage uses, within shipping containers. Variances to reduce required parking lot shade trees from 52 to 33 trees, and to allow a dumpster pick-up enclosure area between the principal structure and McNaughten Road, and unscreened dumpsters behind the building are included in this request. Staff notes that these variances address pre-existing conditions on the site.
- A Council variance is required because the CAC district does not allow storage uses.
- North and east, of the site are commercial uses in the CAC, Community Activity Center District. West of the site is right-of-way for Interstate 270. South of the site is a multi-unit residential development in the AR-1, and ARLD, Apartment Residential districts.
- The *Columbus Growth Strategy* (2026) recommends “Mixed Use 2” land uses at this location.
- The site is located within the boundaries of the Far East Area Commission, whose recommendation is for approval.
- Staff concur with the applicant’s analysis of the seven practical difficulties in achieving the proposed use.

CITY DEPARTMENTS’ RECOMMENDATION: Approval.

The requested Council variance will allow accessory storage within shipping containers in the CAC, Community Activity Center District. Staff note that the variances to parking lot shade trees and the dumpster pick-up area enclosure address pre-existing conditions on the site. Staff support the storage use within shipping containers as they will be screened from public streets and from adjacent residential uses by fencing and the existing building. Additionally, the storage uses are located only as demonstrated on the submitted site plan and do not represent the introduction of an incompatible use to the neighborhood.

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such 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.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

Yes No

It is not possible to locate a compliant dumpster enclosure within the building line and within a reasonable distance to the tenant spaces utilizing the dumpster enclosure without jeopardizing tenant safety.

It is not possible to locate the storage containers any other location within a reasonable distance to the tenant space served by the containers.

2. Whether the variance is substantial.

Yes No

The variance is not substantial, as it will allow an existing non-compliant situation to be improved by adding a compliant dumpster enclosure and creating dedicated temporary storage container parking areas as an approved accessory use.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Yes No

There is no detriment to the neighborhood. The proposed variance will allow an existing non-compliant situation to be improved by adding a compliant dumpster enclosure and creating dedicated temporary storage container parking areas as an approved accessory use.

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

Yes No

The proposed variance will not affect the delivery of governmental services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Yes No

The property owner did not have knowledge of the zoning restriction(s) material to the proposed variances.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Yes No

The predicament cannot be reasonably obviated without a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes No

Yes, the spirit of the zoning will be observed and the existing items of non-compliance will otherwise be brought into compliance.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

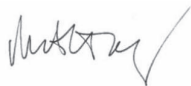
I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

G.20.030.D: Parking Lot Shade Trees - A variance is required to provide (16) shade trees in addition to the 17 existing shade trees on site, for a total of 33 shade trees in lieu of the required (52) based on total parking spaces (512).

G.20.040.B Item 4: Dumpster and bulk refuse pick-up area enclosures are subject to minimum building setback requirements and must not be located between a principal building and an adjacent front or side street. - A variance is required to locate a dumpster enclosure between the principal structure and the adjacent side street (McNaughten Rd.) at a distance of 24' beyond the building line.

Table E.20.100.A & B.40.020: Accessory Use. A subordinate use on the same lot with and of a nature incidental to the principal use, and which does not alter the essential characteristics of said principal use and is in keeping with other uses allowed in the same district. Does not include storage or shipping containers. - A variance is required to allow for storage and shipping containers as an approved accessory use on the site.

Signature of Applicant _____



Date 11.13.2025

To: City of Columbus,
From: Mark Oates/Carnaby Center
Re; Variance Request

The Carnaby Center has been in operation since the early 1970s. It has been a strong hold of commerce in the area and continues to thrive through these difficult commercial real estate markets. The owner and property management team have worked hard to maintain this asset for the betterment of the community and over the years have addressed all concerns raised by the City in a prompt and professional manner.

On June 11, 2025, after receiving a complaint from a neighboring property regarding an illegally displayed banner and spending days researching and inspecting every aspect of the property, the City of Columbus issued a total of 5 code violation orders for the Carnaby Center. These orders covered everything from graphic displays, minor structural issues, lighting, graffiti, parking lot surfaces to site plan issues in general, including the lack of dumpster enclosures. Once received, the owner and property manager went to work immediately to alleviate as many of the concerns as possible to bring the property into compliance. To date the property has spent nearly \$100,000 to resolve many of these compliance issues and project another \$250,000 will need to be spent to come into compliance with the rest. We are seeking a variance on the remaining compliance issues, mainly the need for the construction of dumpster enclosures, as they result in undue hardships for the property and tenants.

Physical Hardships:

1. The city code requires all dumpsters to be inside enclosures, placed behind the building structure. The majority of the dumpsters currently on site are placed behind the building, but due to the location of the building versus the southern property line, it would be impossible to construct code compliant enclosures in this area.
2. The dumpsters currently on site are placed strategically near the tenant spaces they serve. Relocating them to the west side of the property, the only area where compliant enclosures could be built, although still outside the constraints of the building structure, would not only be extremely inconvenient but would raise safety concerns.

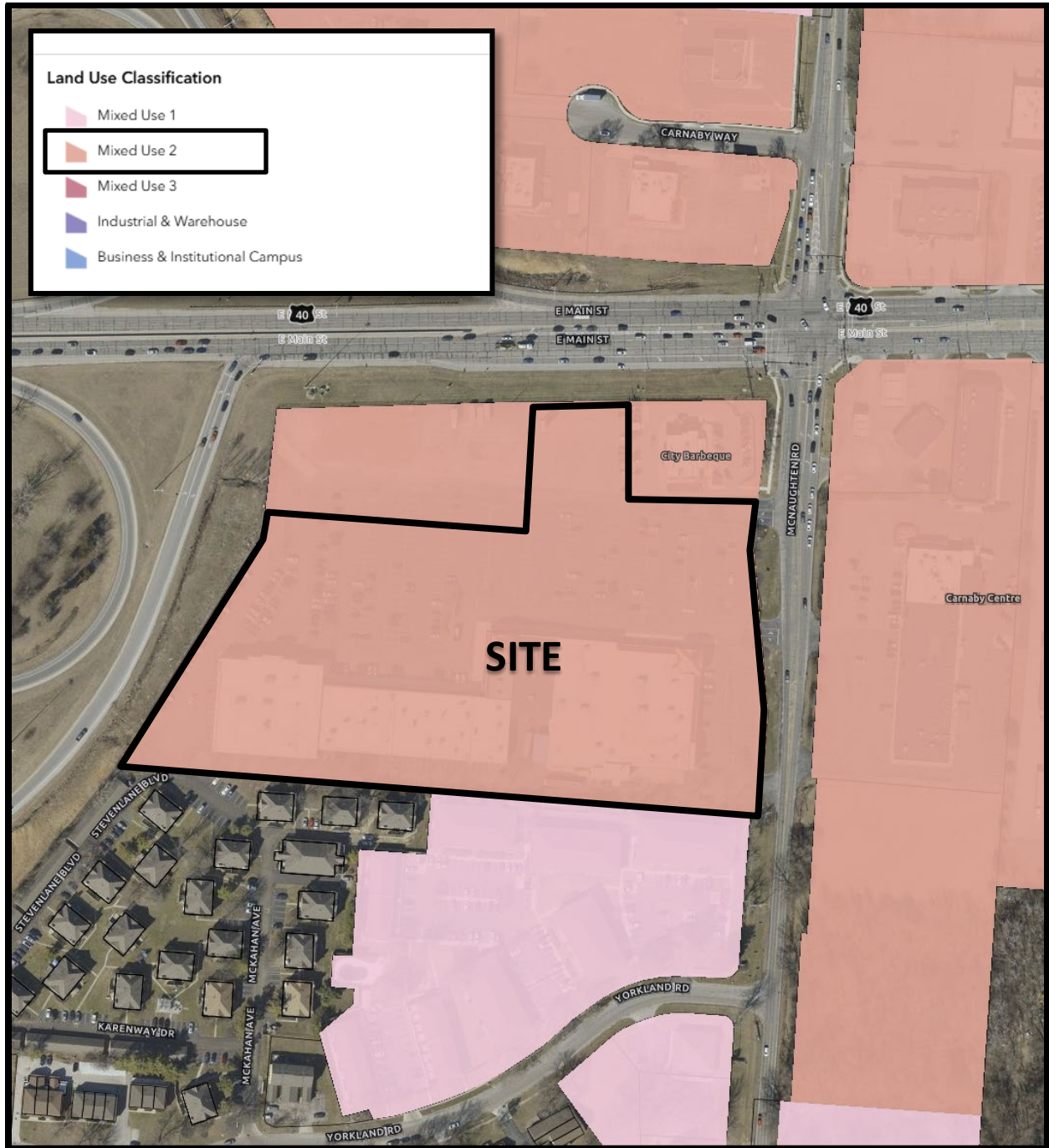
Financial Hardships:

1. The projected cost of adding compliant dumpster enclosures for all containers on site would be approximately \$250,000 and would still require a variance to allow them to be built outside the constraints of the building structure.
2. In addition to the construction costs, dumpster enclosures are notoriously expensive to maintain and will increase the ongoing operational costs for the property.
3. Relocating the dumpsters away from the tenant spaces will negatively impact the marketing of the property to prospective tenants, causing inconvenient and possibly unsafe means for refuse disposal.

We believe the intent of the city code is to shield possibly unsightly dumpster locations from the view of public roadways. The plan we are proposing we believe satisfies that intent. Constructing 2 code compliant enclosures on the east side of the property, one outside of the building constraints off the south property line and one at the southeast corner of the building, will effectively screen the rear drive and area behind the building from being viewed from McNaughten Road. Constructing an enclosure to house the 2 dumpsters currently sitting to the west of the building will shield them from view from Main St and the 270 exit ramp. The remaining dumpsters behind the building would not be visible from any public roadway, therefore complying with the intent of the code.

To conclude, complete compliance with city code is effectively impossible and poses undue burden on the property. We feel the plan we are proposing to be a reasonable, although still costly solution to comply with the intent of the code. Any consideration that can be given to this matter is greatly appreciated.

Sincerely,
Mark Oates
Director of Operations
Capital Property Solutions



Columbus Growth Strategy (2026)

CV25-119
5929-5975 E. Main St.
Approximately 9.46 acres



CV25-119
5929-5975 E. Main St.
Approximately 9.46 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number CV25-119

Address 5929-75

Group Name FAR EAST AREA COMMISSION

Meeting Date January 6, 2026

Specify Case Type


- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation Approval
(Check only one) Disapproval

LIST BASIS FOR RECOMMENDATION:

Approved 6-0
Absent 1
Leave early 1

Vote Yes-6, NO-0

Signature of Authorized Representative 

Recommending Group Title Zone Chair

Daytime Phone Number 614-301-3104

Please e-mail this form to **the assigned planner within 48 hours of meeting day**; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.



Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV25-119

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) John C. Lucas, Trustee as General Partner
of (COMPLETE ADDRESS) Two Miranova Place, Suite 700, Columbus, Ohio 43215
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual
Contact name and number
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees

<p>1. W&D Davis Investment Co., LTD John C. Lucas, Trustee as General Partner Two Miranova Place, Suite 700 Columbus, Ohio 43215 Phone: 614.340.7436 (Employees 0)</p>	<p>2. The William H. Davis, Dorothy M. Davis and William C. Davis Foundation, Scott Heitkamp, Trustee 1234 East Broad Street Columbus, Ohio 43205 Phone: 614.251.4000 (Employees 0)</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

John C. Lucas Trustee

Sworn to before me and signed in my presence this 25 day of NOVEMBER in the year 1925

Ronda E. Whitehouse
SIGNATURE OF NOTARY PUBLIC

APRIL 20, 2030
My Commission Expires

Notary Seal Here



RONDA E. WHITEHOUSE
Notary Public, State of Ohio
My Commission Expires:
4/20/2030

This Project Disclosure Statement expires six (6) months after date of notarization.