



Legislation Details (With Text)

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On agenda: 7/22/2019 **Final action:** 7/25/2019

Title: To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at 3323 REFUGEE RD. (43232), to permit an appliance and household goods restoration business in the C-4, Commercial District (Council Variance #CV19-049).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1939-2019_Attachments, 2. ORD1939-2019_Labels

Date	Ver.	Action By	Action	Result
7/25/2019	1	CITY CLERK	Attest	
7/24/2019	1	MAYOR	Signed	
7/22/2019	1	COUNCIL PRESIDENT	Signed	
7/22/2019	1	Zoning Committee	Approved	Pass
7/15/2019	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV19-049

APPLICANT: Sultan Khawaja; c/o Scott McKnight, Agent; 394 Oak Street; Columbus, OH 43215.

PROPOSED USE: Appliance and household goods restoration.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a commercial warehouse building in the C-4, Commercial District. The applicant is requesting a Council variance to permit the cleaning and restoration of appliances and other household goods that have been damaged by fire in the C-4 Commercial District. Staff has made the determination that this use is industrial in nature and therefore not permitted in the C-4 district. There is no Council adopted land use plan at this location, however, the site is within an area that has early adopted *Columbus Citywide Planning Policies (C2P2) Design Guidelines*. The requested variance is supportable because the proposed use will be confined inside the existing building on site.

To grant a Variance from the provisions of Section 3356.03, C-4 permitted uses, of the Columbus City Codes; for the property located at **3323 REFUGEE RD. (43232)**, to permit an appliance and household goods restoration business in the C-4, Commercial District (Council Variance #CV19-049).

WHEREAS, by application #CV19-049, the owner of property at **3323 REFUGEE RD. (43232)**, is requesting a Council variance to permit an appliance and household goods restoration business in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, prohibits appliance restoration uses, while the applicant proposes the

restoration of appliances and other household goods damaged by fire within the existing building; and

WHEREAS, City Departments recommend approval because the requested variance to permit the restoration of appliances and other household goods within an existing building at this location does not introduce an incompatible 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 **3323 REFUGEE RD. (43232)**, 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 3356.03, C-4 permitted uses, of the Columbus City Codes, is hereby granted for the property located at **3323 REFUGEE RD. (43232)**, insofar as said section prohibits appliance and household goods restoration in the C-4, Commercial District; said property being more particularly described as follows:

3323 REFUGEE RD. (43232), being 2.44± acres located on the south side of Refugee Road, 1,060± feet east of Winchester Pike, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Section 5,6, Township 11, Range 21, Mathew Survey of Congress Lands, and being a part of Lot 1 of Winchester Gardens shown of record in Plat Book 41, Page 59, Recorders Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing at an iron pin on the southerly line of Service Road (38 feet wide) dedicated in Plat Book 41, Page 59, at the northwesterly corner of said Lot 1, and on the easterly line of a 5.666 acre tract conveyed to Calvin United Presbyterian Church of Columbus, shown of record in Deed Book 2306, Page 149;

Thence South 88 degrees 15 minutes East, along the southernly line of said Service Road, and along the northerly line of said Lot 1, a distance of 142.22 feet to an iron pin, and **THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;**

Thence South 88 degrees 15 minutes East, along the southernly line of said Service Road, and along the northerly line of said Lot 1, a distance of 265.00 feet to an iron pin at the northwesterly corner of a 3.256 acre tract conveyed to Franks Nursery Sales, Inc. shown of record in Deed Book 3762, Page 629;

Thence South 1 degree, 45 minutes West, across said Lot 1, and along the westerly line of said 3.256 acre tract, a distance of 402.00 feet to an iron pin on the on the southernly line of said Lot 1, at the southwest corner of said 3.256 acre tract, and on the northerly line of Lot 2 of said Winchester Gardens;

Thence North 88 degrees 15 minutes West, along the southernly line of said Lot 1, (northerly line of said Lot 2), a distance of 265.00 feet to an iron pin, said iron pin being South 88 degrees 15 minutes East. A distance of 140.85 feet from an iron pin on the easterly line of said 5.666 acre tract, at the southwest corner of said Lot 1 (northwesterly corner of said Lot 2);

Thence North 1 degree 45 minutes East, along said Lot 1, and along a line parallel with the westerly line of said 3.256 acre tract, a distance of 402.00 feet to the place of beginning, containing 2.446 acres.

Under and subject to all easements, restrictions and reservations of record or apparent on the ground.

Parcel No. 530-190856

Property Address: 3323 Refugee Road., Columbus, OH 43232

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for appliance and household goods restoration, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned upon the following:

1. The applicant shall provide a cross-access easement to the adjacent properties to the east and to the west upon redevelopment of those properties as requested and approved by the Department of Public Service.
2. The existing access point to Refugee Road shall be removed with access to Refugee Road taken by either of the following means: a relocated access point aligned with the existing access point that serves parcel 010-109341, or indirect access obtained from the adjacent property to the east with approval from the Department of Public Service.

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