



Legislation Details (With Text)

File #: 0570-2024 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/16/2024 **In control:** Zoning Committee
On agenda: 3/4/2024 **Final action:** 3/6/2024
Title: To grant a Variance from the provisions of Sections 3353.03, Permitted uses; 3370.05, Permitted uses; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at 2690 W. DUBLIN-GRANVILLE RD. (43235), to allow ground floor residential use in the L-C-2, Limited Commercial District (Council Variance #CV23-133).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD #0570-2024_Attachments, 2. ORD #0570-2024_Labels

Date	Ver.	Action By	Action	Result
3/6/2024	1	CITY CLERK	Attest	
3/5/2024	1	MAYOR	Signed	
3/4/2024	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
3/4/2024	1	Zoning Committee	Approved	Pass
3/4/2024	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
3/4/2024	1	COUNCIL PRESIDENT	Signed	
2/26/2024	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV23-133

APPLICANT: Dimitri Smirniotopoulos; 2690 West Dublin-Granville Road; Columbus, OH 43235.

PROPOSED USE: Ground floor residential use.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with an architectural office (formerly a single-unit dwelling) in the L-C-2, Limited Commercial District. The applicant proposes to re-establish a single-unit dwelling within the existing office building. A Council variance is required because the L-C-2 district does not permit ground floor residential uses. The site is within the planning boundaries of *The Northwest Plan* (2016), which recommends "Office" uses at this location. Staff supports the requested residential use as the existing office use will be maintained, and the introduction of ground floor residential uses is consistent with the surrounding character of the neighborhood.

To grant a Variance from the provisions of Sections 3353.03, Permitted uses; 3370.05, Permitted uses; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at **2690 W. DUBLIN-GRANVILLE RD. (43235)**, to allow ground floor residential use in the L-C-2, Limited Commercial District (Council Variance # CV23-133).

WHEREAS, by application #CV23-133, the owner of the property at **2690 W. DUBLIN-GRANVILLE RD. (43235)**, is requesting a Variance to allow a ground floor residential use in the L-C-2, Limited Commercial District; and

WHEREAS, Section 3353.03, Permitted uses, does not permit ground floor residential uses, while the applicant proposes a residential use on the ground floor within the existing building; and

WHEREAS, Section 3370.05, Permitted uses, allows one or more of the uses specified by the underlying zoning district, which are limited to C-2, Commercial District uses listed in Chapter 3353 of the Columbus City Code, and as further specified in the limitation overlay text in Ordinance #1187-02 (Z02-019), while the applicant proposes single-unit dwelling use on the ground floor; and

WHEREAS, Section 3370.07, Conditions and limitations, requires any use to conform to each condition or limitation specifically identified and imposed in the development plan and/or text, while the applicant does not wish to comply with the zoning text requirements of Ordinance #1187-02 (Z02-019) regarding allowable uses; and

WHEREAS, City Departments recommend approval because the requested variance will allow ground floor residential uses and maintain the existing office use which is compatible with the surrounding character of the neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed single-unit dwelling; 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 **2690 W. DUBLIN-GRANVILLE RD. (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 is hereby granted from the provisions of Sections 3353.03, Permitted uses; 3370.05, Permitted uses; and 3370.07, Conditions and limitations, of the Columbus City Codes; for the property located at **2690 W. DUBLIN-GRANVILLE RD. (43235)**, insofar as said sections prohibit a single-unit dwelling in the L-C-2, Limited Commercial District; said property being more particularly described as follows:

2690 W. DUBLIN-GRANVILLE RD. (43235), being 1.53± acres located on the north side of West Dublin-Granville Road, 879± feet west of McVey Boulevard and being more particularly described as follows:

Situated in the State of Ohio, City of Columbus, County of Franklin, and is described as follows:

TRACT ONE:

Situated in the State of Ohio, County of Franklin, Township of Perry and in the Quarter Township 4, Township 2, Range 19, U.S. Military Lands and being part of 5.57 acre tract conveyed by James S. McVey and Blanche R. McVey to Frank C. Long and Mary E. Long, as the same is shown of record in Deed Book 1205, page 533, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the center of the Dublin-Granville Road, at the southeast corner of the above mentioned 5.57 acre tract; thence with the south line of said tract, S. 89 degrees 14' W., 162.7 ft. to a point; thence N. 00 degrees 16' W.,

parallel with the east line of said tract 384.48 ft. to a point in the south line of the property of the Brookside Golf and Country Club; thence with the south line of said property, N. 74 degrees 47' E., 149.46 ft. to a point; thence continuing with the south line of said property, the same being the north line of the above mentioned 5.57 acre tract; N. 89 degrees 32' E., 18.3 ft. to a point at the northeast corner of said 5.57 acre tract; thence with the east line of said tract, S. 00 degrees, 16' E. 422 ft. to the place of beginning, passing an iron pin at 2 ft. at 85.2 ft. and at 394 ft., containing 1.514 acres; subject to all legal highways and to other easements and restrictions of record in former deeds.

Granting also the Grantee, her heirs and assigns forever, the right to take and use water from the eight (8) inch well built on the premises owned by Frank C. Long and Mary E. Long by The Brookside Golf and Country Club; granting also to the Grantee, her heirs and assigns forever, the right to maintain, operate and repair and use the sewage disposal system, including septic tank and disposal field now attached to and serving the residence building now occupying the premises hereby conveyed to the extent that said system or any part thereof encroaches upon properties belonging to Frank C. Long and Mary E. Long.

The Grantor's title to the above parcel is evidenced by deed dated November 29, 1949 and recorded in Deed Book 1529, page 600, Recorder's Office, Franklin County, Ohio.

TRACT TWO:

Situated in the State of Ohio, County of Franklin, Township of Perry and Quarter Township 4, Township 2, Range 19, U.S. Military lands and being 29 ft. off the west end of a tract of ground conveyed by James S. McVey and Blanche R. McVey to Sun Realty Company as the same is shown of record in Deed Book 1392, page 395, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a point in the center of the Dublin-Granville Road, at the southwest corner of the above mentioned Sun Realty Company Tract; thence with the west line of said tract, No. 00 degrees 16' W. 422 ft. to a point in the south line of the property of The Brookside Golf and Country Club Property, passing iron pins on line at 28 ft, 336.8 ft. and 420 ft; thence with the south line of said Country Club Property, N. 89 degrees 32' E. 29 ft. to a point; thence S. 00 degrees 16' E., parallel with the west line of the said Sun Realty Company Property, 421.85 ft. to a point in the center of the Dublin-Granville Road; thence with said center line, S. 89 degrees 14' W., 29 ft. to the place of beginning, containing 0.281 acres; subject to all legal highways and to other easements and restrictions of record in former deeds.

Granting also to the Grantee, her heirs and assigns forever, the right to maintain, operate and keep in repair the sewage disposal system now attached to the residence occupying the parcel this day conveyed from Grantor to Grantee herein and to the extent that such sewage disposal system, including septic tank and disposal field or any part thereof encroaching upon any property owned by The Sun Realty Company.

Grantor's title is evidenced by deed dated November 29, 1949 and recorded in Deed Book 1529, page 604, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM THE FOLLOWING TRACT CONVEYED TO THE CITY OF COLUMBUS, OHIO FOR

RIGHT OF WAY PURPOSES IN INSTRUMENT NUMBER 200207240181108 DESCRIBED AS FOLLOWS:

Situated in the State of Ohio, County of Franklin in the Township of Perry, in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands and being 0.224 acre out of a 1.514 acre tract of land conveyed as Parcel I and 0.040 acre out of a 0.281 acre tract of land conveyed as Parcel II to DSR LLC by deed of record in Instrument Number 200008310175747, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a point in the centerline of West Dublin-Granville Road-Ohio Route 161 (variable width), at the southwest corner of said 1.514 acre tract, at the southeast corner of a 1.375 acre tract of land conveyed to DSR, LLC by deed of record in Instrument Number 200007170140499, Recorder's Office, Franklin County, Ohio and in the north line of a 0.544 acre tract of land conveyed to The City of Columbus for West Dublin-Granville right-of-way purposes by deed of record in Official Record 4178, page C08, Recorder's Office, Franklin County, Ohio, said point being N 89 degrees 14'

00" E a distance of 76.00 feet from a point at the intersection of the centerline of West Dublin-Granville Road with the centerline of Nicholas Drive (60 feet wide);

Thence N 0 degrees 22' 28" W along a portion of the west line of said 1.514 acre tract and along a portion of the east line of said 1.375 acre tract a distance of 60.00 feet to a point (passing a 3/4-inch I.D. iron pipe found in the north right-of-way line of West Dublin-Granville Road at 30.00 feet);

Thence N. 89 degrees 14' 00" E parallel with and 60.00 feet northerly by perpendicular measurement from the centerline of said West Dublin-Granville Road, the south line of said 1.514 acre tract and the south line of said 0.281 acre tract and crossing said 1.514 acre tract and said 0.281 acre tract a distance of 191.70 feet to a point in the east line of said 0.281 acre tract and in the west line of a 0.915 acre tract of land conveyed to Michael D. and W.L. Jacki Hall by deed of record in Official Record 18170, page C16, Recorder's Office, Franklin County, Ohio;

Thence S 0 degrees 22' 28" E along the portion of the east line of said 0.281 acre tract and along a portion of the west line of said 0.915 acre tract a distance of 60.00 feet to a point in the centerline of West Dublin-Granville Road, at the southeast corner of said 0.281 acre tract, at the southwest corner of said 0.915 acre tract and in the north line of said 0.544 acre tract (passing a 3/4-inch I.D. iron pipe found in the north right-of-way line of West Dublin-Granville Road at 30.00 feet);

Thence S 89 degrees 14' 00" W along the centerline of West Dublin-Granville Road, along the south line of said 0.281 acre tract, along the south line of said 1.514 acre tract and along a portion of the north line of said 0.544 acre tract a distance of 191.70 feet to the place of beginning; containing 0.264 acre of land, more or less.

Ted L. Robinson, Ohio Surveyor No. 5361, to C.F. Bird & R.J. Bull, Inc. Consulting Engineers & Surveyors, Columbus, Ohio prepared the above description from an actual field survey performed under my supervision in September, 1997. Basis of bearings is the centerline of West Dublin-Granville Road, being S. 89 degrees 14' W, as shown of record in Instrument Number 200008310175747, Recorder's Office, Franklin County, Ohio.

Franklin County Parcel number: 610-262403

Street address of property: 2690 W. Dublin-Granville Road, Columbus, Ohio 43235

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for single-unit dwelling within an office building, or those uses specified in the L-C-2, Limited Commercial District established by Ordinance #1187-02 (Z02-019).

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.