



## Legislation Details (With Text)

**File #:** 1770-2004      **Version:** 2

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

**File created:** 9/28/2004      **In control:** Zoning Committee

**On agenda:** 3/7/2005      **Final action:** 3/9/2005

**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 4831 CHESTNUT HILL DRIVE (43230), to permit a carwash in the L-C-4, Limited Commercial District (CV03-047).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1770-2004 hardship.pdf, 2. ORD1770-2004 site plan.pdf, 3. ORD1770-2004 zone.pdf, 4. ORD1770-2004 gis.pdf, 5. ORD1770-2004 aerial.pdf, 6. ORD1770-2004 site survey map.pdf, 7. ORD1770-2004 NCC civic.pdf, 8. ORD1770-2004 disclosure.pdf, 9. ORD1770-2004 labels.pdf, 10. ORD1770-2004 Data Form.pdf

Date	Ver.	Action By	Action	Result
3/9/2005	2	CITY CLERK	Attest	
3/8/2005	2	MAYOR	Signed	
3/7/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
3/7/2005	2	COUNCIL PRESIDENT PRO-TEM	Signed	
3/7/2005	1	Zoning Committee	Approved as Amended	Pass
2/28/2005	1	Columbus City Council	Read for the First Time	
2/11/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/9/2005	1	Dev Zoning Drafter	Sent for Approval	
2/9/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/26/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Disapproved	
10/24/2004	1	Dev Zoning Drafter	Sent for Approval	
10/20/2004	1	Dev Zoning Drafter	Sent for Approval	
10/20/2004	1	Dev Zoning Reviewer	Reviewed and Approved	

**COUNCIL VARIANCE:** CV03-047

**APPLICANT:** Ron's Express Car Wash and Lube, Inc.; c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

**PROPOSED USE:** To permit a self-service carwash with manual and automatic bays

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The vacant 0.98± acre parcel is zoned L-C-4, Limited Commercial District. The Applicant proposes to develop this site with a self-service carwash that will complement the express carwash he operates in the CPD zoning district directly to the west at 4940 North Hamilton Road. A hardship exists because a carwash is not permitted in the L-C-4, Limited Commercial District. The Council variance will be conditioned on compliance with applicable use restrictions and development standards established by the current L-C-4 zoning district so that land uses and development standards

on this site will be consistent with the established zoning and development patterns along this section of North Hamilton Road.

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 **4831 CHESTNUT HILL DRIVE (43230)**, to permit a carwash in the L-C-4, Limited Commercial District (CV03-047).

**WHEREAS**, by application No. CV03-047, the owner of property at **4831 CHESTNUT HILL DRIVE (43230)**, is requesting a Council Variance to permit a carwash in the L-C-4, Limited Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit a carwash, while applicant proposes to develop a self-serve carwash; and

**WHEREAS**, the City Departments recommend approval of said variance, noting that the addition of a C-5, Commercial use, a carwash, to the existing L-C-4, Limited Commercial District is consistent with the carwash that is located directly to the west in the CPD zoning district; and

**WHEREAS**, a hardship exists in that the proposed carwash can only be permitted in the existing L-C-4, Limited Commercial District by a Council variance; and

**WHEREAS**, the granting of said variances 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**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

**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 **4831 CHESTNUT HILL DRIVE (43230)**, insofar as this section prohibits development of the site with a carwash; said property being more particularly described as follows:

**LEGAL DESCRIPTION OF A 0.978± ACRE TRACT**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of the 5.999 acre tract conveyed to The Lurie Family Limited Partnership by deed of record in Instrument Number 200103300065530, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at the centerline intersection of Hamilton Road and Chestnut Hill Drive of record in Plat Book 75, Page 71, being North 03° 18' 12" East, a distance of 1046.63 feet from Franklin County Geodetic Survey Monument Number 6616 at the centerline intersection of Hamilton Road and Morse Road;

Thence South 86° 41' 48" East, a distance of 545.35 feet, along the centerline of said Chestnut Hill drive, to a point;

Thence south 03° 18' 12" West, a distance of 30.00 feet, to an iron pin set in the southerly right-of-way of said Chestnut Hill Drive, at the True Point of Beginning;

Thence South 86° 41' 48" East, a distance of 52.73 feet, along the southerly right-of-way line, to an iron pin set;

The following three (3) courses and distances across said 5.999 acre tract:

1. Thence South 03° 18' 12" West, a distance of 104.70 feet, to an iron pin set;

2. Thence South 18° 35' 12" East, a distance of 160.31 feet, to an iron pin set;

3. Thence South 03° 11' 37" West, a distance of 78.00 feet, to an iron pin set in the northerly line of the 10.158 acre tract conveyed to Highland Properties Inc by deed of Official Record 23973H17, to an iron pin set at the southeasterly corner of the 0.992 acre tract conveyed to Ben Hale Jr., Trustee by deed of record in Instrument Number 200401280019845;

Thence North 86° 48' 23" West, a distance of 243.00 feet, along the northerly lines of said 10.158 acre tract, and the 2.005 acre tract conveyed to Highland Properties Inc by deed of record in Official Record 23973H17, to an iron pin set at the southeasterly corner of the 0.992 acre tract conveyed to Ben W. Hale Jr., Trustee by deed of record in Instrument Number 200401280019845;

Thence North 03° 18' 12" East, a distance of 160.00 feet, along the easterly line of said 0.992 acre tract, to an iron pin set at the northeasterly corner thereof;

The following six (6) courses and distances across said 5.999 acre tract:

1. Thence South 86° 48' 23" East, a distance of 3.10 feet, to an iron pin set;

2. Thence South 70° 44' 31" East, a distance of 41.56 feet, to an iron pin set;

3. Thence South 86° 48' 23" East, a distance of 118.49 feet, to an iron pin set;

4. Thence North 37° 18' 13" East, a distance of 28.04 feet, to an iron pin set;

5. Thence North 18° 35' 12" West, a distance of 125.73 feet, to an iron pin set;

6. Thence North 03° 18' 12" East, a distance of 43.21 feet, to the True Point of Beginning. Containing 0.978 acre of land, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings in the above description are based on the bearing of North 03° 18' 12" East for the centerline of Hamilton Road.

Evans, Mechwart, Hambleton & Tilton, Inc. James M. Pearsall, Registered Surveyor No. 7840.

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a carwash ~~and~~ those C-4, Commercial District uses permitted in the existing L-C-4, Limited Commercial District established on this property by Ordinance 1302-91 (Z90-166), passed on June 17, 1991, as amended by ordinances #1354-92 (Z90-166A) passed July 13, 1992 and #1252-04 (Z90-166B) passed July 24, 2004.

**Section 3.** That this ordinance is further conditioned in that the carwash shall conform to the site plan titled "**CV03-047 SITE PLAN, NORTH HAMILTON ROAD, COLUMBUS, OH,**" dated May 4, 2004, and signed on September 29, 2004 by Jeffrey L. Brown, Attorney for the Applicant. The site plan may be slightly modified at the time of final engineering and design. Any such modification is subject to review and approval by the Transportation Division and the Director of Development or his or her designee.

**Section 4.** That this ordinance is further conditioned in that the exterior building finish shall be all brick, that the building shall have a gable roof, and all vacuums shall be located on the west edge of the property.

**Section 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

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