



## Legislation Details (With Text)

**File #:** 1092-2014      **Version:** 4

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

**File created:** 5/5/2014      **In control:** Zoning Committee

**On agenda:** 10/6/2014      **Final action:** 10/9/2014

**Title:** To grant a Variance from the provisions of Section 3332.03, R-1, Residential district, of the Columbus City Codes, for the property located at 7801 OLENTANGY RIVER ROAD (43235), to permit limited C-2, Office Commercial District uses in the R-1, Residential District, and to repeal Ordinance No. 912-84, passed June 4, 1984 (Council Variance # CV14-012).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1092-2014Attachments Amended3, 2. ORD1092-2014Attachments Amended2, 3. ORD1092-2014Attachments Amended, 4. ORD1092-2014Attachments, 5. Notice Of Public Hearing - Council Mtg20140616, 6. Notice Of Public Hearing - Council Mtg20140728

Date	Ver.	Action By	Action	Result
10/9/2014	4	CITY CLERK	Attest	
10/8/2014	4	MAYOR	Signed	
10/6/2014	4	COUNCIL PRESIDENT	Signed	
10/6/2014	3	Zoning Committee	Taken from the Table	Pass
10/6/2014	3	Zoning Committee	Approved as Amended	Pass
10/6/2014	3	Zoning Committee	Amended as submitted to the Clerk	Pass
9/22/2014	2	Zoning Committee	Taken from the Table	Pass
9/22/2014	2	Zoning Committee	Tabled to Certain Date	Pass
9/22/2014	2	Zoning Committee	Amended as submitted to the Clerk	Pass
9/8/2014	2	Zoning Committee	Taken from the Table	Pass
9/8/2014	2	Zoning Committee	Tabled to Certain Date	Pass
7/28/2014	1	Zoning Committee	Taken from the Table	Pass
7/28/2014	1	Zoning Committee	Amended as submitted to the Clerk	Pass
7/28/2014	1	Zoning Committee	Tabled to Certain Date	Pass
6/16/2014	1	Zoning Committee	Tabled Indefinitely	Pass
6/9/2014	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV14-012**

**APPLICANT:** Dr. Chris Smiley; c/o Jackson B. Reynolds, III, Atty.; Smith & Hale LLC; 37 West Broad Street, Suite 460; Columbus, OH 43215.

**PROPOSED USE:** Limited C-2, Office Commercial District uses.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will expand the permitted uses and remove staffing restrictions approved with Ordinance No. 912-84, passed June 4, 1984 (CV84-054), in the R-1, Residential District. The property is currently being used as an optometry office and is limited to one doctor and 3 additional employees. Limited C-2, Office Commercial District uses are proposed, and no other variances are requested. The site is located within the planning area of the *Northwest Plan (2007)*, and while no specific land use recommendations are provided for this location, the Plan does recommend that infill development be compatible with the existing development. This property has been used as an office for some time and no site changes are proposed. The existing tree rows to the south and west of the parking lot provides a buffer to adjacent residences, and the request includes a commitment that they will be maintained.

To grant a Variance from the provisions of Section 3332.03, R-1, Residential district, of the Columbus City Codes, for the property located at **7801 OLENTANGY RIVER ROAD (43235)**, to permit limited C-2, Office Commercial District uses in the R-1, Residential District, and to repeal Ordinance No. 912-84, passed June 4, 1984 (Council Variance # CV14-012).

**WHEREAS**, by application No. CV14-012, the owner of property at **7801 OLENTANGY RIVER ROAD (43235)**, is requesting a Council Variance to permit limited C-2, Office Commercial District uses in the R-1, Residential District; and

**WHEREAS**, Section 3332.03, R-1, Residential district, does not permit commercial uses, while the applicant proposes limited C-2, Office Commercial District uses in the R-1, Residential District within a building that was converted to a medical office as approved by Ordinance No. 912-84, passed June 4, 1984 (CV84-054); and

~~**WHEREAS**, the Zoning Staff has reservations about using the Council Variance process to allow thirty different C-2 District uses, and believes that it would be more appropriate for the applicant to request a rezoning to an L-C-2, Limited Commercial District; and~~

**WHEREAS**, City Departments recommend approval because this property has been used as an office for some time and no site changes are proposed. The existing tree rows to the south and west of the parking lot provides a buffer to adjacent residences, and the request includes a commitment that they will be maintained; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits for the proposed 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 owner of the property located at **7801 OLENTANGY RIVER ROAD (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 from the provisions of Section 3332.03, R-1, Residential district, of the Columbus City Codes, is hereby granted for the property located at **7801 OLENTANGY RIVER ROAD (43235)**, insofar as said section prohibits the following limited C-2, Office Commercial District uses in the R-1, Residential District: ~~Court Reporting and Stenotype Services, Dentists, Optometrists and Podiatrists,~~ Title Insurance Carriers, Insurance Agencies, Accounting and Bookkeeping Services, Advertising Services, Administrative and General Management Consulting Services, Architectural, Drafting, Engineering and Graphic Design Services, Certified Public Accountants, ~~Computer Web Design~~

~~and Marketing Services, Financial Planner, Human Resources and Executive Search Consulting Services, Interior Design Services, Industrial Design Services, Lawyers and Legal Services, Management and Consulting Services, Marketing Consulting, Mortgage Broker, Notaries, Payroll Services, Public Relations Agencies, Real Estate Agents and Brokers, Tax Preparation Services, Title Abstract and Settlement, and Photography Studios, Commercial and Portrait; said property being more particularly described as follows:~~

**7801 OLENTANGY RIVER ROAD (43235)**, being 1.46± acres located on the west side of Olentangy River Road, 700± feet south of Colony Way, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 2, Township 2, Range 18, United States Military District, and being all of that 0.19 acre tract and all the remainder of that 2.330 acre tract conveyed to See Smiley Properties, LLC of record in Instrument Number 200312010381807, and described as follows:

*Beginning* in the centerline of State Route 315 and at the northeast corner of said 0.19 acre tract, as called in said Instrument Number 200312010381807;

Thence S 16° 59' 07" E, along said centerline, the same being the east line of said 0.19 acre tract, 54.42 feet to the southeast corner of said 0.19 acre tract;

Thence N 87° 48' 56" W, along the south line of said 0.19 acre tract, 53.42 feet to the original northeast corner of said 2.330 acre tract;

Thence S 17° 46' 02" E, along the west right-of-way line for said State Route 315, the same being the original east line of said 2.330 acre tract, 148.43 feet to the original southeast corner of said 2.330 acre tract;

Thence S 70° 44' 11" W, along an original south line of said 2.330 acre tract, 125.62 feet to the southeast corner of the 0.552 acre exception parcel as called in said Instrument Number 200312010381807;

Thence along the east and north perimeter of said 0.552 acre exception parcel, the following courses;

N 17° 45' 54" W, 10.07 feet;

N 72° 02' 49" W, 140.30 feet;

S 64° 32' 48" W, 40.04 feet;

S 38° 49' 17" W, 52.01 feet;

S 80° 55' 16" W, 29.59 feet to the most south corner of the 0.500 acre exception parcel as called in said Instrument Number 200312010381807;

Thence N 01° 48' 37" W, along the east line of said 0.500 acre exception parcel, 204.44 feet to the northeast corner thereof, the same being the current northwest corner of said 2.330 acre tract;

Thence S 87° 48' 56" E, along the original north line of said 2.330 acre tract, 46.03 feet to the west corner of said 0.19 acre tract;

Thence N 82° 35' 20" E, along the north line of said 0.19 acre tract, 308.34 feet to the *Point of Beginning*, containing 1.459 acres, more or less, from APN 610-146455.

This description was prepared by Advanced Civil Design, Inc. on 05/21/2014, is based on existing records of the Franklin County Auditor's and Recorder's Offices, and is not suitable for use in the transfer of land.

All references used in this description can be found at the Recorder's Office, 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 the following limited C-2, Office Commercial District uses: ~~Court Reporting and Stenotype Services, Dentists, Optometrists and Podiatrists,~~ Title Insurance Carriers, Insurance Agencies, ~~Accounting and Bookkeeping Services, Advertising Services, Administrative and General Management Consulting Services,~~ Architectural, Drafting, Engineering and Graphic Design Services, Certified Public Accountants, ~~Computer Web Design and Marketing Services, Financial Planner, Human Resources and Executive Search Consulting Services,~~ Interior Design Services, ~~Industrial Design Services,~~ Lawyers and Legal Services, ~~Management and Consulting Services, Marketing Consulting,~~ Mortgage Broker, Notaries, ~~Payroll Services, Public Relations Agencies,~~ Real Estate Agents and Brokers, ~~Tax Preparation Services,~~ Title Abstract and Settlement, and Photography Studios, Commercial and Portrait, or those uses permitted in the R-1, Residential District.

**SECTION 3.** This ordinance is conditioned such as when said property is being used for the Permitted Uses, then a maximum of 12 full-time employees or other full-time occupants associated with such employees and utilizing the property in the permitted and the ordinary course of business at any given time. Intermittent or meetings consistent with the Permitted Uses or those uses being permitted in the R-1, Residential District are permitted.

**SECTION 3 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 4 5.** That this ordinance is further conditioned on the applicant maintaining the existing tree rows on the south and west sides of the parking lot.

**SECTION 5 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6 7.** That Ordinance No. 912-84, passed June 4, 1984, be and is hereby repealed.