



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 6/16/2023 **In control:** Zoning Committee

On agenda: 7/24/2023 **Final action:** 7/26/2023

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 1197 W. 5TH AVE. (43212), to permit accessory storage in the C-4, Commercial District (Council Variance #CV22-101).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1897-2023_Attachments, 2. ORD1897-2023_Labels

Date	Ver.	Action By	Action	Result
7/26/2023	1	CITY CLERK	Attest	
7/25/2023	1	ACTING MAYOR	Signed	
7/24/2023	1	COUNCIL PRESIDENT	Signed	
7/24/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
7/24/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/24/2023	1	Zoning Committee	Approved	Pass
7/17/2023	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-101

APPLICANT: Paloma; c/o Michael Shannon, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Storage in conjunction with a spa business.

5TH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a spa business in the C-4, Commercial District. The applicant proposes the use of a shipping container for accessory storage in the C-4, Commercial District. A Council variance is required because storage is not a permitted use in the C-4 district. The site is located in the West Fifth Avenue Urban Commercial Overlay (UCO) and within the boundaries of the *5th by Northwest Area Plan* (2009), which recommends "Mixed Use" land uses at this location. The Plan includes early adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines*. Staff supports the requested use as it is generally consistent with the Plan's land use recommendation, does not interfere with parking and maneuvering, and is limited to the size and location as shown on the submitted site plan.

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 **1197 W. 5TH AVE. (43212)**, to permit accessory storage in the C-4, Commercial District (Council

Variance #CV22-101).

WHEREAS, by application #CV22-101, the owner of property at **1197 W. 5TH AVE. (43212)**, is requesting a Council variance to permit accessory storage in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, prohibits storage, while the applicant proposes to allow one accessory storage container in conjunction with a spa business, as shown on the site plan; and

WHEREAS, the 5th by Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because this request will not add a new or incompatible use to the area and is consistent with the land use recommendations of the *5th by Northwest Area Plan*; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed storage 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 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 of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **1197 W. 5TH AVE. (43212)**, 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 **1197 W. 5TH AVE. (43212)**, insofar as said section prohibits accessory storage in the C-4, Commercial District; said property being more particularly described as follows:

1197 W. 5TH AVE. (43212), being 0.17± acres located on the south side of West 5th Avenue, 140± feet east of Meadow Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus

Being Lot Number One (1), in James E. Fippin's Real View Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 360-361, Recorder's Office, Franklin county, Ohio.

PPN: 010-063158

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a commercial development with accessory storage, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**PALOMA**," signed by Eric Zartman, Attorney for the Applicant, and dated June 21, 2023. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed storage use.

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