



## Legislation Details (With Text)

**File #:** 1940-2004      **Version:** 1

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

**File created:** 10/26/2004      **In control:** Zoning Committee

**On agenda:** 11/22/2004      **Final action:** 11/24/2004

**Title:** To grant a Variance from the provisions of Section 3355.03, C-3, permitted uses, of the Columbus City Codes; for the property located at 9008 WORTHINGTON ROAD (43081), to permit a hotel and/or conference facility in the L-C-3, Limited Commercial District. (Council Variance #CV04-037)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1940-2004Hdshp.pdf, 2. ORD1940-2004zon.pdf, 3. ORD1940-2004gis.pdf, 4. ORD1940-2004FNArea.pdf, 5. ORD1940-2004FNAreaText.pdf, 6. ORD1940-2004prjdscl.pdf, 7. ORD1940-2004Labels.pdf, 8. City Council Data FormCV04-037.pdf

| Date       | Ver. | Action By             | Action                             | Result |
|------------|------|-----------------------|------------------------------------|--------|
| 11/24/2004 | 1    | MAYOR                 | Signed                             |        |
| 11/24/2004 | 1    | CITY CLERK            | Attest                             |        |
| 11/22/2004 | 1    | Zoning Committee      | Approved                           | Pass   |
| 11/22/2004 | 1    | COUNCIL PRESIDENT     | Signed                             |        |
| 11/15/2004 | 1    | Columbus City Council | Read for the First Time            |        |
| 11/5/2004  | 1    | Dev Zoning Drafter    | Sent to Clerk's Office for Council |        |
| 11/3/2004  | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |
| 11/3/2004  | 1    | DEVELOPMENT DIRECTOR  | Reviewed and Approved              |        |
| 11/2/2004  | 1    | Dev Zoning Reviewer   | Reviewed and Approved              |        |
| 10/26/2004 | 1    | Dev Zoning Drafter    | Sent for Approval                  |        |

**Council Variance Application: CV04-037**

**APPLICANT:** Ray Massa; 1439 Boswall Drive; Columbus, OH 43085.

**PROPOSED USE:** Hotel and/or conference facility.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant requests a Council variance to allow a hotel and conference facility. The applicant rezoned the property to the L-C-3, Limited Commercial District in 2001 for a hotel and conference facility among other uses. A later amendment to the Zoning Code excluded hotels from the C-3, Commercial District. The applicant now has an opportunity to develop a hotel and/or conference facility which is currently precluded by these unanticipated circumstances.

To grant a Variance from the provisions of Section 3355.03, C-3, permitted uses, of the Columbus City Codes; for the property located at **9008 WORTHINGTON ROAD (43081)**, to permit a hotel and/or conference facility in the L-C-3, Limited Commercial District. (Council Variance #CV04-037)

**WHEREAS**, by application No. CV04-037, the owner of property at **9008 OLD WORTHINGTON ROAD (43081)**, is requesting a Council Variance to permit a hotel and/or conference facility development in the L-C-3, Limited Commercial District; and

**WHEREAS**, Section 3355.03, C-3, permitted uses, currently prohibits development of a hotel and / or conference facility, while the applicant proposes to develop a hotel and/or conference facility on the property; and

**WHEREAS**, Section 3355.03, C-3, permitted uses, permitted hotel and/or conference facility uses at the time rezoning application Z01-048 was passed; and

**WHEREAS**, the permitted uses in the C-3, Commercial District were changed on July 22, 2002 which removed hotels and conference facilities as permitted uses in the C-3, Commercial District; and

**WHEREAS**, because hotel and/or conference facility is no longer a permitted in the C-3, Commercial District it is therefore not a permitted use in the L-C-3, Limited Commercial District established with rezoning application Z01-048; and

**WHEREAS**, the applicant stated that a hotel and/or conference facility was a likely use for said property during the rezoning process for Z01-048; 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 City Departments recommend approval of said ordinance; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy 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 alleviate the difficulties encountered by the owners of the property located at **9008 WORTHINGTON ROAD (43081)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** That variances from the provisions of Sections 3355.03, C-3, permitted uses, of the Columbus City Codes of Columbus City Codes are hereby granted for the property located at **9008 WORTHINGTON ROAD (43081)**, in so far as said section prohibit hotel and conference facility, said property being more particularly described as follows:

**Exhibit A**

**9008 Worthington Road  
2.284 acres**

Parcels 1 & 3: Parcel Number 318-443-02-011-000

Parcel 2: Parcel Number 318-443-02-010-000

**PARCEL 1:** Situated in the County of Delaware in the State of Ohio, and in the City of Columbus and bounded and described as follows:

Being in Range 18, Township 3, Section 4, Lot 19, U.S.M. Lands and bounded and described as follows:

Beginning at an iron pin in the center line of the Worthington-Galena Road and in the south line of Lot 19; thence along the center line of said road, north 40 deg. 35' east 141.1 feet to a point; thence north 85 deg. 30' west (passing an iron pipe at 30 feet) 350.89 feet

to an iron pipe; thence south 4 deg. 30' west 114.03 feet to an iron pipe in the south line of Lot 19; thence along said line, south 85 deg. 30' east (passing an iron pipe at 237.94 feet) 267.79 feet to the place of beginning, containing 0.809 acre, more or less. Subject to all legal highways or rights of way. Parcel Number 318-443-02-011-000

**PARCEL II:** Situated in the County of Delaware in the State of Ohio and in the Township of Orange and bounded and described as follows:

In Range 18, Township 3, Section 4, Lot 19, and more particularly described as follows:

Beginning at a point in the center line of the Worthington-Galena Road which \_\_\_ north 40 deg. 35' east 141.1 feet from an iron pin in the center line of said road and in the south line of Lot 19; thence north 85 deg. 30' west (passing an iron pipe at 30 feet) 350.89 feet to an iron pipe; thence north 4 deg. 30' east 148.78 feet to an iron pipe; thence south 85 deg. 30' east (passing an iron pipe at 430.99 feet) parallel to and 262.81 feet north of the south line of Lot 19, 459.34 feet to a point in the center line of the Worthington-Galena Road; thence along the center line of said Road south 40 deg. 35' west 184.1 feet to the place of beginning, containing 1.383 acres, more or less, but subject to legal highways and rights of way. Parcel Number 318-443-02-010-000

**PARCEL III:** Being in Range 18, Township 3, Section 4, Lot no. 20, U.S.M. Lands. Beginning at an iron pin in the center line of the Worthington-Galena Road on the south line of Lot 19 and at the southeast corner of a 0.809 acre parcel owned by the grantees herein; thence S. 40° 35' W. a distance of 30 feet to a point; thence in a northwesterly direction to the southwest corner of said 0.809 acre parcel a distance of 244.35 feet, more or less; thence, S. 85° 30' E. along the south line of said 0.809 acre parcel, (also the south line of Lot 19) a distance of 267.79 feet to the place of beginning, containing 0.092 acres, more or less. Parcel Number 318-443-02-011-000.

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a hotel and/or conference facility or those uses permitted in the L-C-3, Limited Commercial District established with rezoning application Z01-048.

**Section 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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