



Legislation Details (With Text)

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File created: 10/20/2004 **In control:** Zoning Committee

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

Title: To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3342.09, Dumpster screening; 3342.11, Landscaping; 3342.15, Maneuvering; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3342.29, Minimum number of loading spaces required, of the Columbus City codes for the property located at 1392-1396 KING AVENUE (43212), to conform an existing office/warehouse with reduced development standards in the AR-1, Apartment Residential District. (Council Variance # CV04-021)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1897-2004Hardship&Maps.pdf, 2. ORD1897-2004Labels.pdf, 3. ORD1897-2004DataSheet.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 | |
| 11/8/2004 | 1 | Dev Zoning Drafter | Sent to Clerk's Office for Council | |
| 11/8/2004 | 1 | City Clerk's Office | Sent back for Clarification/Correction | |
| 11/8/2004 | 1 | Dev Zoning Drafter | Sent to Clerk's Office for Council | |
| 11/7/2004 | 1 | DEVELOPMENT DIRECTOR | Reviewed and Approved | |
| 11/5/2004 | 1 | Dev Zoning Drafter | Sent for Approval | |
| 11/5/2004 | 1 | Dev Zoning Reviewer | Reviewed and Approved | |
| 11/5/2004 | 1 | Dev Zoning Drafter | Sent for Approval | |

Council Variance Application: CV04-021

APPLICANT: Accelerated Construction Services, LTD; c/o Brian T. Reed; 1396 King Avenue; Columbus, Ohio 43212.

PROPOSED USE: Office/warehouse.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow a nonconforming 11,738 square foot office/warehouse with no more than 10,000 square feet of office space in the AR-1, Apartment Residential District. A variance is necessary because the AR-1, Apartment Residential District does not allow office or warehouse uses. Other variances to standards to conform existing conditions include lot coverage, minimum side yard permitted, a reduction in the minimum number of

parking spaces required from a possible 40 to 34, and building and parking setbacks. A Hardship exists in that a nonconforming use has already been established on the site, and the existing structure cannot be renovated for office expansion for future tenant use.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3342.09, Dumpster screening; 3342.11, Landscaping; 3342.15, Maneuvering; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3342.29, Minimum number of loading spaces required, of the Columbus City codes for the property located at **1392-1396 KING AVENUE (43212)**, to conform an existing office/warehouse with reduced development standards in the AR-1, Apartment Residential District. (Council Variance # CV04-021)

WHEREAS, by application #CV04-021, the owner of the property at **1392-1396 KING AVENUE (43212)**, is requesting a Variance to permit an office/warehouse with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use, does not permit office/warehouse use, while the applicant proposes to conform an existing 11,738 square foot office/warehouse and permit office uses occupying no more than 10,000 square feet of the building; and

WHEREAS, Section 3333.15, Basis of computing area, requires that no dwelling shall occupy greater than fifty (50) percent of the lot area, while the applicant proposes no dwelling and a greater than 50% lot coverage for the existing building and parking lot as depicted on the site plan; and

WHEREAS, Section 3333.18, Building lines, requires the setback to be twenty-five (25) feet, while the applicant proposes to conform the building line of twenty-three (23) feet along King Avenue for the existing building; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain the zero (0) foot side yard along the west property line for the existing building; and

WHEREAS, Section 3333.24, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes to maintain a rear yard of less than twenty-five (25) percent for the existing building and parking lot as depicted on the site plan; and

WHEREAS, Section 3342.09, Dumpster area, requires that a dumpster be screened from view on all four sides, while the applicant proposes to maintain the existing unscreened dumpster; and

WHEREAS, Section 3342.11, Landscaping, requires the setback area between the right-of-way and the parking setback line to be landscaped, while the applicant proposes to maintain the existing paved setback; and

WHEREAS, Section 3342.15, Maneuvering, requires that the maneuvering area for a parking space may occur anywhere on the lot except in the area between the street right-of-way line and the parking setback line, while the applicant proposes to maintain the existing maneuvering area between the street right-of-way line and the parking setback line; and

WHEREAS, Section 3342.17, Parking lot screening, requires screening of commercial parking lots within eighty (80) feet of residentially zoned property to an opacity of not less than 75 %, while the applicant proposes to maintain the existing unscreened parking lot; and

WHEREAS, Section 3342.18, Parking setback line, requires a twenty-five (25) foot parking setback in , while the applicant proposes a nine (9) foot parking setback line for the existing parking lot; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires up to 40 parking spaces for the proposed use, while the applicant proposes 34 spaces; and

WHEREAS, Section 3342.29, Minimum number of loading spaces required, requires two (2) loading spaces for an 11,738 square-foot office/warehouse building, while the applicant proposes only one (1) loading space; and

WHEREAS, this variance will permit an existing office/warehouse with no more than 10,000 square feet of office space with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, City Departments recommend approval and note a hardship exists because a nonconforming use has already been established on the site, and the existing structure cannot be renovated for office expansion for future tenant use, and the requested Council Variance will allow the renovation of the 11, 738 square foot office/warehouse for an office expansion with the total office space not to exceed 10,000 square feet in the AR-1, Apartment Residential District. A variance is necessary because the AR-1, Apartment Residential District does not allow office or warehouse uses. Other variances to standards to conform existing conditions include lot coverage, minimum side yard permitted, a reduction in the minimum number of parking spaces required from a possible 40 to 34, and building and parking setbacks; 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 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 **1392-1396 KING AVENUE (43212)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3333.15, Basis of computing area; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3342.09, Dumpster screening; 3342.11, Landscaping; 3342.15, Maneuvering; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3342.29, Minimum number of loading spaces required; of the Columbus City codes for the property located at **1392-1396 KING AVENUE (43212)**, insofar as said sections prohibit an office/warehouse with a lot coverage of greater than 50%, a 23-foot building setback line, a 0-foot minimum side yard, a rear yard that is less than 25%, an unscreened dumpster, an unlandscaped parking setback, maneuvering in the parking setback, an unscreened parking lot, a nine-foot parking setback line, a parking space reduction from up to 40 spaces to 34 spaces; and a loading space reduction from 2 spaces to 1 space; said property being more particularly described as follows:

1392-1396 KING AVENUE (43212), being 0.56± acres located on the north side of King Avenue, at the north terminus of Grandview Avenue, and being more particularly described as follows:

Parcel # One (010-061990):

Being the east one-half of lot twenty-five (25) in ROBERT E. NEIL'S, as sole surviving Trustee of JOHN G. NEIL AND FAMILY SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in the Plat Book 4, page 130, Recorder's Office, Franklin County, Ohio.

Parcel # Two (010-062023):

Being 32.33 feet off the west end of lot twenty-four (24) in ROBERT E. NEIL'S, as sole Trustee of JOHN G. NEIL AND FAMILY SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in the Plat Book 4, page 130, 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 as an office/warehouse with up to 10,000 square feet of office space, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan "**EXTERIOR RENOVATION AND TENANT IMPROVEMENT FOR 1392-1396 KING AVENUE**", drawn by Kocher Design and Drafting Services, dated September 30, 2004, and signed by Brian T Reed, applicant. The Zoning Site 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 adjustments to the Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the combination of tax parcels #1 (010-061990), and #2 (010-062023) to form one (1) tax parcel prior to the issuance of Zoning Clearance.

SECTION 5. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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