



Legislation Details (With Text)

File #: 2770-2018 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/28/2018 **In control:** Zoning Committee

On agenda: 11/5/2018 **Final action:** 11/7/2018

Title: To grant a Variance from the provisions of Section 3357.01, C-5 commercial district, of the Columbus City codes; for the property located at 865 NORTH WILSON ROAD (43204), to permit automotive sales in the C-5, Commercial District (Council Variance # CV18-018).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2770-2018_Attachments, 2. ORD2770-2018_Labels

Date	Ver.	Action By	Action	Result
11/7/2018	1	CITY CLERK	Attest	
11/6/2018	1	MAYOR	Signed	
11/5/2018	1	COUNCIL PRESIDENT	Signed	
11/5/2018	1	Zoning Committee	Waive the 2nd Reading	Pass
11/5/2018	1	Zoning Committee	Approved	Pass

Council Variance Application: CV18-018

APPLICANT: G & SG Investments, LLC; c/o William L. Loveland, Atty.; 3300 Riverside Drive, Suite 125; Upper Arlington, OH 43221.

PROPOSED USE: Automotive sales.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site was previously developed with a car wash facility in the C-5, Commercial District but was subsequently changed to automotive sales without obtaining proper zoning clearance. The requested Council variance will permit automotive sales at this location. The site is within the boundaries of the *Greater Hilltop Plan Amendment* (2010), which recommends "Community Commercial" land uses at this location. The proposed use of automotive sales is compatible to the Plan's recommendation and is consistent with the adjacent development pattern along North Wilson Road.

To grant a Variance from the provisions of Section 3357.01, C-5 commercial district, of the Columbus City codes; for the property located at **865 NORTH WILSON ROAD (43204)**, to permit automotive sales in the C-5, Commercial District (Council Variance # CV18-018).

WHEREAS, by application # CV18-018, the owner of the property at **865 NORTH WILSON ROAD (43204)**, is requesting a Council variance to permit automotive sales in the C-5, Commercial District; and

WHEREAS, Section 3357.01, C-5, commercial district, prohibits retail uses, while the applicant proposes automotive sales in the C-5, Commercial District; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed automotive sales use is compatible with the *Greater Hilltop Plan Amendment's* land use recommendation and is consistent with the adjacent development pattern along North Wilson Road; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a 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 **865 NORTH WILSON ROAD (43204)**, 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 Section 3357.01, C-5 commercial district, of the Columbus City codes, is hereby granted for the property located at **865 NORTH WILSON ROAD (43204)**, insofar as said section prohibits automotive sales in the C-5, Commercial District; said property being more particularly described as follows:

865 NORTH WILSON ROAD (43204), being 1.1± acres located at the northwest corner of North Wilson Road and Ferrell Place and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus and being more fully described as follows:

Being Lot No. 5 of Winner Homes, Wilson Road Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 33, Page 10, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM (Lot No. 5) THE FOLLOWING:

Beginning at the northeasterly corner of said Lot 5 and the Grantor's northeasterly property corner, said point being 39.83 feet left of Station 68 + 45.91 in the centerline of construction of Wilson Road as part of a survey made in 1967 by the Ohio Department of Highways of Interstate Route 70, Section 7.60, in Franklin County, Ohio; thence with the easterly line of Lot 5 and the Grantor's easterly property line South 23° 59' 49" East a distance of 104.86 feet to a point; thence continuing with the Grantor's property line on a curve to the right, having a radius of 30.00 feet and a chord bearing South 0° 05' 52" West for 24.50 feet, a distance of 25.23 feet along the curve to a point; thence through the Grantor's lands North 30° 00' 19" West a distance of 145.95 feet to a point in the northerly line of said Lot 5 and the Grantor's northerly property line; thence South 78° 39' 19" East a distance of 30.99 feet to the place of beginning, containing 2.265 square feet, more or less.

TOGETHER WITH THE FOLLOWING:

Being Lot No. 6 of Winner Homes Subdivision, as recorded in Franklin County Plat Book 33, Page 10, and also known as and located at 3564 Ferrell Place, Columbus, Ohio.

TOGETHER WITH THE FOLLOWING:

DESCRIPTION OF A 0.1967 ACRE TRACT OF LAND ON THE WEST SIDE OF WILSON ROAD AND NORTH OF FERRELL PLACE IN COLUMBUS, OHIO.

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part Virginia Military Survey No. 3316, containing 0.1967 acre of land, more or less, out of Lot No. 2 as the same is numbered and delineated on the plat of Columbus West, of record in Plat Book 46, Page 65 (all references to plat books, deed books or instruments in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 0.1967 acre tract of land being more particularly described as follows:

Wilson Road Subdivision, of record in Plat Book 33, Page 10, a distance of 79.98 feet to a 3/4" hollow iron pin (found) in the westerly limited access right-of-way line of Wilson Road, being the southeasterly corner of said Lot No. 2, the southwesterly corner of said 13.416 acre tract, said iron pin (found) also being the true point of beginning;

Thence, from said true point of beginning, N 78° 41' 20" W, with the northerly line of said Winner Homes Wilson Road Subdivision, the southerly line of said Lot No. 2, a distance of 196.94 feet to a capped rebar (found) (Site Eng., Inc.) at the northwesterly corner of Lot 6, the northeasterly corner of Lot 7, both being numbered and delineated on the plat of said Winner Homes Wilson Road Subdivision;

Thence N 68° 24' 47" E, with a southerly line of that 2.063 acre tract of land as described in a deed to System Capital Real Property Corporation, of record in Instrument 199710270127958, crossing said Lot No. 2, a distance of 160.22 feet to a capped iron pin (found) (P & L SYST. P.S. 6841) in the westerly limited access right-of-way line of Wilson Road, the westerly line of said Lot No. 2, the easterly line of said 13.416 acre tract;

Thence S. 24° 19' 40" E, with the westerly limited access right-of-way line of Wilson Road, the westerly line of said Lot No. 2, the easterly line of said 13.416 acre tract, a distance of 107.09 feet to the true point of beginning and containing 0.1967 acre of land, more or less.

All iron pins denoted as "set" are 5/8" (I.D.) X 30" iron pipe plugged with a plastic cap stamped "ELSCO S5519" and have been set by Erlenbach Land Surveying Company. All iron pins denoted as "found" have been set by others.

The basis of bearing being the westerly limited access right-of-way line being S 24° 19' 40" E as the same is denoted on the plat of Columbus West, of record in Plat Book 46, Page 65, Recorder's Office, Franklin County, Ohio.

Property Address: 865 North Wilson Road; Columbus, OH 43204
Parcel Number: 570-107944

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for automotive sales, or those uses permitted in the C-5, Commercial District.

SECTION 3. That this ordinance is further conditioned upon 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.