



## Legislation Details (With Text)

**File #:** 2422-2018      **Version:** 1

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

**File created:** 8/30/2018      **In control:** Zoning Committee

**On agenda:** 9/17/2018      **Final action:** 9/19/2018

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.11, Drive-in stacking area; 3321.01, Dumpster area; 3372.605(B), Building design standards; and 3372.605(C), Building design standards, of the Columbus City codes; for the property located at 1319 WEST FIFTH AVENUE (43212), to permit a car washing facility with reduced development standards in the C-4, Commercial District (Council Variance # CV18-040).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2422-2018\_Attachments, 2. ORD2422-2018\_Labels

Date	Ver.	Action By	Action	Result
9/19/2018	1	CITY CLERK	Attest	
9/18/2018	1	MAYOR	Signed	
9/17/2018	1	COUNCIL PRESIDENT	Signed	
9/17/2018	1	Zoning Committee	Waive the 2nd Reading	Pass
9/17/2018	1	Zoning Committee	Approved	Pass

**Council Variance Application: CV18-040**

**APPLICANT:** Brad J. DeHays - Connect Realty; c/o Timothy Volchko, Agent; CEC, Inc.; 250 West Old Wilson Bridge Road, Suite 250; Worthington, OH 43085

**PROPOSED USE:** Car washing facility.

**FIFTH BY NORTHWESTERN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a non-conforming car wash facility in the C-4, Commercial District, and lies within the West Fifth Avenue Urban Commercial Overlay (UCO). The requested Council variance will permit an updated car washing facility at this location and will grant variances to building design standards that do not comply with UCO requirements. Additionally, variances for required by-pass lane and dumpster screening are included in this request. The site is located within the boundaries of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends "mixed-use" land uses at this location. Staff supports a car washing facility at this location that includes adherence to a submitted site plan showing improvements to traffic access and circulation and an additional tree lawn along West Fifth Avenue. Staff support is further conditioned on future redevelopment of the site complying with all UCO requirements.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3312.11, Drive-in stacking area; 3321.01, Dumpster area; 3372.605(B), Building design standards; and 3372.605(C), Building design standards, of the

Columbus City codes; for the property located at **1319 WEST FIFTH AVENUE (43212)**, to permit a car washing facility with reduced development standards in the C-4, Commercial District (Council Variance # CV18-040).

**WHEREAS**, by application # CV18-040, the owner of the property at **1319 WEST FIFTH AVENUE (43212)**, is requesting a Council variance to permit a car washing facility with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 permitted uses, does not permit a car washing facility, while the applicant proposes to update and conform an existing car washing facility; and

**WHEREAS**, Section 3312.11, Drive-in stacking area, requires one exclusive by-pass lane with a minimum width of ten feet, while the applicant proposes no exclusive by-pass lane; and

**WHEREAS**, Section 3321.01, Dumpster area, requires that a dumpster be screened from view on all four sides, while the applicant proposes to maintain the existing dumpster without screening; and

**WHEREAS**, Section 3372.605(B), Building design standards, requires the width of a principal building along a primary building frontage to be a minimum of sixty percent (60%) of the lot width, while the applicant proposes to maintain the existing noncompliant building width; and

**WHEREAS**, Section 3372.605(C), Building design standards, a building frontage that exceeds a width of fifty (50) feet shall include vertical piers or other vertical visual elements to break the plane of the building frontage, while the applicant proposes no such vertical piers for the updated building; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the updated car washing facility will be developed in accordance with a site plan that shows improved traffic access and circulation, a new tree lawn along West Fifth Avenue, and a condition that future site redevelopment must comply with all UCO requirements; 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 **1319 WEST FIFTH 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 3356.03, C-4 permitted uses; 3312.11, Drive-in stacking area; 3321.01, Dumpster area; 3372.605(B), Building design standards; and 3372.605(C), Building design standards, of the Columbus City codes, is hereby granted for the property located at **1319 WEST FIFTH AVENUE (43212)**, insofar as said sections prohibit a car washing facility in the C-4, Commercial District; with no exclusive by-pass lane provided; no dumpster screening; and a building in the Urban Commercial Overlay that does not provide required building width of at least sixty percent (60%) of the lot width and does not provide vertical piers or other vertical elements that break the

plane of the building frontage for a building greater than fifty (50) feet wide; said property being more particularly described as follows:

**1319 WEST FIFTH AVENUE (43212)**, being 0.36± acres located on the south side of West Fifth Avenue, 110 feet west of Northwestern Boulevard and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 1, 3 and 17' off the west side of Sunrise Alley as shown on the Amended Plat of HC Grease West Fifth Avenue Subdivision of record in Plat Book 5, Page 160 as conveyed to Randolph Rentals, LLC of record in Instrument Number 200903110033805, all references to records being on file in the Office of the Recorder, Franklin County, Ohio, said 0.35544 acre parcel being more fully described herein;

BEGINNING at the northwest corner of Lot 3 of said Amended Plat of HC Grease West Fifth Avenue Subdivision;

Thence, South 85°58'14" East, a distance of 102.50 feet to a point;

Thence, South 04°01'46" West, a distance of 150.00 feet to a point;

Thence, North 85°58'14" West, a distance of 103.94 feet to a point;

Thence, North 04°34'46" East, a distance of 150.01 feet to the TRUE POINT OF BEGINNING, containing 0.355 acres of land, subject to all easements and documents of record.

For the purpose of this description a bearing of South 85°58'14" East was held on North Line of Amended Plat of HC Grease West Fifth Avenue Subdivision of record in Plat Book 5, Page 160. This document is based on documents of record. No actual field survey was performed.

Property Address: 1319 West Fifth Avenue; Columbus, OH 43212  
Parcel Number: 010-062495

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a car washing facility, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**VARIANCE SITE PLAN**," dated August 29, 2018, and signed by Timothy Volchko, Agent for the Applicant. 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 adjustments to the plan shall be subject to review and approval 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 Occupancy for the proposed use.

**SECTION 5.** That this ordinance is further conditioned upon compliance with Urban Commercial overlay requirements upon redevelopment of the subject site.

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