



## Legislation Details (With Text)

**File #:** 0788-2010      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/19/2010      **In control:** Zoning Committee  
**On agenda:** 7/12/2010      **Final action:** 7/14/2010  
**Title:** To grant a Variance from the provisions of Sections 3349.03, Permitted uses; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes, for the property located at 200 EAST LIVINGSTON AVENUE (43215), to permit an Automatic Teller Machine (ATM) kiosk as an accessory use to a church with a reduction in the required number of parking spaces in the I, Institutional District (Council Variance #CV10-008).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0788-2010Attachments.pdf, 2. ORD0788-2010Labels.pdf, 3. ORD0788-2010DataSheet.pdf, 4. Notice Of Public Hearing20100712.pdf

Date	Ver.	Action By	Action	Result
7/14/2010	1	MAYOR	Signed	
7/14/2010	1	CITY CLERK	Attest	
7/12/2010	1	Zoning Committee	Approved	Pass
7/12/2010	1	COUNCIL PRESIDENT	Signed	
5/27/2010	1	Building and Zoning Drafter	Sent for Approval	
5/27/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
5/27/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	
5/26/2010	1	Building and Zoning Drafter	Sent for Approval	
5/26/2010	1	Building and Zoning Reviewer	Reviewed and Approved	

**Council Variance Application: CV10-008**

**APPLICANT:** Chad Brainard; 4110 Demorest Road; Grove City, OH 43123.

**PROPOSED USE:** Automatic Teller Machine (ATM) kiosk as an accessory use to a church.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a church zoned in the I, Institutional District. The requested Council variance would allow an Automatic Teller Machine (ATM) kiosk as an accessory use in the parking lot. Although the I District allows some office uses, bank uses are prohibited. Staff is supportive of the proposed accessory use because the south side of Livingston Avenue is developed with mixed-commercial uses, and the church leases their parking spaces to some of the surrounding businesses. The ATM kiosk will displace two code-required parking spaces in the already-deficient parking lot. A 58-space parking variance is included in the request to address the displaced parking spaces and to conform the church's current parking shortage. No recommendation is being made regarding the hardship aspect of this request.

To grant a Variance from the provisions of Sections 3349.03, Permitted uses; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes, for the property located at **200 EAST LIVINGSTON AVENUE (43215)**, to permit an

Automatic Teller Machine (ATM) kiosk as an accessory use to a church with a reduction in the required number of parking spaces in the I, Institutional District (Council Variance #CV10-008).

**WHEREAS**, by application #CV10-008, the owner of property at **200 EAST LIVINGSTON AVENUE (43215)**, is requesting a Variance to permit an Automatic Teller Machine (ATM) kiosk as an accessory use to a church with a reduction in the required number of parking spaces in the I, Institutional District; and

**WHEREAS**, Section 3349.03, Permitted uses, does not permit banking uses to be located within said District, while the applicant proposes to locate an accessory ATM kiosk on a lot developed with a church; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires one (1) parking space for every 30 square feet of sanctuary or auditorium space for churches, or 188 spaces for a 5,625 square-foot sanctuary, while the applicant proposes 130 parking spaces; and

**WHEREAS**, City Departments recommend approval because although the I District prohibits bank uses, the proposed ATM kiosk is located within close proximity to the mixed-commercial uses on the south side of East Livingston Avenue, and the church leases their parking spaces to some of the surrounding businesses; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 roads, 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 **200 EAST LIVINGSTON AVENUE (43215)**, 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 3349.03, Permitted uses; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes, for the property located at **200 EAST LIVINGSTON AVENUE (43215)**, insofar as said sections prohibit an ATM kiosk as an accessory use to a church with a reduction in the required number of parking spaces from 188 to 130, said property being more particularly described as follows:

**200 EAST LIVINGSTON AVENUE (43215)**, being 0.62± acres located at the northeast corner of East Livingston Avenue and South Fourth Street, and being more particularly described as follows:

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

Being disposition Parcel 1 of the Childrens Hospital Urban Renewal Area, Plat B-1 Lot 1, as the same is numbered and delineated upon the recorded plat thereof. Of record in Plat Book No. 37, page 40, Recorder's Office, Franklin County, Ohio.

Parcel # 010-140847  
200 East Livingston Avenue

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an accessory ATM kiosk, or those uses permitted in the I, Institutional District.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**ATM KIOSK AT LIVINGSTON UNITED METHODIST CHURCH**," drawn and signed by T.M. Decker, Architect, and dated May 3, 2010. The Subject Site shall be developed in accordance with the attached site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development or engineering plan completion. 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 his/her 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 for the proposed use.

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