



## Legislation Details (With Text)

**File #:** 3416-2023      **Version:** 1

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

**File created:** 11/22/2023      **In control:** Zoning Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at 1872 S. PEARL ST. (43207), to allow an automotive maintenance and repair facility with reduced development standards in the R-3, Residential District (Council Variance #CV19-013).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3416-2023\_Attachments, 2. ORD3416-2023\_Labels

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
12/11/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/11/2023	1	Zoning Committee	Approved	Pass
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV19-013**

**APPLICANT:** Southside Commercial, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, First Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Conform existing automotive maintenance and repair facility.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a nonconforming automotive maintenance and repair facility in the R-3, Residential District. The requested Council variance will conform the existing auto repair facility. The variance is required because the R-3 district does not allow commercial uses. Variances to reduce the maneuvering area, parking setback line, and side yards are also included with this request. The site is within the boundaries of the *South Side Plan* (2014), which recommends “Industrial” land uses at this location, and includes adoption of *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). As the proposed variance will conform the existing use which has been established for many years, and is consistent with the Plan’s land use recommendation, it is supported.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1872 S. PEARL ST. (43207)**, to allow an automotive maintenance and repair facility with reduced development standards in the R-3, Residential District (Council Variance #CV19-013).

**WHEREAS**, by application #CV19-013, the owner of property at **1872 S. PEARL ST. (43207)**, is requesting a Council variance to allow an automotive maintenance and repair facility with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, does not permit commercial uses, while the applicant proposes to conform the existing automotive maintenance and repair shop, as shown on the submitted site plan; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located or 20 feet of maneuvering area, while the applicant proposes to maintain a reduced maneuvering area for the existing parking spaces on the west side from 20 feet to 17 feet; and

**WHEREAS**, Section 3312.27, Parking setback line, requires a parking setback of 25 feet from the street right-of-way line, while the applicant proposes to maintain a reduced setback of zero feet along South 3rd Street; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, for a maximum requirement of 16 feet, while the applicant proposes to maintain no side yards for the existing building; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to maintain no side yards for the existing building; and

**WHEREAS**, the Columbus South Side Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because the proposal will conform the existing automobile maintenance and repair facility which has existed for many years, and is consistent with the land use recommendations of the *South Side Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy, if applicable, 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **1872 S. PEARL ST. (43207)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.035, R-3 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; is hereby granted for the property located at **1872 S. PEARL ST. (43207)**, insofar as said

sections prohibit an automotive maintenance and repair facility in the R-3, Residential District; with reduced maneuvering area from 20 feet to 17; a reduced parking setback line from 25 feet to zero feet along South 3rd Street; a reduced maximum side yard from 16 feet to zero feet; and a reduced minimum side yard from five feet to zero feet, said property being more particularly described as follows:

**1872 S. PEARL ST. (43207)**, being 0.30± acres located on the east side of South Pearl Street, 30± feet north of Hinkle Avenue, and being more particularly described as follows:

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

Being Lots Five (5), Six (6), and Seven (7) of the MRS. JANE H. CHAMBERS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 325, Recorder's Office, Franklin County, Ohio.

Address of Property: 1872 South 3rd Street, Columbus, OH 43207

Parcel No.: 010-000467

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an automotive maintenance and repair facility, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**SITE PLAN for 1872 S. PEARL STREET**," dated April 25, 2023, and signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plans 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 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, if applicable, 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.