



Legislation Text

File #: 2050-2023, **Version:** 1

Council Variance Application: CV22-159

APPLICANT: Grant Avenue Partners Ltd.; c/o Donald T. Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Vehicle storage and wholesaling.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance #2049-2023; Z22-099) to the M, Manufacturing District to permit vehicle storage and wholesaling. Variances for driveway, landscaping and screening, and reduced building and parking setbacks are included in the request. Staff supports the requested variances as they will conform the existing conditions of the site, and do not represent any physical changes to the site.

To grant a Variance from the provisions of Sections 3312.13(B), Driveway; 3312.21(A), Landscaping and screening; 3372.804(A)(B), Setback requirements; and 3372.807(A), Landscaping and screening, of the Columbus City Codes; for the property located at **3440 W. BROAD ST. (43204)**, to permit reduced development standards for vehicle storage and wholesaling uses in the M, Manufacturing District (Council Variance #CV22-159).

WHEREAS, by application #CV22-159, the owner of property at **3440 W. BROAD ST. (43204)**, requests a Council variance to permit reduced development standards for vehicle storage and wholesaling uses in the M, Manufacturing District; and

WHEREAS, Section 3312.13(B), Driveway, requires the driveway have a minimum width of 20 feet and a maximum width of 35 feet measured at the street right-of-way line, while the applicant proposes to maintain the existing driveway that is 13 feet wide; and

WHEREAS, Section 3312.21(A), Landscaping and screening, requires the interior of any parking lot containing 10 or more parking spaces to provide one deciduous shade tree per 10 spaces within islands or peninsulas, while the applicant proposes to maintain zero trees within the existing parking lot; and

WHEREAS, Section 3372.804(A)(B), Setback requirements, requires minimum setbacks from the right-of-way line of 20 feet for buildings and 10 feet for parking, while the applicant proposes to maintain a building setback of 12 feet, and a parking setback of 2 feet from the West Broad Street right-of-way line; and

WHEREAS, Section 3372.807(A), Landscaping and screening, requires a minimum three-foot high continuous row of planted shrubs shall be planted to screen surface parking lots from a public street to an overall opacity of 75 percent when in leaf, while the applicant proposes no parking lot screening along West Broad Street frontage; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the requested variances will conform existing conditions and do not represent any physical changes to the site; and

WHEREAS, this 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 **3440 W. BROAD ST. (43204)**, 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 3312.13(B), Driveway; 3312.21(A), Landscaping and screening; 3372.804(A)(B), Setback requirements; and 3372.807(A), Landscaping and screening, of the Columbus City Codes, is hereby granted for the property located at **3440 W. BROAD ST. (43204)**, insofar as said sections prohibit a reduced driveway width from 20 to 13 feet; no interior parking lot shade trees; reduced building setback from 20 feet to 12 feet, and reduced parking setback from 10 feet to 2 feet; and no parking lot screening along the West Broad Street frontage; said property being more particularly described as follows:

3440 W. BROAD ST. (43204), being 1.20± acres located on the north side of West Broad Street, 475± feet east of North Wilson Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Virginia Military Survey 3315, and being all out of that 1.975 acre tract as conveyed as Parcel I and Parcel II to Grant Avenue Properties, LTD, of record in Instrument Number 201802050015806, all deed references refer to the records of the Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at the southwesterly corner of said 1.975 acre tract and being a point on the northerly right of way line of West Broad Street;

Thence North 2°50'23" West, with the westerly line of said 1.975 acre tract, a distance of 160.00 feet to a point;

Thence North 87°08'15" East, through said 1.975 acre tract, a distance of 320.00 feet to a point in the westerly line of said 1.975 acre tract;

Thence South 2°50'23" East, a distance of 160.00 feet to a point on said northerly right of way line and being the southeasterly corner of said 1.975 acre tract;

Thence South 87°08'15" West, with said northerly right of way line a distance of 320.00 feet to the **Point of Beginning** and containing 1.2± acres of land, more or less.

This description was prepared from existing records and is for zoning purposes only and is not for Deed Transfer purposes.

Address: 3440 West Broad Street, Columbus, OH
Parcel No.: Part of 010-006891 & 010-006683

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the M, Manufacturing District as specified in Ordinance #2049-2023 (Z22-099).

SECTION 3. That this ordinance is further conditioned on the following:

- A. The applicant shall install a row of shrubs along the West Broad Street frontage in front of the existing building within ninety days of the effective date of this ordinance. The shrubs shall be one (1) continuous row of shrubs that shall be installed and maintained to a height of no less than five (5) feet above the finished grade and to be located in front of the building on the Property. The shrubs shall provide a year-round opacity of not less than seventy-five (75) percent.
- B. The property owner, its successors or assigns, and its tenants, agents, and contractors shall not park tractor trailers on the subject site overnight.
- C. All storage on the subject site shall be enclosed in the building located on the property.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.