



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2125-2004, Version: 2

Council Variance Application: CV04-032

APPLICANT: BDT Investment Company; c/o Sheila Nolan Gartland, Atty.; 52 East Gay Street, Columbus, Ohio 43215.

PROPOSED USE: Automotive body shop, maintenance, and repair.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the M-1, Manufacturing District, and developed with an industrial building. Half of the building is currently being used as an automobile body shop, but has no established use of record. The requested Council variance will conform the existing automotive body shop and allow an expansion for paint spray booths and other automotive maintenance or repair uses within the existing building. Automotive body shops, maintenance, and repair facilities are not permitted in the M-1, Manufacturing District. A hardship exists in that half of the existing building is currently being used as an automotive body shop, and the applicant cannot expand within the existing structure for additional automotive uses without a Council variance. The proposed use is appropriate at this location, and is consistent with development patterns in the area.

To grant a Variance from the provisions of Section 3365.01, M-1, Manufacturing District, of the Columbus City codes for the property located at **2135 JAMES ROAD (43232)**, to permit an automotive body shop, maintenance, or repair facility in the M-1, Manufacturing District **and to declare an emergency** (Council Variance # CV04-032).

WHEREAS, by application No. CV04-032, the owner of property at **2135 JAMES ROAD (43232)**, is requesting a Council variance to permit automotive body shop, maintenance, or repair facilities in the M-1, Manufacturing District; and

WHEREAS, Section 3365.01, M-1 Manufacturing District, prohibits automotive body shops, maintenance, and repair facilities, while the applicant proposes to make an existing automotive body shop a conforming use on the property and expand within the existing building for automotive body shop, maintenance, or repair uses; and

WHEREAS, City Departments recommend approval and note a hardship exists because the requested Council Variance will conform an existing automotive body shop and allow an expansion for paint spray booths and other automotive maintenance and repair uses within the existing building. Automotive body shops, maintenance, and repair facilities are not permitted in the M-1, Manufacturing District. A hardship exists in that half of the existing structure is currently being used as an automotive body shop, and the applicant cannot expand within the existing structure for additional automotive uses without a Council variance. The proposed use is appropriate at this location, and is consistent with development patterns in the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the fact that the owner has a tenant who is ready, willing, and able to commence business and to provide employment opportunities and would like to do so at the earliest possible date for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **2135 JAMES ROAD (43232)**, in using said property as desired; now, therefore:

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

SECTION 1. Variance from the provisions of Section 3365.01, M-1 Manufacturing District of the Columbus City codes is hereby granted for the property located at **2135 JAMES ROAD (43232)**, insofar that said section prohibits automotive body, maintenance, and repair facilities in the M-1, Manufacturing District; said property being more particularly described as follows:

2135 JAMES ROAD (43232), being 1.83± acres located on the west side of James Road at the terminus of Service Road D, and being more particularly described as follows:

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

Being Lot Number Two (2) of BERWICK CENTRE SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 51, page 45, Recorder's Office, Franklin County, Ohio.

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 body shop, maintenance, or repair facility, or those uses permitted in the M-1, Manufacturing 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.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**