



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0505-2016, **Version:** 2

Council Variance Application # CV15-068

APPLICANT: Ohio Mulch; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street, Suite 460; Columbus, OH 43215.

PROPOSED USE: Landscaping and mulch retail and wholesale.

NORTHLAND COMMUNITY COUNCIL 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 No. 0504-2016; Z15-050) to the L-M, Limited Manufacturing District for the development of a retail and wholesale landscaping and mulch business. The applicant is requesting variances to the minimum number of parking spaces required and to reduce the building and storage setbacks. The proposed setback variances are supported because they match development patterns along the East Dublin-Granville Road corridor, and maximum storage heights committed to on the zoning site plan will ensure proper screening from adjacent properties. The requested parking variance is supported due to the nature of the retail operation and seasonal product stock needs.

To grant a variance from the provisions of Sections 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; 3363.41, Storage, of the Columbus City codes; for the property located at **826 EAST DUBLIN-GRANVILLE ROAD (43229)**, to permit a retail and wholesale landscaping and mulch business with reduced parking and setbacks in the L-M, Limited Manufacturing District (Council Variance # CV15-068).

WHEREAS, by application No. CV15-068, the owner of property at **826 EAST DUBLIN-GRANVILLE ROAD (43229)** is requesting a Council Variance), to permit a retail and wholesale landscaping and mulch business with reduced parking and setbacks in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires a minimum of one (1) parking space per 250 square feet of retail space, and one parking space per 1,000 square feet of warehouse space; a total requirement of forty-three (43) parking spaces for 1,800 square feet of retail space and 31,100 square feet of warehouse space, while the applicant proposes nineteen (19) parking spaces on the site; and

WHEREAS, Section 3363.24(C)(2), Building lines in an M-manufacturing district, requires a building setback of one hundred and ten (110) feet, while the applicant proposes a seventy-four (74) foot setback along East Dublin-Granville Road; and

WHEREAS, Section 3363.41, Storage, requires the open storage of materials may be permitted when located at least twenty (20) feet away from a lot line, while the applicant proposes a five (5) foot setback ~~along the east property line~~; and

WHEREAS, the City Departments recommend approval because the request will allow a retail and wholesale landscaping and mulch business with appropriate development standards. The proposed setback variances are supported because they match development patterns along the East Dublin-Granville Road corridor, and reduced storage heights committed to on the zoning site plan will ensure proper screening from adjacent properties. The requested parking

variance is supported due to the nature of the retail operation and seasonal product stock needs; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variances 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 **826 EAST DUBLIN-GRANVILLE ROAD (43229)**, 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 3312.49, Minimum numbers of parking spaces required; 3363.24, Building lines in an M-manufacturing district; 3363.41, Storage, of the City codes; for the property located at **826 EAST DUBLIN-GRANVILLE ROAD (43229)**, in so far as said sections prohibit a retail and wholesale landscaping and mulch business in the L-M, Limited Manufacturing District, with a parking space reduction from forty-three (43) required spaces to nineteen (19) spaces; a reduced building line from one hundred and ten (110) feet to seventy-four (74) feet; and a reduced storage setback from twenty (20) feet to five (5) feet ~~along the east property line~~; said property being more particularly described as follows:

826 EAST DUBLIN-GRANVILLE ROAD, being 1.2± acres located on the north side of East Dublin-Granville Road, 160± feet east of Huntley Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Quarter Township 4, Township 2, Range 18, United States Military Lands and being all of that 0.354 acre tract and all of the residual land in that 3.91 acre tract (with exceptions) described in deeds to Judith E. Burgess of record in the following deeds: D.B. 2025, Pg. 87, Inst. 199711190147695, Inst. 200206240155032, Inst. 200907130101870 and D.B. 3616, Pg. 628, Inst. 200206240155030, Inst. 200907130101868 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, at the intersection of the westerly line of said 3.91 acre tract with the northerly right-of-way line of East Dublin Granville Road (State Route 161), being the southeasterly corner of that 1.153 acre tract described in a deed to B & N Company of record in O.R. 134 H01;

Thence North 5° 56' 46" West 404.22 feet, along the easterly line of said 1.153 acre tract, and the westerly line of said 3.91 acre tract, to the southerly line of lands of Garrison Huntley LLC of record in Inst. 201209280145908;

Thence North 84° 41' 29" East 125.98 feet along the southerly line of said Garrison Huntley LLC, to the westerly line of lands of 2089 Webster LLC of record in Inst. 2015013300039419;

Thence South 5° 52' 47" East 411.43 feet, along the westerly line of said 2089 Webster LLC, and the easterly line of said 3.91 acre tract, to the northerly right-of-way line of said Dublin Granville Road;

Thence South 84° 20' 00" West 76.50 feet, along said right-of-way line, and the southerly line of said 0.354 acre tract, to a point;

Thence North 77° 57' 54" West 12.83 feet, continuing along said line, to a corner of said 0.354 acre tract;

Thence North 89° 20' 51" West 37.25 feet, along the northerly right-of-way line of East Dublin Granville Road, to the POINT OF BEGINNING, and containing 1.18 acres of land, more or less.

The above description was prepared from available records and does not represent an actual field survey.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a wholesale landscaping and mulch business, or those uses permitted in the L-M, Limited 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.