



Legislation Text

File #: 1980-2017, **Version:** 1

Council Variance Application: CV17-044

APPLICANT: Homewood Corporation; c/o Laura MacGregor Comek, Atty.; 300 East Broad Street, Suite 450; Columbus, OH 43215.

PROPOSED USE: Dog shelter with outdoor runs subject to an approved Special Permit from the Board of Zoning Adjustment .

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is undeveloped and is pending rezoning to the CPD, Commercial Planned Development District with Ordinance # 1979-2017 (Z16-054). The applicant is requesting a Council variance to allow a dog shelter with outdoor runs along the west side of the proposed building, as reflected on the site plan committed to with Ordinance # 1979-2017. A dog shelter is a permitted use of the proposed CPD district, but a shelter with outdoor runs must be located in an M or M-1, Manufacturing District, and requires a Special Permit from the Columbus Board of Zoning Adjustment (BZA) where additional conditions and limitations can be imposed. The applicant is still required to obtain a Special Permit, and that application has been filed (BZA17-064). Staff supports the proposal because the shelter will not be open to the public, building design and extensive landscaping incorporated into the CPD district make the proposed animal shelter with outdoor runs compatible with existing and proposed uses in the area.

To grant a Variance from the provisions of Sections 3361.02, Permitted uses, of the Columbus City Codes, for the property located at **6261 WRIGHT ROAD (43130)**, to permit an animal shelter with outdoor runs, cages, or structures for open air confinement of animals in the CPD, Commercial Planned Development District, subject to an approved Special Permit from the Board of Zoning Adjustment (Council Variance #CV17-044).

WHEREAS, by application # CV17-044, the owner of property at **6261 WRIGHT ROAD (43130)**, is requesting a Council variance to allow an animal shelter with structures for open air confinement and reduced development standards in the CPD, Commercial Planned Development District, subject to an approved Special Permit from the Board of Zoning Adjustment; and

WHEREAS, Section 3361.02, Permitted uses, permits limited C-4, Commercial District uses including an animal shelter in this CPD, Commercial Planned Development District in accordance with Ordinance # 1979-2017 (Z16-054), but only if they do not have outside runs, while the applicant proposes to allow a dog shelter with outside runs in the CPD, Commercial Planned Development District; and

WHEREAS, an animal shelter with outdoor runs must be located in an M or M-1, Manufacturing District, and requires a Special Permit from the Columbus Board of Zoning Adjustment (BZA) where additional conditions and limitations may be imposed. The applicant is required to obtain a Special Permit, and that application has been filed (BZA17-064); and

WHEREAS, the Greater South East Area Commission recommends approval: and

WHEREAS, City Departments recommend approval: 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 **6261 WRIGHT ROAD (43130)**, in using said property as desired; now, therefore:

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

SECTION 1. Variances from the provisions of Section 3361.02, Permitted uses, of the Columbus City Codes, for the property located at **6261 WRIGHT ROAD (43130)**, insofar as said section prohibits a dog shelter with outdoor runs, cages, or structures for open air confinement of animals in the CPD, Commercial Planned Development District, subject to an approved Special Permit from the Board of Zoning Adjustment; said property being more particularly described as follows:

6261 WRIGHT ROAD (43130), being 6.39± acres located at the southeast corner of Wright Road and Gender Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 12, Township 11, Range 21, Congress Lands, being part of that tract of land conveyed to George A. Skestos Jr. IRT One by deed of record in Instrument Number 201402130018764 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a northwesterly corner of said Skestos tract, in the southerly right-of-way line of Wright Road;

Thence with said southerly right of way line the following courses and distances:

South 84° 38' 24" East, a distance of 300.00 feet to a point;

North 05° 25' 56" East, a distance of 25.00 feet to a point; and

South 84° 38' 24" East, a distance of 222.40 feet to a point;

Thence crossing said Skestos tract the following courses and distances:

South 04° 19' 34" West, a distance of 406.12 feet to a point;

South 49° 19' 34" West, a distance of 170.83 feet to a point;

North 85° 40' 26" West, a distance of 284.85 feet to a point;

North 04° 19' 34" East, a distance of 25.41 feet to a point; and

North 85° 37' 16" West, a distance of 156.50 feet to a point in the easterly right-of-way line of Gender Road;

Thence North 04° 19' 34" East, with said easterly right-of-way line, a distance of 450.25 feet to a point;

Thence North 52° 14' 09" East, with said easterly right of way line, a distance of 53.02 feet to the POINT OF

BEGINNING, containing 6.39 acres of land, more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a dog shelter with outdoor runs, cages, or structures for open air confinement of animals with supervised outdoor activities in the CPD, Commercial Planned Development District in accordance with the plans and CPD Text committed to with Ordinance # 1979-2017 (Z16-054).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining a Special Permit from the Columbus Board of Zoning Adjustment. Application BZA17-064 has been submitted and is in process.

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.