



## Legislation Text

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**File #:** 2014-2005, **Version:** 1

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**Council Variance Application: CV02-059**

**APPLICANT:** Wendy's Gymnastics, Inc. c/o Jeffrey L. Brown, Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio (43215).

**PROPOSED USE:** Gymnastics school.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a 14,600 square foot warehouse building. The applicant is currently using 3,500 square feet of the existing warehouse for a gymnastics school as permitted by Ordinance 1996-93, passed on October 4, 1993 (CV93-052), and requests a 7,100 square feet expansion into the existing building. A Council variance is necessary in that a gymnastics school is only permitted in the C-4, Commercial, and M, Manufacturing Districts. Variances for existing conditions for the building and parking lot are also included in the request. A hardship exists in that the applicant has already established the gymnastics school use within the existing building, but cannot acquire additional square footage without the use variance.

To grant a Variance from the provisions of Sections 3367.01, M-2, Manufacturing District; 3367.15, M-2, Manufacturing district special provisions; 3342.17, Parking lot screening; 3342.18, Parking setback; 3342.24, Surface; and 3342.28, Minimum number of parking spaces required; of the Columbus City Codes for the property located at **2436 WOOD AVENUE (43221)**, to permit a gymnastics school with a maximum of 10,600 square feet in an existing 14,600 square foot warehouse building with reduced development standards in the M-2, Manufacturing District, and to repeal Ordinance 1996-93, passed October 4, 1993 (Council Variance # CV02-059).

**WHEREAS**, by application # CV02-059, the owner of property at 2436 Wood Avenue is requesting a Council variance to permit the use of a maximum of 10,600 square feet within a 14,600 square foot warehouse building for a gymnastics school in the M-2, Manufacturing District, and;

**WHEREAS**, Section 3367.01, M-2, Manufacturing District, prohibits a gymnastic school, while applicant proposes to use a maximum of 10,600 square feet of a 14,600 square foot warehouse building for a gymnastic school, and;

**WHEREAS**, Section 3367.15, M-2, Manufacturing district special provisions, requires that a building shall be located not less than fifty (50) feet from the street line; that the portion of the lot or parcel abutting the street line and to a depth of fifty (50) feet and extending from one side property line to the other, except for the areas used for driveways and sidewalks, shall be planted with suitable ground cover and shrubbery and maintained in a neat and orderly fashion; and that off-street parking and loading facilities, together with suitable accesses and maneuvering areas shall be provided in accordance with the provisions of Chapter 3342, provided, however, that no portion of the required fifty (50) foot buffer shall be used for either off-street parking or loading spaces, while the applicant proposes to maintain the existing non-conforming building setback of thirty (30) feet from Wood Avenue, with no landscaped buffer, and parking and maneuvering within the required fifty-foot buffer, and;

**WHEREAS**, Section 3342.17, Parking lot screening, requires minimum five-foot high, 75% opaque screening for parking lots located within eighty feet of residentially zoned property, while the applicant proposes no parking lot screening for the existing parking lot; and

**WHEREAS**, Section 3342.18, Parking setback line, requires a parking setback line of twenty-five (25) feet, while the applicant proposes a parking setback line of zero (0) feet along Wood Avenue; and

**WHEREAS**, Section 3342.24, Surface, requires that the surface of any parking or loading space, parking lot, aisle or driveway shall

be designed to control stormwater runoff and be improved with Portland cement, asphaltic concrete or hard surface other than gravel or loose fill, while applicant proposes to maintain the existing gravel parking lot surface, and;

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires a total of 49 parking spaces for the proposed gymnastics school expansion and the remaining 4,000 square feet of warehouse space, while the applicant proposes to provide a total of 46 parking spaces, and;

**WHEREAS**, City Departments recommend approval because the applicant is currently using 3,500 square feet of the existing warehouse for a gymnastics school as permitted by Ordinance 1996-93, passed on October 4, 1993 (CV93-052), and requests a 7,100 square foot expansion into the existing building. A Council variance is necessary in that a gymnastics school is only permitted in the C-4, Commercial, and M, Manufacturing Districts. Variances for existing conditions for the building and parking lot are also included in the request. A hardship exists in that the applicant has already established the gymnastics school use within the existing building, but cannot acquire additional square footage without the use variance, 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**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **2436 WOOD AVENUE (43219)**, 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 3367.01, M-2, Manufacturing District, 3367.15, Manufacturing district special provisions; 3342.17, Parking lot screening; 3342.18, Parking setback; 3342.24, Surface; and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes are hereby granted for the property located at 2436 Wood Avenue, insofar as said sections prohibit a gymnastics school, with a building setback of thirty (30) feet, no landscaped buffer, parking within the required fifty-foot buffer area, no parking lot screening, a parking setback of zero (0) feet from Wood Avenue, a gravel surface for the parking lot, and a parking space reduction from a potential 49 spaces to 46 spaces, said property being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and Township of Clinton:

Being Lot Numbers Seventy (70), Seventy-one (71), Seventy-two (72), Seventy-three (73), Seventy-four (74) and Seventy-five (75), in SECOND WOOD-BROWN CO. ADDITION, as the same in numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 247, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned upon and shall remain in effect only for so long as said property is used for a gymnastics school in up to 10,600 square feet of the existing warehouse building and/or those uses permitted in the M-2, Manufacturing District.

**SECTION 3.** That this ordinance is further conditioned upon the combination of tax parcels 010-208636, 010-208635, 010-208632 and 010-208631 to form one (1) tax parcel prior to the issuance of Zoning Clearance for the gymnastics school.

**SECTION 4.** That this ordinance is further conditioned upon the variance to Sections 3342.17, Parking lot screening, and 3342.24, Surface, applying only to the current development on the property. If the site is redeveloped with a new structure, parking lot screening and surface requirements must comply with applicable City codes.

**SECTION 5.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

