



Legislation Text

File #: 2087-2024, **Version:** 1

Council Variance Application: CV23-141

APPLICANT: Michael Uloko; c/o Patrick Walker, Agent; 401 North Front Street, Suite 380; Columbus, OH 43215.

PROPOSED USE: Natural gas regulation station.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two undeveloped parcels in the C-4, Commercial District. The requested Council variance will allow a natural gas regulation station at this location, which is not allowed in the C-4 district. Additionally, the site is within the Cleveland Avenue/North Linden Urban Commercial Overlay (UCO). Variances for building setbacks, building design standards, and landscaping and screening are also included in the request. The site is located within the planning boundaries of the *North Linden Neighborhood Plan Amendment* (2014), which recommends "Neighborhood Mixed Use" land uses at this location, and includes the adoption of *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). Staff support the request as the proposed landscaping and screening is consistent with C2P2 design guidelines and provides adequate screening of the proposed use from adjacent uses. Additionally, the site is located within the initial focus area of the Zone-In Columbus initiative.

To grant a Variance from the provisions of Sections 3356.03, C-4 permitted uses; 3372.604, Setback requirements; 3372.605(A)(B)(D), Building design standards; and 3372.607(B), Landscaping and screening, of the Columbus City Codes; for the property located at **2552-2558 CLEVELAND AVE. (43211)**, to allow a natural gas regulation station with reduced development standards in the C-4, Commercial District (Council Variance #CV23-141).

WHEREAS, by application #CV23-141, the owner of the property at **2552-2558 CLEVELAND AVE. (43211)**, is requesting a Variance to allow a natural gas regulation station with reduced development standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 permitted uses, does not allow natural gas regulation stations, while the applicant proposes to construct a natural gas regulation station; and

WHEREAS, Section 3372.604, Setback requirements, requires a maximum building setback of ten feet, while the applicant proposes an increased building setback of 16.87 feet; and

WHEREAS, Section 3372.605(A)(B)(D), Building design standards, requires a primary building frontage to incorporate at least one main entrance door; minimum building width of 60 percent of the lot width; and 60 percent of the area between the height of two feet and ten feet above the sidewalk of a primary building frontage be clear/non-tinted window glass permitting a view of the building's interior to a depth of four feet, and continuing for the first 10 feet of a secondary building frontage, while the applicant proposes no main entrance along the primary frontage of building; two percent building width in relation to the lot; and no windows on the building; and

WHEREAS, Section 3372.607(B), Landscaping and screening, requires that fences not exceed four feet in height, while the applicant proposes a fence eight feet in height; and

WHEREAS, the North Linden Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed landscaping and screening is consistent with *Columbus Citywide Planning Policies (C2P2) Design Guidelines* and provides adequate screening of the proposed use from the adjacent uses; and

WHEREAS, said 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 **2552-2558 CLEVELAND AVE. (43211)**, in using said property as desired; now, therefore:

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

SECTION 1. That a variance is hereby granted from the provisions of Sections 3356.03, C-4 permitted uses; 3372.604, Setback requirements; 3372.605(A)(B)(D), Building design standards; and 3372.607(B), Landscaping and screening; of the Columbus City Codes; for the property located at **2552-2558 CLEVELAND AVE. (43211)**, insofar as said sections prohibit a natural gas regulation station in the C-4, Commercial District; with an increased maximum building setback from ten feet to 16.87 feet; no main entrance door along the building frontage; a reduced building width from 60 percent of the lot width to two percent; no windows on the building; and a maximum fence height from four feet to eight feet; said property being more particularly described as follows:

2552-2558 CLEVELAND AVE. (43211), being 0.22± acres located on the west side of Cleveland Avenue, 105± feet north of Genessee Avenue, and being more particularly described as follows:

Situated in Quarter Township 4, Town 1 North, Range 18 West, United States Military Lands, City of Columbus, Franklin County, Ohio, being a 0.2168 acre parcel as conveyed to Conley Group Rentals, LLC and Christopher Conley by deeds filed in the office of the Franklin County, Ohio Recorder in Instrument #201602180019884 and Instrument #201712130175577, respectively, and being more particularly described as follows:

All deed and plat book references being the records filed in the Franklin County, Ohio Recorder's office.

Commencing in the Northerly right-of-way line of Genessee Ave as it intersects with the Westerly right-of-way line of an un-named alley, said point also being in the Southeast corner of a 0.3309 acre parcel as conveyed to Mustapha Azaalami & Abdessamad Laaouidi by Instrument #200606010105914, being also the Southeasterly corner of Lot #1 of Heddens Addition as shown in Plat Book 7 Page 235, THENCE;

Leaving said North right-of-way line, and in said Westerly right-of-way line, North 02° 34' 10" East, 103.33 feet to point in the Northeasterly corner of Azaalami & Laaouidi and the Northeasterly corner of Lot #3 of said Hedden's Addition, being witnessed by a found 1 inch Iron Pipe 0.6' West, being the TRUE POINT OF BEGINNING of the parcel herein described, THENCE;

Leaving said Westerly right-of-way line and in the Northerly line of Azaalami & Laaouidi and said Lot #3, North 86°

10' 50" West 140.00 feet to a point in the Easterly right-of-way line of Cleveland Ave. (right-of-way varies), said point being witnessed by a found 1 inch Iron Pipe 0.6' West
THENCE;

Leaving said Northerly line, and in said Easterly right-of-way line, North 02° 34' 10" East,
35.00 feet to a Set Iron Rod THENCE;

Continuing in said Easterly right-of-way line, South 86° 10' 50" East 10.00 feet to a point, being witnessed by a found
5/8 inch Iron Pin 1.1' North and 1.3' West, THENCE;

Continuing in said Easterly right-of-way line, North 02° 34' 10" East, 35.00 feet to a Set Iron Rod in the Southerly line
of a 0.3993 acre parcel as conveyed to Simeon Enterprises, Inc., by Deed in Deed Book 3199 Page 278, THENCE;

Leaving said Easterly right-of-way line, and in said Southerly line of Simeon, South 86° 10' 50" East, 130.00 feet to a
Set Iron Pin in a Southwesterly corner of Simeon, THENCE;

Leaving said Southerly line and in a Westerly line of Simeon, and the Westerly line of the aforementioned un-named
alley, South 02° 34' 10" West, 70.00 feet (passing a Southerly line of Simeon at 1.00 feet), to the TRUE POINT OF
BEGINNING of the herein described parcel, containing 9,447.85 square feet, or 0.2168 acres of land.

Subject to all legal highways, easements and restrictions of record.
BASIS OF BEARINGS: Bearings are based on Geodetic North derived from

Gps/Vrs observations using ODOT CORS network stations, converted to the Ohio State Plane South Zone, Horizontal
Datum NAD83(2011) Epoch 2023.0824

Prior Deeds: Inst. #201602180019884 & Inst. #201712130175577

All references to "Iron Pin Set" are intended to indicate a 5/8" Diameter by 30" long rebar with cap stamped "MCA
03751"

Address of Property: 2552-2558 Cleveland Avenue, Columbus, Ohio 43211

Parcel No's: 010-060156 & 010-059462

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a natural gas regulation station, in accordance with the submitted plans, or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and elevations titled, "**SITE PLAN**," and "**EXTERIOR VIEWS**," both dated June 28, 2024, and signed by Patrick Walker, Agent for the Applicant, and landscape plans titled, "**LANDSCAPE PLAN**," and "**LANDSCAPE PLAN W/RAIN GARDEN**," both dated June 27, 2024, and signed by Keagan Pauff, Engineer for the Applicant. The plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon 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.