



City of Columbus

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

Legislation Text

File #: 2066-2004, **Version:** 2

Council Variance: CV04-034.

APPLICANT: Northstar Realty; c/o Jackson B. Reynolds, III, Atty., Smith and Hale; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.

PROPOSED USE: To permit commercial vehicular uses.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This Council variance will permit an accessory commercial use in the L-AR-12, Limited Apartment Residential District by allowing the use of an existing private driveway in an apartment residential zoning district to provide commercial vehicular access to an adjacent L-C-4, Limited Commercial District. The proposed Council variance is consistent with the goals of the *East Broad Street Study* (2000) in that use of the existing private drive for commercial traffic will reduce the number of full service curb cuts required along this section of East Broad Street. A hardship exists in that use of a private driveway in the L-AR-12 zoning district for commercial traffic to access the adjacent commercially zoned property establishes an accessory commercial use that can only be permitted by a Council variance.

To grant a Variance from the provisions of Section 3333.02, AR-12, ARLD, and AR-1, Apartment Residential district use; for the property located at **8140 EAST BROAD STREET (43068)**, to permit commercial vehicular access on a private driveway located in the L-AR-12, Limited Apartment Residential District (Council Variance CV04-034).

WHEREAS, by application No. CV04-034, the owners of property at **8140 EAST BROAD STREET (43068)**, are requesting a Council Variance to permit commercial vehicular access on a private driveway located in the L-AR-12, Limited Apartment Residential District; and

WHEREAS, City Departments note a hardship exists and recommend approval because use of an existing private drive in the L-AR-12, Limited Apartment Residential District for commercial vehicular access is consistent with the goals of the *East Broad Street Study* (2000) in that use of the existing private driveway for commercial traffic will reduce the number of full service curb cuts required along this section of East Broad Street; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 **8140 EAST BROAD STREET (43068)**, 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 granted from the provision of Section 3333.02, AR-12, ARLD, and AR-1 apartment residential

district use, of the Columbus City codes; for the property located at **8140 EAST BROAD STREET (43068)**, insofar as said section prohibits the use of an existing private driveway in the L-AR-12, Limited Apartment Residential District to provide commercial vehicular access to the adjacent L-C-4, Limited Commercial District; said property being more particularly described as follows:

LEGAL DESCRIPTION FOR 1.251± ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Quarter Township 4, Township 1, Range 16, United States Military Lands and being a 1.251 acre strip of land out of Parcel I as conveyed to Villages at Waggoner Park Associates, Ltd by a deed of record in Instrument Number 200010270218257 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, in the northerly right-of-way line of East Broad Street (State Route 16), at a common corner of said Parcel I and the First Amendment to Waggoner Park Condominium by deed of record in Instrument Numers 200110010225026 and 200106280146674;

Thence South 81° 58' 31" West, a distance of 61.04 feet, with the northerly right-of-way line of said East Broad Street and the southerly line of said Parcel I, to a point at the southwesterly corner of said Parcel I;

Thence North 02° 42' 29" East, a distance of 914.06 feet, with a westerly line of said Parcel I, to a point;

Thence South 87° 12' 50" East, a distance of 59.97 feet, partly across said Parcel I, to a point;

Thence South 02° 42' 29" West, a distance of 902.62 feet, on , over and across said Parcel I and with a line common to said First Amendment and the Third Amendment to Waggoner Park Condominium by deed of record in Instrument Numbers 2001120604263 and 200110260246855, to the POINT OF BEGINNING. Containing 1.251 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, or previous record.

Bearings are based on the Ohio State Plane Coordinate System as per NAD83. Control for bearings was from coordinates of monuments FCGS 5011 & FRANK 48, with a bearing of North 81° 49' 10" East for the centerline of East Broad Street, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

EVANS, MECHWART HAMBLETON & TILTON, INC. James M. Pearsall, P.S. Registered Surveyor No. 7840.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial vehicular access, **(excluding recurrent semi-trailer traffic as Meijer Drive is the designated truck access point to serve the shopping center)** or those uses permitted in the L-AR-12, Apartment Residential District. **Signage shall be erected at East Broad Street to prohibit semi-trailer traffic on the private drive.**

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits 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.