



## Legislation Text

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**File #:** 0970-2011, **Version:** 1

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**Council Variance Application: CV11-009**

**APPLICANT:** Azeb Hussein; 1071 Ross Road; Columbus, Ohio 43227.

**PROPOSED USE:** Drive-thru and carry-out.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two separate parcels zoned in the C-4, Commercial District, one of which is developed with a former transmission shop now being used as a carry-out, and the other used as a parking lot. The applicant requests a Council variance to allow a drive-thru business. The C-4, Commercial District allows accessory pick-up units, but does not permit a stand-alone drive-thru business which is a C-5, Commercial District use. Automotive uses are prevalent along this portion of East Main Street, but rezoning to the C-5 District would not alleviate the need for other variances because of the site's existing conditions. The site is also located within the Community Commercial Overlay (CCO). Variances for drive-in stacking, minimum number of parking spaces and CCO design standards are included in the request. The site is located within the planning area of the *Eastmoor: Main and Broad Corridor Revitalization Plan (2007)*, which recommends development in accordance with the Community Commercial Overlay. The Planning Division does not support the variances to the CCO that are required for the building alterations. However, since the building had previously been used for automotive uses and already has a rear bay door, Zoning Staff is supportive of the requested variances to permit adaptive reuse of the building as a drive-thru. Approval of this request will not add a new or incompatible use to the neighborhood.

To grant a variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.11, Drive-in stacking area; 3312.49, Minimum numbers of parking spaces required; and 3372.705(F) and (G) Building design standards, of the Columbus City codes, for the property located at **3163 EAST MAIN STREET (43213)**, to permit a drive-thru/carry-out business with reduced development standards in the C-4, Commercial District (CV11-009).

**WHEREAS**, by application No. CV11-009, the owner of property at **3163 EAST MAIN STREET (43213)**, is requesting a Council Variance to permit a drive-thru/carry-out business with reduced development standards in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4, Permitted uses, allows accessory pick-up units, but does not permit stand-alone drive-thru/carry-outs, while the applicant proposes to convert a former automotive repair facility into a drive-in/carry-out.; and

**WHEREAS**, Section 3312.11, Drive-in stacking area, requires eight (8) stacking spaces for the drive-in/carry-out with a minimum ten (10) foot wide by-pass lane, while the applicant proposes zero (0) stacking spaces and no by-pass lane while using the adjacent parking lot for circulation for the drive-thru instead; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires one (1) parking space per 250 square feet of retail space, a total of thirteen (13) spaces, while the applicant proposes zero (0) on-site parking spaces on the same parcel as the drive-in business, but has a minimum of four parking spaces available on the parcel immediately to the west (010-088752) which is part of the subject site; and

**WHEREAS**, Section 3372.705(F) (G) Building design standards, requires that for each primary building frontage, at least forty (40) percent of the area between the height of two (2) feet and ten (10) feet above grade shall be clear window glass that permits a full unobstructed view of the interior to a minimum depth of four (4) feet, and that pick-up units be located at the side or behind the primary building, while the applicant proposes a bay door that is not comprised of window glass along approximately half of the primary frontage, with vehicles exiting the front of the building for the drive-thru business; and

**WHEREAS**, City Departments recommend approval for the requested drive-thru business because the building had previously been used for automotive uses and already has a rear bay door. The C-4, Commercial District allows accessory pick-up units, but does not permit a stand-alone drive-thru business which is a C-5, Commercial District use. Automotive uses are prevalent along this portion of East Main Street, but rezoning to the C-5 District would not alleviate the need for other variances because of the site's existing conditions. Approval of this request will not add a new or incompatible use to the neighborhood; 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 owner of the property located at **3163 EAST MAIN STREET (43213)**, 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 3356.03, C-4 Permitted uses, 3312.11, Drive-in stacking area; 3312.49, Minimum numbers of parking spaces required; and 3372.705(F) and (G) Building design standards, of the Columbus City Codes, for the property located at **3163 EAST MAIN STREET (43213)**, insofar as said sections prohibit a drive-thru/carry-out business in the C-4, Commercial District, with no stacking spaces where eight (8) are required, no by-pass lane, no on-site parking spaces where thirteen (13) spaces are required, but with a minimum of four (4) spaces provided on the adjacent in the parking lot to the west, a solid bay door where window glass is required, and a pick-up unit that traverses through the front of the primary building, said property being more particularly described as follows;

**3163 EAST MAIN STREET (43213)**, being 0.22± acres located on the south side of East Main Street, 40± feet west of Ashburton Road, being more particularly described as follows:

Situated in the City of Columbus, in the County of Franklin, and in the State of Ohio:

Being Lot Numbers One (1) and Two (2) of Caldwell Main Street Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, page 1B, Recorder's Office, Franklin County, Ohio

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a drive-thru/carry-out, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the applicant removing the parking spaces that are located in front of the building located at 3163 East Main Street along the East Main Street frontage as requested by the Department of Public Service, Planning and Operations Division.

**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.