



# City of Columbus

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

## Legislation Text

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**File #:** 1918-2004, **Version:** 1

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**Council Variance Application: CV04-026**

**APPLICANT:** Dr. Daniel W. Beer.; 948 Franklin Avenue; Columbus, Ohio 43205.

**PROPOSED USE:** Outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The vacant lot is zoned ARLD, Apartment Residential District, and is currently owned by the City of Columbus Land Bank. The applicant requests a Council variance to use the lot as an outdoor exercise area for dogs in conjunction with the adjacent veterinary clinic to the west. The site lies within the boundaries of the *Near East Area Plan* (1994) which encourages the development and expansion of businesses, and is within the Urban Commercial Overlay. The lot will be landscaped in accordance with Urban Commercial Overlay standards, converting an overgrown vacant lot into a park-like setting. The request also includes a variance to the Urban Commercial Overlay fencing height requirement to allow a fence that is six feet in height.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; and 3372.611(F), Design standards, of the Columbus City codes for the property located at **793 EAST MAIN STREET (43205)**, to permit an outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic in the ARLD, Apartment Residential District. (Council Variance # CV04-026)

**WHEREAS**, by application #CV04-026, the owner of property at **793 EAST MAIN STREET (43205)**, is requesting a Variance to permit an outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit outdoor exercise areas in conjunction with veterinary practices, which is considered a C-4, Commercial use, while the applicant proposes to landscape and fence a vacant overgrown lot for an outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic; and

**WHEREAS**, Section 3372.611(F), Design standards, requires that fences not exceed four feet in height, while the applicant proposes a fence that is six feet in height; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval and note a hardship exists because the requested Council variance to use a vacant lot zoned in the ARLD, Apartment Residential District as an outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic is consistent with the recommendation of the *Near East Area Plan* (1994), which encourages the development and expansion of businesses. The lot will be landscaped in accordance with Urban Commercial Overlay standards, converting an overgrown vacant lot into a park-like setting; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **793 EAST MAIN STREET (43205)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1 Apartment residential district use; and 3372.611(F), Design standards, of the Columbus City codes for the property located at **793 EAST MAIN STREET (43205)**, insofar as said sections prohibit an outdoor exercise area for dogs with six-foot high fencing in conjunction with an adjacent veterinary clinic; said property being more particularly described as follows:

**793 EAST MAIN STREET (43205)**, being 0.9± acres located on the south side of East Main Street, 82± feet west of Seventeenth Street, and being more particularly described as follows:

Parcel No. 010-21289, situated in the City of Columbus, County of Franklin and State of Ohio and bounded and described as follows:

Being 25 feet off of the west side of Lot No. 3 in A. L. Ramsey's Second Addition to the City of Columbus, Ohio, reference being had to the place of said addition in the Recorder's office of said county, Plat Book No. 1, page 163, the boundaries of said tract being identical with and the same being further known as Lot No. One (1) of Harvey Cashatt's Subdivision of Lot's 3 and 4 of Amos Ramsey's Addition to the said city, as recorded in Plat Book 1, page 163, said Cashatt's Subdivision being recorded in Plat Book 3, page 61, 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 used as an outdoor exercise area for dogs in conjunction with an adjacent veterinary clinic, or those uses permitted in the ARLD, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**DEVELOPMENT PLAN**", drawn by Charles Abbot Landscape Design, signed by Dr. Daniel Beer, applicant, and dated October 15, 2004. The Zoning Site Plan 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 Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his/her 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 Zoning Clearance 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.