



## Legislation Text

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**File #:** 2184-2012, **Version:** 2

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### **Council Variance Application: CV12-020**

**APPLICANT:** The Myers Y. Cooper Company; c/o Jeffrey L. Brown & David L. Hodge, Attys.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** To allow pet boarding with outside runs and reduced parking in the L-C-4, Limited Commercial District.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is applying for a concurrent Council variance to allow a pet boarding facility with outside runs in a 1.67 acre undeveloped site, concurrent with rezoning Z12-034. While pet daycare is a permitted use in the C-3 District, outdoor runs and boarding are not permitted, making a Council Variance necessary. Given the orientation of the outdoor runs away from the existing residences and the fact that the facility would be no closer than 370 feet from the closest existing residences, Staff finds the proposed use to be compatible with the land use and zoning pattern in the area. The applicants are also applying for a parking variance to only provide 29 parking spaces where 80 would be required. Staff supports the request now that the applicant has complied with Staff's request that the outdoor runs be relocated from the south side of the building away from the existing residences. The proposed outdoor runs will be over 500 feet from the existing residences and will be screened. These measures should minimize any noise impacts on the existing nearby dwellings. Staff finds the parking requirement of 80 parking spaces to be excessive for this use and supports the reduction to 29 parking spaces.

To grant a Variance from the provisions of Section 3355.03, Permitted uses, and 3312.49, Minimum number of parking spaces required of the Columbus City Codes for the property located at **5509 NORTH HAMILTON ROAD (43205)**, to permit pet boarding with outside runs with reduced parking in the L-C-4, Limited Commercial District. (Council Variance #CV12-020).

**WHEREAS**, by application #CV12-020, the owner of property at **5509 NORTH HAMILTON ROAD (43205)**, is requesting a Variance to permit pet boarding with outdoor runs with reduced parking in the L-C-4, Limited Commercial District; and

**WHEREAS**, Section 3356.03, Permitted uses, permits pet daycare in the L-C-4, Limited Commercial District only if they do not have outside runs, while the applicant proposes to allow pet boarding with outside runs in the L-C-4, Limited Commercial District; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires eighty (80) parking spaces for the proposed use, while the applicant proposes thirty (29) twenty-nine parking spaces; and

**WHEREAS**, City Departments recommend approval because Staff supports the request now that the applicant has complied with Staff's request that the outdoor runs be relocated from the south side of the building away from the existing

residences. The proposed outdoor runs will be over 370 feet from the existing residences and will be screened. These measures should minimize any noise impacts on the existing nearby dwellings. Staff finds the parking requirement of 80 parking spaces to be excessive for this use and supports the reduction to 29 parking spaces; 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 **5509 NORTH HAMILTON ROAD (43205)**, in using said property as desired; now, therefore:

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

**SECTION 1.** Variance from the provisions of Sections 3356.03, Permitted Uses; and 3312.49, Minimum number of parking spaces required of the Columbus City codes is hereby granted for the property located at **5509 NORTH HAMILTON ROAD (43205)**, insofar as said sections prohibit pet boarding with outdoor runs and a parking space reduction from 80 spaces to 29 spaces; said property being more particularly described as follows:

**5509 NORTH HAMILTON ROAD (43205)**, being 1.67± acres located on the west side North Hamilton Road, 792± feet south of Blendon Brook Lane, and being more particularly described as follows:

**ZONING DESCRIPTION OF 1.67 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 17, Quarter Township 4, Township 2, Range 17, United States Military Lands and being part of the remainder of that 10.648 acre tract as conveyed to Suburban Improvement of Columbus Inc., by deed of record in Instrument Number 201010070133765 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8813 found in the centerline of Hamilton Road, being North 03° 19' 23" East, a distance of 1586.62 feet, with said centerline, from Franklin County Geodetic Survey Monument Number 6666 found at the centerline intersection of Hamilton Road and Thompson Road;

thence North 03° 07' 54" East, with said centerline, being said easterly line, a distance of 48.43 feet, to a point;

thence North 86° 52' 06" West, across said 1.759 acre tract, a distance of 60.00 feet, to an iron pin set in the westerly right-of-way line of said Hamilton Road, being the westerly line of said 1.759 acre tract, at a common corner of the that 2.696 acre tract conveyed to ALDI, Inc. (Ohio) by deed of record in Instrument Number 200604270079332 and said 10.648 acre tract, being the TRUE POINT OF BEGINNING;

thence South 03°07'54" West, with the westerly right-of-way line of said Hamilton Road, a distance of 48.33 feet to a point;

thence South 03° 19' 23" West, with the westerly right-of-way line of said Hamilton Road, a distance of 150.11 feet to a point;

thence across said 10.648 acre tract, the following courses and distances:

North 86°41'33" West, a distance of 364.09 feet to a point;

North 04°36'27" East, a distance of 146.51 feet to a point;

South 46° 53' 13" West, a distance of 15.96 feet to a point;

North 43° 17' 09" West, a distance of 40.03 feet to a point;

North 46° 53' 18" East, a distance of 31.28 feet to a point;

South 85° 23' 33" East, a distance of 19.40 feet to a point; and

North 04° 36' 27" East, a distance of 12.70 feet to a point in the southerly line of said 2.696 acre tract;

thence South 86°52'06" East, with said southerly line, a distance of 359.50 feet to a point the TRUE POINT OF BEGINNING, and containing 1.67 acre of land more or less.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for pet boarding with outdoor runs.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled, "**PETSUITES LANDSCAPE PLAN,**" and "**PETSUITES OF AMERICA HAMILTON ROAD,**" dated August 21, 2012, signed by Jeffrey L. Brown, attorney 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 of 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. No dogs shall be outside in the runs until 7:30 a.m.**

**SECTION 5.6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.