



Legislation Text

File #: 2217-2023, **Version:** 1

Council Variance Application: CV23-021

APPLICANT: Phillina Poindexter; 6160 McNaughten Grove Lane; Columbus, OH 43227.

PROPOSED USE: Catering service.

MIDEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a nonconforming commercial building in the R-3, Residential District. The requested Council variance will permit the building to be used for non-assembly catering services (no event space permitted). A Council variance is required because a catering service is a commercial use and is not permitted in the R-3 district. A variance to reduce the minimum number of required parking spaces from 12 required to zero provided spaces is also included with this request. Staff are supportive as the proposal will reactivate an existing commercial structure with a use that is not considered to be incompatible with the area.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **803 BARNETT RD. (43227)**, to permit a non-assembly catering service business with a reduction in the minimum numbers of parking spaces required in the R-3, Residential District (Council Variance #CV23-021).

WHEREAS, by application #CV23-021, the owner of property at **803 BARNETT RD. (43227)**, is requesting a Council variance to permit a non-assembly catering service business with a reduction in the minimum numbers of parking spaces required in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, prohibits commercial uses, while the applicant proposes to use the existing building as a catering service business with no assemble space permitted; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires one parking space per 450 square feet for non-assembly catering uses for a total of 12 required parking spaces, while the applicant proposes to maintain zero parking spaces; and

WHEREAS, the Mideast Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because this request will reactivate an existing commercial structure with a use that is not considered to be incompatible with the area; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **803 BARNETT RD. (43227)**, 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 3332.035, R-3 residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; is hereby granted for the property located at **803 BARNETT RD. (43227)**, insofar as said sections prohibit a non-assembly catering service business in the R-3, Residential District; with a parking space reduction from 12 required parking spaces to zero provided spaces; said property being more particularly described as follows:

803 BARNETT AVE. (43207), being 0.10± acres located on the west side of Barnett Road, 155± feet south of East Main Street, and being more particularly described as follows:

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

Being Lot Number Three Hundred Ninety (390) of MAIN STREET TERRACE SECOND ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 261, Recorder's Office, Franklin County, Ohio.

Property Address: 803 Barnett Rd, Columbus, OH 43227

Parcel No.: 010-089074-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a non-assembly catering service, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant vacating the parking spaces located along the Barnett Road frontage that encroach or maneuver within the right-of-way, and installing a no parking sign at the front of the property.

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.