



City of Columbus

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

Legislation Text

File #: 1174-2005, **Version:** 1

Council Variance Application: CV05-015

APPLICANT: Johnson & Fischer Properties 2, LLC; c/o Timothy G. Madison, Atty.; Swedlow, Butler, Lewis, Madison & Dye; 10 West Broad Street, Suite 2400; Columbus, OH 43215.

PROPOSED USE: Contractor's office and storage.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow the development of the site with a 7,200 square foot storage/garage building and an office/warehouse building with an additional 2,760 square feet of storage space in the C-4, Commercial District. A hardship exists because although the C-4 Commercial District allows a contractor's office, it prohibits storage of equipment and supplies. The applicant operates a painting company that is located at the northeast corner of Sullivant Avenue and Derrer Road, and seeks indoor storage for their painting equipment, vehicles and supplies that is located within close proximity to their office. The site lies within the planning area of the *Greater Hilltop Plan* (2001), which recommends that "expanding the permitted uses in older commercial areas to allow for limited manufacturing uses" should be considered.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses of the Columbus City Codes for the property located at **499 DERRER ROAD (43204)**, to permit storage associated with a contractor's office in the C-4, Commercial District (Council Variance # CV05-015). **(REPEALED BY ORD. 1792-2013 PASSED 7/22/2013)**

WHEREAS, by application No. CV05-015, the owner of property at **499 DERRER ROAD (43204)**, is requesting a Council variance to allow indoor storage of equipment, vehicles and supplies associated with a contractor's office in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits a contractor's office with no storage of equipment or supplies, while the applicant proposes to construct a 7,200 square foot storage/garage building and a contractor's office/warehouse with 2,760 square feet of additional storage space; and

WHEREAS, The Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because the requested Council variance will allow the development of the site with a 7,200 square foot storage/garage building and an office/warehouse building with an additional 2,760 square feet of storage space in the C-4, Commercial District, and although the C-4 Commercial District allows a contractor's office, it prohibits storage of equipment and supplies. The applicant operates a painting company that is located at the northeast corner of Sullivant Avenue and Derrer Road, and seeks indoor storage for their painting equipment, vehicles and supplies that is located within close proximity to their office. The site lies within the planning area of the *Greater Hilltop Plan* (2001), which recommends that "expanding the permitted uses in older commercial areas to allow for limited manufacturing uses" should be considered; 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 owners of the property located at **499 DERRER ROAD (43204)**, 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, C-4, Permitted Uses of the Columbus City Codes is hereby granted for the property located at **499 DERRER ROAD (43204)**, in that said section prohibits storage associated with a contractor's office in the C-4, Commercial District; said property being more particularly described as follows:

499 DERRER ROAD (43204), being 0.76± acres located on the west side of Derrer Road, 148± feet north of Sullivant Avenue, and being more particularly described as follows:

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

Being One Hundred Fifty (150) feet off of the north end of Lots Numbered Forty (40) and Forty-One (41) of FRANKLIN HEIGHTS SUBDIVISION, in Franklin Township, Franklin County, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, pages 124 and 125, Recorder's Office, Franklin County, Ohio.

Parcel No: 010-121991

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for storage associated with a contractor's office or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**STORAGE/OFFICE BUILDING COMPLEX**," all three drawn by Bernard J. Scanlon, Architect, dated June 10, 2005, and signed by Bernard J. Scanlon, Architect, and Timothy G. Madison, Attorney for the Applicant. The 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 Site Plan shall be subject to review and approval by the Director of the Department of Development, or his 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. That this ordinance is further conditioned upon storage being limited to inside the proposed storage buildings. No outside storage is permitted.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.