



## Legislation Details (With Text)

**File #:** 0215-2005      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 1/26/2005      **In control:** Zoning Committee

**On agenda:** 7/18/2005      **Final action:** 7/20/2005

**Title:** To grant a Variance from the provisions of Section 3332.039, R-4, Residential District Use, for the property located at 29 CLARK PLACE (43201), to permit a private parking lot on a parcel zoned in the R-4, Residential District (Council Variance CV04-036).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0215-2005 Hardship.pdf, 2. ORD 0215-2005 revised registered plan.pdf, 3. ORD 0215-2005 zone.pdf, 4. ORD 0215-2005 gis.pdf, 5. ORD 0215-2005 UAC letter.pdf, 6. ORD 0215-2005 Disclosure.pdf, 7. ORD 0215-2005 labels.pdf, 8. CV04-036 Data Form.pdf

Date	Ver.	Action By	Action	Result
7/20/2005	3	MAYOR	Signed	
7/20/2005	3	ACTING CITY CLERK	Attest	
7/18/2005	2	Zoning Committee	Approved as Amended	Pass
7/18/2005	3	Zoning Committee	Amended as submitted to the Clerk	Pass
7/18/2005	3	Zoning Committee	Taken from the Table	Pass
7/18/2005	3	COUNCIL PRESIDENT	Signed	
4/25/2005	2	Zoning Committee	Tabled Indefinitely	Pass
4/25/2005	2	Zoning Committee	Taken from the Table	Pass
4/11/2005	1	Zoning Committee	Tabled to Certain Date	Pass
4/11/2005	2	Zoning Committee	Amended as submitted to the Clerk	Pass
4/4/2005	1	Columbus City Council	Read for the First Time	
2/14/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
2/12/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
2/10/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
2/10/2005	1	Dev Zoning Drafter	Sent for Approval	
1/26/2005	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance:** CV04-036

**APPLICANT:** North Central Mental Health Service Inc.; c/o Donald Plank, Atty.; Plank and Brahm; 145 East Rich Street, Columbus, OH 43215.

**PROPOSED USE:** Private parking lot.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This council variance will allow a private parking lot in the R-4, Residential District to provide additional parking for North Central Mental Health Service, Inc., which is located east of the subject site between Wall Street and North High Street. The site is currently developed with two residential dwellings that will be removed. The proposed parking lot is consistent with the existing development pattern along Wall Street south of The Ohio State University. Several parking lots have been developed west of Wall Street between the subject site and the university. Applicant's rezoning request (R-4 to CPD) was converted to a council variance at the request of community representatives. A hardship exists in that a parking lot is not permitted in the R-4, Residential District. The applicant is committing to a registered site plan developed in consultation with the Transportation and Refuse Divisions. The site plan includes landscaping detail, a total of twenty-eight (28) parking spaces, lighting restrictions, and a five (5) foot high masonry wall along the west property line that was requested by the University Area Commission.

To grant a Variance from the provisions of Section 3332.039, R-4, Residential District Use, for the property located at **29 CLARK PLACE (43201)**, to permit a private parking lot on a parcel zoned in the R-4, Residential District (Council Variance CV04-036).

**WHEREAS**, by application No. CV04-036, the owners of property at **29 CLARK PLACE (43201)**, are requesting a Council Variance to permit a private parking lot on a parcel zoned in the R-4, Residential District; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, City Departments note a hardship exists and recommend approval because expansion of the North Central Mental Health Service, Inc. office requires additional parking, the proposed parking lot is consistent with the location of other parking lots west of Wall Street between the subject site and The Ohio State University and a parking lot is not permitted in the R-4, Residential District except by means a council variance. The applicant is committing to a registered site plan developed in consultation with the Transportation and Refuse Divisions. The site plan includes landscaping detail, a total of twenty-eight (28) parking spaces, lighting restrictions, and a five (5) foot high masonry wall along the west property line that was requested by the University Area Commission; and

**WHEREAS**, ~~e) There are two (2) existing wall/surface mounted light fixtures on the west wall of 1301 North High Street, near the intersection of Clark Place and Wall Street, at two entrance doors. Applicant has agreed to change these two (2) fixtures will be changed to cut-off style fixtures within 60 days of the effective date of this ordinance and incorporate the requirement to change these 2 fixtures into a Good Neighbor Agreement, if desired by neighborhood representatives. .~~

**WHEREAS**, the drawing referenced in Section 3 has been amended to reflect that parking for use(s) other than the use(s) located at 1301 North High Street (Tax District/Parcel 010-016153) shall be permitted on the subject parking lot, subject to approval of the owner of 1301 North High Street, and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 **29 CLARK PLACE (43201)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is granted from the provision of Section 3332.039, R-4 Residential District Use, of the Columbus City codes, for the property located at **29 CLARK PLACE (43201)**, insofar as said section prohibits a private parking lot on a parcel zoned in the R-4, Residential District; said property being more particularly described as follows:

**LEGAL DESCRIPTION FOR 29 CLARK PLACE**

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

Being Lots Numbered Sixty (60) and Sixty-One (61) of **DENNISON PLACE ADDITION**, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 13, 14 and 15, 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 for a private parking lot, or those uses permitted in C.C. 3332.039, R-4 Residential District Use.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the registered site plan titled, "**SUPPLEMENTARY PARKING FOR NORTH CENTRAL MENTAL HEALTH SERVICES**," signed on ~~November 18, 2004~~ **July 15, 2005** by Donald Plank, attorney for the applicant. Any minor revision to said site plan is subject to review and approval by the Director of Development Department, or his or her designee.

**SECTION 4.** That this ordinance is further conditioned in that parking lot lighting shall be as depicted on the registered site plan referenced in Section 3, above.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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

**SECTION 7.** That this ordinance is further conditioned on the following:

~~a) The west side of the masonry wall depicted on the plan referenced in Section 3 shall be painted to match the east side of the wall.~~

~~b) There is an existing air conditioning compressor on the roof of the building at 1301 North High Street that is unscreened on the west side of the compressor. The air conditioning compressor existed prior to the 2003 building expansion. Part of the air conditioning compressor is visible to the west. Applicant shall install screening to screen the west side of the air conditioning compressor within 90 days of the effective date of this ordinance.~~

~~c) There are two (2) existing wall/surface mounted light fixtures on the west wall of 1301 North High Street, near the intersection of Clark Place and Wall Street, at two entrance doors. These two (2) fixtures will be changed to cut-off style fixtures within 60 days of the effective date of this ordinance.~~

d) A sign (maximum 2 sq. ft., non-illuminated) shall be posted within the parking lot, readable from the interior of the parking lot, advising drivers that they are adjacent to a residential area and the speed limit as permitted by law.

e) There is an existing pole mounted light along Wall Street at approximately the mid-point of the property between Clark Place and the east/west alley adjacent to the south side of the property. Applicant will ~~work with the owner (American Electric Power) of the fixture to reduce the projection of light from this light to the west by either shielding the fixture, changing the fixture, reducing the height of the fixture or removing the fixture.~~ remove the light fixture in conjunction with construction of the parking lot, as designated on the plan referenced in Section 3.

**SECTION 8.** That this ordinance is amended to require that the headlight screening plant material in front of the four (4) parking spaces perpendicular to Clark Place shall be not less than three (3) feet high at time of planting.