



Legislation Details (With Text)

File #: 1184-2023 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/13/2023 **In control:** Zoning Committee

On agenda: 5/1/2023 **Final action:** 5/3/2023

Title: To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3312.27, Parking setback line; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at 1138-1140 EVERGREEN RD. (43207), to permit a salon and a single-unit dwelling within an existing building in the R-2, Residential District, and to repeal Ordinance #2450-96 (CV96-064), passed November 4, 1996 (Council Variance #CV23-017) and to declare and emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1184-2023.Attachments, 2. ORD1184-2023.Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|--|--------|
| 5/3/2023 | 2 | ACTING CITY CLERK | Attest | |
| 5/2/2023 | 2 | MAYOR | Signed | |
| 5/1/2023 | 2 | COUNCIL PRESIDENT | Signed | |
| 5/1/2023 | 1 | Zoning Committee | Accept entire staff report into evidence as an exhibit | Pass |
| 5/1/2023 | 1 | Zoning Committee | Adopt the findings of staff as the findings of Council | Pass |
| 5/1/2023 | 1 | Zoning Committee | Approved as Amended | Pass |
| 5/1/2023 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 4/24/2023 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV23-017

APPLICANT: Cortney Brugh; 1259 Lake Shore Drive, #B; Columbus, OH 43204.

PROPOSED USE: Salon and single-unit dwelling.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with an office building in the R-2, Residential District, as permitted by Ordinance #2450-96; CV96-064. The requested Council variance will permit a salon with microblading and permanent makeup services and a single-unit dwelling within the existing building. A Council variance is necessary because commercial uses are not permitted in the R-2, Residential District. A variance to the parking setback line, approved with CV96-064 will be maintained. The site is within the planning area of the *Tri-South Neighborhood Plan* (2004), which recommends "Single-Family Residential" land uses at this location, which includes single family, small neighborhood churches, and home-based business uses. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. As the proposal

is for a home-based business, staff supports this variance request.

To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3312.27, Parking setback line; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **1138-1140 EVERGREEN RD. (43207)**, to permit a salon and a single-unit dwelling within an existing building in the R-2, Residential District, and to repeal Ordinance #2450-96 (CV96-064), passed November 4, 1996 (Council Variance #CV23-017) **and to declare an emergency.**

WHEREAS, by application #CV23-017, the owner of property at **1138-1140 EVERGREEN RD. (43207)** is requesting a Council variance to permit a salon and a single-unit dwelling within an existing building in the R-2, Residential District; and

WHEREAS, Section 3332.033, R-2 residential district, prohibits commercial uses, while the applicant proposes a salon with microblading and permanent makeup services and a single-unit dwelling in an existing building; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet from the street right-of-way line, while the applicant proposes to maintain a parking setback line of 0 feet from Evergreen Road; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces per dwelling-unit and one parking space per 250 square feet of salon use, a total of four spaces for the existing dwelling unit and proposed salon, while the applicant proposes three total parking spaces; and

WHEREAS, the Far South Columbus Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the the proposed salon is a low-intensity use in the R-2, Residential District that is compatible with the land use recommendations of the *Tri-South Neighborhood Plan* (2004); 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 **1138-1140 EVERGREEN RD. (43207)**, in using said property as desired; ~~now, therefore~~ **and**

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the business no longer operating in its previous location and has created a financial hardship and for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.033, R-2 residential district; 3312.27, Parking setback line; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **1138-1140 EVERGREEN RD. (43207)**, insofar as said section prohibits a salon with microblading

and permanent makeup services in the R-2, Residential District; with a reduced parking setback line from 25 feet to 0 feet; and a reduced number of parking spaces from four required to three provided spaces, said property being more particularly described as follows:

1138-1140 EVERGREEN RD. (43207), being 0.42± acres located on the north side of Evergreen Road, 420 feet east of Lockbourne Road, and being more particularly described as follows:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus, and more particularly described as follows: Being the West half of Tract no. Two (2) of Allen E. McDowell's Greenhill Acres as the same is numbered and delineated upon the recorded plat thereof in Plat Book 22, Page 45, Recorder's Office, Franklin County, Ohio; Parcel ID: 010-114882. Consisting of 0.42 acres.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a salon up to 450 square feet, or those uses permitted in the R-2, Residential District.

SECTION 3. That customer parking be limited to only 3 spaces in the front yard designed to maintain a minimum 10 foot wide parking setback parallel the Evergreen Road frontage screened with a continuous 2.5 foot high hedge or other shrubbery between two maximum 10 foot wide driveways.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed uses.

~~SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.

SECTION 6. That Ordinance #2450-96 (CV96-064), passed November 4, 1996, be and is hereby repealed.