



Legislation Text

File #: 1670-2018, **Version:** 1

Council Variance Application: CV18-016

APPLICANT: Samuel Goldberg; c/o Brent Rosenthal, Atty.; 366 East Broad Street; Columbus, OH 43215.

PROPOSED USE: Building maintenance business.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel zoned in the R-2, Residential District, and is developed with a 3,089 square foot commercial building (Building A) and a single-unit dwelling (Building B). The applicant requests to conform the existing building maintenance business that is operating within Building A in order to create a new parcel for the existing single-unit dwelling (Parcel B). A Council variance is necessary because the R-2 district does not permit commercial uses. The request incorporates variances for a reduced minimum side yard along the western side of Building A, and a one space-space parking reduction. The site is within the boundaries of the *South Side Plan* (2014), which recommends "low-medium density residential" land uses at this location. While the proposal is not consistent with the land use plan, City Staff is able to support the request with the commitment of a site plan showing the improved on-site parking conditions with additional landscaping. Staff support is further conditioned on the commercial use being confined to Building A.

To grant a Variance from the provisions of Sections 3332.033, R-2, residential district; 3312.49(C), Minimum numbers of parking spaces required; and 3332.26(B), Minimum side yard permitted, of the Columbus City Codes; for the property located at **1221 FREBIS AVENUE (43202)**, to permit an existing building maintenance business with reduced development standards in the R-2, Residential District (Council Variance # CV18-016).

WHEREAS, by application #CV18-016, the owner of the property at **1221 FREBIS AVENUE (43202)**, is requesting a Variance to permit an existing building maintenance business with reduced development standards in the R-2, Residential District; and

WHEREAS, Section 3332.033, R-2, residential district, prohibits commercial uses, while the applicant proposes to permit the existing building maintenance business within Building A, being approximately 3,089 square feet; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires a total of 6 parking spaces for the building maintenance business, while the applicant proposes a total of 5 parking spaces; and

WHEREAS, Section 3332.26(B), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain a reduced minimum side yard of 3.5 feet for Building A along the western property line as shown on the site plan; and

WHEREAS, the Columbus Southside Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed development, while not consistent with the *South Side Plan*'s "low-medium density residential" land use recommendation, does commit to a site plan that reflects

improvement to the on-site parking conditions and additional landscaping. Furthermore, the commercial use is confined to Building A; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed uses; 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 **1221 FREBIS AVENUE (43202)**, 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 hereby granted from the provisions of Sections 3332.033, R-2, residential district; 3312.49(C), Minimum numbers of parking spaces required; and 3332.26(B), Minimum side yard permitted, of the Columbus City Codes; for the property located at **1221 FREBIS AVENUE (43202)**, insofar as said sections prohibit a 3,089 square foot building maintenance business in the R-2, Residential District; with a parking space reduction from 6 required spaces to 5 spaces; and a reduced minimum side yard from 5 feet to 3.5 feet for Building A along the western property line of Parcel A; said property being more particularly described as follows:

1221 FREBIS AVENUE (43202), being 2.48± acres located on the south side of Frebis Avenue, 335 feet east of Lockbourne Road, and being more particularly described as follows:

**DESCRIPTION OF 2.015 ACRES
TRACT 4
LYING EAST OF LOCKBOURNE ROAD
AND SOUTH OF FREBIS AVENUE**

Situate in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 39, Township 5, Range 22 Refugee Lands, and being a part of Lot 2, of the partition of lands of Elizabeth Altman, deceased, made in the case of Altman vs. Altman, in the Court of Common Pleas, Franklin County, Ohio, in Complete Record 108, Page 239, and being part of an original 2.607 acre tract conveyed to Senator Equity II, LLC, by deed of record in Instrument Number 201708300120603, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference, at a MAG nail set, in the centerline intersection of Frebis Avenue (60 feet wide) and Lockbourne Road (50 feet wide);

Thence South 86°11'42" East, a distance of 366.81 feet, along the centerline of said Frebis Avenue, to a MAG nail set, at the northwesterly corner of said 2.607 acre tract and a tract of land conveyed to SHC Lockbourne Rd LLC, by deed of record in Instrument Number 201008180106216;

Thence South 03°53'25" West, a distance of 30.00 feet, along the line common to said 2.607 acre tract and said SHC Lockbourne Rd LLC, and across said Frebis Avenue and a tract of land conveyed to the City of Columbus, by deed of record in Deed Book 2718, Page 359, to a P.K. nail found at the southwesterly corner of said City of Columbus tract and the southeasterly corner of a tract of land conveyed to the City of Columbus, by deed of record in Deed Book 2694, Page 440, and the **Point of True Beginning**;

Thence South 86°11'42" East, a distance of 60.29 feet, along the southerly line of said City of Columbus tract, to a rebar set;

Thence with the following two (2) courses and distances, across said 2.607 acre tract:

South 03°53'25" West, a distance of 165.33 feet, to a rebar set;

South 86°11'42" East, a distance of 123.31 feet, to a rebar set, on the easterly line of said 2.607 acre tract and the westerly line of an original 2.607 acre tract conveyed to Naser S. Saleh, by deed of record in Instrument Number 200611150228371;

Thence South 03°53'25" West, a distance of 423.84 feet, along the line common to said 2.607 acre tract and said Saleh tract, to an axel found, at the southerly common corner of said 2.607 acre tract and said Saleh tract and on the northerly line of a 1.394 acre tract conveyed to Bryan C. Black, by deed of record in Instrument Number 201606100073191;

Thence North 86°06'30" West, a distance of 183.60 feet, along the line common to said 2.607 acre tract and said 1.394 acre tract, to a 5/8 inch rebar found, at the westerly common corner of said 2.607 acre tract and said 1.394 acre tract and on the easterly line of a 2.6755 acre tract conveyed to Family Post, LLC, by deed of record in Instrument Number 200704190068732 and 1/2 interest conveyed to Miller/Leigh LLC by deed of record in Instrument Number 200711230202096;

Thence North 03°53'25" East, a distance of 588.89 feet, along the line common to said 2.607 acre tract, said 2.6755 acre tract and said SHC Lockbourne Rd LLC tract, to the **Point of True Beginning**, containing 2.015 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of South 86°11'42" East for the centerline line of Frebis Avenue, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

**DESCRIPTION OF 0.468 ACRES
TRACT 3
LYING EAST OF LOCKBOURNE ROAD
AND SOUTH OF FREBIS AVENUE**

Situate in the State of Ohio, County of Franklin, City of Columbus, being in Half Section 39, Township 5, Range 22 Refugee Lands, and being a part of Lot 2, of the partition of lands of Elizabeth Altman, deceased, made in the case of Altman vs. Altman, in the Court of Common Pleas, Franklin County, Ohio, in Complete Record 108, Page 239, and being part of an original 2.607 acre tract conveyed to Senator Equity II, LLC, by deed of record in Instrument Number 201708300120603, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference, at a MAG nail set, in the centerline intersection of Frebis Avenue (60 feet wide) and Lockbourne Road (50 feet wide);

Thence South 86°11'42" East, a distance of 427.10 feet, along the centerline of said Frebis Avenue and the northerly line of said 2.607 acre tract, to a MAG nail set;

Thence South 03°53'25" West, a distance of 30.00 feet, across said 2.607 acre tract, said Frebis Avenue and a tract of land conveyed to the City of Columbus, by deed of record in Deed Book 2718, Page 359, to a rebar set on the southerly line of said City of Columbus tract, and the **Point of True Beginning**;

Thence South 86°11'42" East, a distance of 123.31 feet, along the southerly line of said City of Columbus tract, to a rebar set, at the southeasterly corner of said City of Columbus tract, the southwesterly corner of a tract of land conveyed to the City of Columbus, by deed of record in Deed Book 2644, Page 481 and on the line common to said 2.607 acre tract and an original 2.607 acre tract conveyed to Naser S. Saleh, by deed of record in Instrument Number 200611150228371;

Thence South 03°53'25" West, a distance of 165.33 feet, along the line common to said 2.607 acre tract and said Saleh tract, to a rebar set;

Thence with the following two (2) courses and distances, across said 2.607 acre tract:

North 86°11'42" West, a distance of 123.31 feet, to a rebar set;

North 03°53'25" East, a distance of 165.33 feet, to the **Point of True Beginning**, containing 0.468 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of South 86°11'42" East for the centerline line of Frebis Avenue, based on the Ohio State Plane Coordinate System, South Zone, NAD 83 Datum (2011), taken from GPS observation.

Known as Address: 1221 Frebis Avenue
Parcel Number: 010-089882

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a 3,089 square foot building maintenance business with all activities occurring within existing Building A, or those uses permitted in the R-2, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**ZONING EXHIBIT**," dated June 6, 2018, and signed by Samuel Goldberg, Applicant. The 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 plans shall be subject to review and approval by the Director of the Department 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 following:

1. The Owner will only use the property for the following commercial uses: storage, maintenance and repairs of the Owner's business vehicles and machines, and conduct of the Owner's building maintenance business.
2. All commercial activities will be conducted within the interior of existing Building A. Building A shall not be expanded, nor shall any additional structures be built or placed on Parcel A for the purpose of conducting any commercial activities or business unless prior approval is obtained from the City of Columbus Department of Development (Planning Division) and/or Columbus Department of Building and Zoning Services.
3. No commercial activities, including without limitation maintenance or repair work, will be conducted for the public or any entity or person other than Owner.
4. The Owner will not expand the current commercial uses and will not introduce any additional commercial uses.
5. The Owner will comply with all Community Commercial Overlay standards for graphics and site design applicable to the subject property.

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