



Legislation Text

File #: 1074-2019, **Version:** 1

Council Variance Application: CV19-018

APPLICANT: Julie Shirk; 1801 Watermark Drive, Suite 210; Columbus, OH 43215.

PROPOSED USE: Pet boarding with outside runs.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single parcel developed with a pet boarding facility which includes outdoor runs in the L-C-4, Limited Commercial District. This development was previously approved by Ordinance #2184-2012, passed October 22, 2012 (CV12-020) for the outdoor runs, a parking reduction variance, and committed to a site plan and elevation drawings. The requested Council variance will permit the replacement of previously committed to elevation drawings so that signage can be added to the front of the building in place of a window feature. Also included in the request are variances to the Special Permit requirements for the existing outdoor runs, C-4 permitted uses, and minimum numbers of parking spaces required which are being carried over from CV12-020. The site is within the planning area of the *Northland Plan Volume II* (2002) in the "Blendon District." Staff finds that the proposed signage is consistent with the Plan's recommendation that on-premise signage should be readable and compatible with surroundings.

To grant a Variance from the provisions of Sections 3356.03, C-4 Permitted uses; 3312.49, Minimum number of parking spaces required; and 3389.032, Animal kennel or animal shelter, of the Columbus City Codes; for the property located at **5495 NORTH HAMILTON ROAD (43207)**, to permit pet boarding with outside runs, reduced parking, and no Special Permit in the L-C-4, Limited Commercial District and to repeal Ordinance #2184-2012, passed October 22, 2012 (Council Variance #CV19-018).

WHEREAS, by application #CV19-018, the owner of property at **5495 NORTH HAMILTON ROAD (43207)**, is requesting a Council Variance to permit pet boarding with outdoor runs, reduced parking, and no Special Permit in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, Permitted uses, permits pet daycare in the L-C-4, Limited Commercial District only if they do not have outside runs, while the applicant proposes to continue pet boarding with outside runs in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires 80 parking spaces for the proposed use, while the applicant proposes to maintain the existing 29 parking spaces; and

WHEREAS, Section 3389.032, Animal kennel or animal shelter, requires a Special Permit for an animal shelter with outdoor runs, cages, or structures for open air confinement of animals and allows such a shelter to be located only in an M or M-1 Manufacturing District, while the applicant proposes to continue pet boarding with outside runs in the L-C-4, Limited Commercial District without a Special Permit; and

WHEREAS, City Departments recommend approval because the use was previously approved per Ordinance #2184-2012 (CV12-020) and the proposed additional signage aligns with the recommendations of the *Northland Plan Volume II* as it is compatible with the surrounding businesses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and maintaining a 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 owner of the property located at **5495 NORTH HAMILTON ROAD (43207)**, 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 3356.03, C-4 Permitted uses; 3312.49, Minimum number of parking spaces required; and 3389.032, Animal kennel or animal shelter, of the Columbus City Codes, is hereby granted for the property located at **5495 NORTH HAMILTON ROAD (43207)**, insofar as said sections prohibit pet boarding with outdoor runs; a parking space reduction from 80 spaces to 29 spaces; and no Special Permit, said property being more particularly described as follows:

5495 NORTH HAMILTON ROAD (43207), being 1.67± acres located on the west side of North Hamilton Road, 760± feet south of Menery Lane, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 17, Quarter Township 4, Township 2, Range 17, United States Military Lands and being part of the remainder of that 10.648 acre tract as conveyed to Suburban Improvement of Columbus Inc., by deed of record in Instrument Number 201010070133765 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at Franklin County Geodetic Survey Monument Number 8813 found in the centerline of Hamilton Road, being North 03° 19' 23" East, a distance of 1586.62 feet, with said centerline, from Franklin County Geodetic Survey Monument Number 6666 found at the centerline intersection of Hamilton Road and Thompson Road;

thence North 03° 07' 54" East, with said centerline, being said easterly line, a distance of 48.43 feet, to a point;

thence North 86° 52' 06" West, across said 1.759 acre tract, a distance of 60.00 feet, to an iron pin set in the westerly right-of-way line of said Hamilton Road, being the westerly line of said 1.759 acre tract, at a common corner of the that 2.696 acre tract conveyed to ALDI, Inc. (Ohio) by deed of record in Instrument Number 200604270079332 and said 10.648 acre tract, being the TRUE POINT OF BEGINNING;

thence South 03°07'54" West, with the westerly right-of-way line of said Hamilton Road, a distance of 48.33 feet to a point;

thence South 03° 19' 23" West, with the westerly right-of-way line of said Hamilton Road, a distance of 150.11 feet to a point;

thence across said 10.648 acre tract, the following courses and distances:

North 86°41'33" West, a distance of 364.09 feet to a point;

North 04°36'27" East, a distance of 146.51 feet to a point;

South 46° 53' 13" West, a distance of 15.96 feet to a point;

North 43° 17' 09" West, a distance of 40.03 feet to a point;

North 46° 53' 18" East, a distance of 31.28 feet to a point;

South 85° 23' 33" East, a distance of 19.40 feet to a point; and

North 04° 36' 27" East, a distance of 12.70 feet to a point in the southerly line of said 2.696 acre tract;

thence South 86°52'06" East, with said southerly line, a distance of 359.50 feet to a point the TRUE POINT OF BEGINNING, and containing 1.67 acres of land more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for pet boarding with outdoor runs.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with a the site plan titled, "**PETSUITES LANDSCAPE PLAN**," dated August 21, 2012, signed by Jeffrey L. Brown, Attorney for the applicant, and elevations titled "**FRONT ELEVATIONS**," and "**BUILDING ELEVATIONS**," dated April 9, 2019, signed by Julie Shirk, Agent for the applicant. The Plans 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 of 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 applicant obtaining all applicable permits and maintaining a Certificate of Occupancy for the proposed use.

SECTION 5. No dogs shall be outside in the runs until 7:30 a.m.

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

SECTION 7. That Ordinance #2184-2012, passed October 22, 2012, be and is hereby repealed.