



## Legislation Text

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**File #:** 2748-2019, **Version:** 1

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### **Council Variance Application: CV19-081**

**APPLICANT:** R.M. McFadyen Holdings Limited, c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Fitness center.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a warehouse building containing a 9,500 square foot fitness center as permitted by Ordinance #2307-2017 (CV17-053) in the L-M, Manufacturing District. The requested Council variance will allow the existing fitness center to expand to occupy the entire 15,854 square foot building. The variance is necessary because the L-M district only permits office and less-objectionable manufacturing uses. Included in the request is a variance to reduce the required width of eight parking spaces to 8.5 feet from 9 feet. The site is located within the Short North Special Parking Area (SNSPA), but because a building permit to change the use of the space was filed prior to the SNSPA code change becoming effective, the parking variance permitted in CV17-053 will remain in effect. The site is within the boundaries of the *Italian Village East Redevelopment Plan* (2000), which recommends "Institutional" land uses at this location, and is also within the Italian Village Urban Commercial Overlay. Although the Plan recommends institutional land uses, Staff recognizes that East Fifth Avenue is a commercial corridor and the proposed use is appropriate. Additionally, the reduced parking space widths are supported as these reductions help achieve the minimum number of parking spaces required for the proposed expansion.

To grant a Variance from the provisions of Sections 3370.05, Permitted uses; and 3312.29, Parking space, of the Columbus City Codes; for the property located at **279 E. 5TH AVE. (43201)**, to permit a fitness center with reduced parking space size in the L-M, Limited Manufacturing District (Council Variance #CV19-081).

**WHEREAS**, by application #CV19-081, the owner of the property at **279 E. 5TH AVE. (43201)**, is requesting a Variance to permit a fitness center with reduced parking space size in the L-M, Limited Manufacturing District; and

**WHEREAS**, Section 3370.05 Permitted uses, allows one or more of the uses permitted by the underlying zoning district, which are limited to office and less-objectionable manufacturing uses of the M, Manufacturing District as approved by Ordinance #498-95 (Z94-097), while the applicant proposes a 15,854 square foot fitness center; and

**WHEREAS**, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than 9 feet by 18 feet, while the applicant proposes to allow 8 parking spaces to be 8.5 feet wide, as shown on the submitted site plan; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because staff recognizes that East Fifth Avenue is a commercial corridor, and the proposed use is an expansion of an appropriate use while meeting the

minimum number of parking spaces required; 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 **279 E. 5TH AVE. (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 hereby granted from the provisions of Sections 3370.05, Permitted uses; and 3312.29, Parking space, of the Columbus City Codes, is hereby granted for the property located at **279 E. 5TH AVE. (43201)**, insofar as said sections prohibit a 15,854 square foot fitness center; with a reduced parking space width of 8.5 feet for 8 parking spaces; said property being more particularly described as follows:

**279 E. 5TH AVE. (43201)**, being 0.61± acres located at the southeast corner of East Fifth Avenue and North Fifth Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus: Being all of Lots Numbers One (1), Two (2), Three (3), Four (4) and Five (5) in W.J. McComb's 5th Avenue Subdivision, as shown of record in Plat Book 3, Page 387, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point at the intersection of the south line of East Fifth Avenue (60 feet wide) with the east line of North Fifth Street (25 feet wide) and at the northwest corner of said Lot No. 1;  
thence s 87° 30' 00" E along the south line of East Fifth Avenue and along the north lines of said Lots Nos. 1, 2, 3, 4 and 5 a distance of 173.00 feet to a point at the northeast corner of said Lot No. 5 and at the northwest corner of Lot Number Six (6) in said W.J. McComb's 5th Avenue Subdivision;

thence S 3° 02' 25" W along the east line of said Lot No. 5 and along the west line of said Lot No. 6 a distance of 173.23 feet to a point in the north line of Greenwood Avenue (approximately 31.31 feet wide), at the southeast corner of said Lot No. 5 and at the southwest corner of said Lot No. 6;

thence N 87° 30' 00" W along the north line of Greenwood Avenue and along the south lines of said Lots Nos. 5, 4, 3, 2 and 1 a distance of 135.09 feet to a point at the intersection of the north line of Greenwood Avenue with the east line of North Fifth Street and at the southwest corner of said Lot No. 1,

thence N 9° 19' 41" W along the east line of North Fifth Street and along the west line of said Lot No. 1 a distance of 176.98 feet to the place of beginning;

Containing 0.613 acre of land more or less and being subject to all easements and restrictions of record.

Parcel No: 010-031324

Known as address: 279 E. 5th Ave., Columbus, OH 43201.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for

a 15,854 square foot fitness center, or those uses permitted in the L-M, Limited Manufacturing District as specified by Ordinance #498-95 (Z94-097).

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan drawing titled, "**SITE COMPLIANCE PLAN**," dated October 10, 2019, drawn by RAS Civil Engineering and signed by Eric Zartman, Attorney for the 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 adjustment to the plan shall be reviewed and may be approved 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

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