



Legislation Text

File #: 0459-2020, **Version:** 1

Council Variance Application: CV18-088

APPLICANT: Donald J. Compton & Anna B. Compton, Trustees; c/o Jeffrey L. Brown, Atty.; 37 W. Broad St., Suite 460; Columbus, OH 43215.

PROPOSED USE: Two-unit dwelling and reduced development standards for an automobile sales and service/repair facility.

NORTHEAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning request to the L-M, Limited Manufacturing District (Ordinance #0458-2020; Z14-060) to permit limited industrial development and an automobile sales and service/repair facility. Variances to conform an existing two-unit dwelling on the property, and to address reduced maneuvering, parking setback, number of parking spaces (from 10 to 5), parking lot screening, and distance separation requirements are requested in order to comply with an active Zoning Code violation. Staff finds the requested variances to be supportable to legitimize existing conditions with augmented screening and landscaping being provided as demonstrated on the site plan that is committed to with this request.

To grant a Variance from the provisions of Sections 3363.01, Manufacturing districts; 3311.28(b), Requirements; 3312.21 (B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3356.07(C), Distance separation standards; 3363.27(b)(2), Height and area regulations; 3363.41, Storage; and 3363.42, Public storage and repair shop, of the Columbus City Codes, for property located at **2497 BANCROFT STREET (43211)**, to conform a two-unit dwelling and to reduce development standards for an automobile sales and service/repair facility in the L-M, Limited Manufacturing District (Council Variance #CV18-088).

WHEREAS, by application #CV18-088, the owner of property at **2497 BANCROFT STREET (43211)**, is requesting a Council variance to conform a two-unit dwelling and to reduce development standards for an automobile sales and service/repair facility in the L-M, Limited Manufacturing District; and

WHEREAS, Section 3363.01, Manufacturing districts, does not permit a two-unit dwelling and allows only limited residential uses, while the applicant proposes to maintain an existing two-unit dwelling on the property; and

WHEREAS, Section 3311.28(b), Requirements, requires that more objectionable uses are to be conducted within not less than 600 feet from any residential district, while the applicant proposes interior salvage, a more objectionable use, that is contiguous to a residential district; and

WHEREAS, Section 3312.21(B)(3), Landscaping and screening, requires that screening be provided for parking lots located within 80 feet of residentially zoned property, while the applicant proposes to maintain no parking lot screening for the parking spaces along Bancroft Street; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on

the lot where the parking spaces are located, while the applicant proposes to permit maneuvering for parking spaces into the right-of-way of Bancroft Street; and

WHEREAS, Section 3312.27, Parking setback line, requires a parking setback of 25 feet, while the applicant proposes a parking setback line of 0 feet along Ole Country Lane; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 space per 5,000 square feet of automobile display space, 1 space per 300 square feet of sales office space, 2 spaces per service bay, and 2 parking spaces per dwelling unit, a total parking requirement of 10 spaces, while the applicant proposes 5 parking spaces for the automobile sales and service/repair facility and zero spaces for the two-unit dwelling; and

WHEREAS, Section 3356.07(C), Distance separation standards, requires that wall or roof openings in an automotive maintenance and repair use shall be located 25 feet or more from an adjacent residential zoning district, while the applicant proposes to maintain reduced separation for the existing bay doors; and

WHEREAS, Section 3363.27(b)(2), Height and area regulations, requires a minimum distance of 600 feet from any residential district, while the applicant proposes interior salvage, a more objectionable use, that is contiguous to a residential district; and

WHEREAS, Section 3363.41, Storage, requires the open storage of materials be located at least 100 feet from any residential district, 30 feet from a street right-of-way line, and 20 feet from a lot line, while the applicant proposes reduced setbacks from all lot lines, as shown on the site plan; and

WHEREAS, Section 3363.42, Public storage and repair shop, requires that wall or roof openings in a public garage or garage repair shop shall be located 15 feet or more from an adjacent residential zoning district, while the applicant proposes to maintain reduced separation for the existing bay doors; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

WHEREAS, the Northeast Area Commission recommends approval of said zoning change; and

WHEREAS, the City Departments recommend approval because the requested variances will conform and existing two-unit dwelling while legitimizing an automobile sales and service/repair facility enabling the applicant to comply with an active Zoning Code violation. Augmented screening and landscaping is being provided as demonstrated on the site plan that is committed to with this request; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to 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; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **2497 BANCROFT ST. (43211)**, in using said property as desired;

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

SECTION 1. That a variance from the provisions of Sections 3363.01, Manufacturing districts; 3311.28(b), Requirements; 3312.21(B)(3), Landscaping and screening; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.49, Minimum numbers of parking spaces required; 3356.07(C), Distance separation standards; 3363.27(b)(2), Height and area regulations; 3363.41, Storage; and 3363.42, Public storage and repair shop, of the Columbus City Codes; is hereby granted for property located at **2497 BANCROFT ST. (43211)**, insofar as said sections prohibit a two-unit

dwelling in the L-M, Limited Manufacturing District with no parking spaces; with the following reduced development standards for an automobile sales and service/repair facility: a reduced distance separation for a more objectionable manufacturing use from a residential zoning district from 600 feet to 0 feet; no parking lot landscaping along Bancroft Street; maneuvering into the right-of-way of Bancroft Street; a reduced parking setback line from 25 feet to 0 feet along Bancroft Street; a reduction in the required number of parking spaces from 6 to 5; reduced distance separation for bay doors of a garage repair shop from residentially zoned property from 25 as required by the C-4 district to 0 feet, and from 15 feet as required by the M district to 0 feet; and reduced storage setbacks from all property lines as shown on the site plan; said property being more particularly described as follows:

2497 BANCROFT ST. (43211), being 0.52± acres located at the southwest corner of Bancroft Street and Genessee Avenue, 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 bounded as described as follows:

Being Lot Numbers 141, 142 and 143 of MULBER HEIGHTS ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 16, pages 2 and 3, Recorder's Office, Franklin County, Ohio. Prior Instrument Reference: Volume 3391, Page 609.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for those uses permitted in the L-M, Limited Manufacturing District as specified in Ordinance #0458-2020 (Z14-060).

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**," signed by Jeffrey L. Brown, attorney for the Applicant, and dated November 19, 2019. 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 plan 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 a Certificate 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.