



Legislation Text

File #: 1405-2021, **Version:** 1

Council Variance Application: CV21-028

APPLICANT: Gary Hartman; 3351 Karl Road; Columbus, OH 43224.

PROPOSED USE: Shipping containers for accessory storage.

NORTH LINDEN AREA COMMISSION RECOMMENDATION: Disapproval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The lot is developed with a single-unit dwelling and a detached garage in the R-3, Residential District. There are two existing shipping containers adjacent to the garage for which a zoning code violation was issued in September 2020. The applicant proposes to legitimize existing conditions for the containers to be used for accessory storage. A Council variance is necessary to allow the use of salvaged shipping containers for storage on a residential lot. A variance to reduce the building line along Urana Avenue from 10 feet to 7 feet for the shipping containers and to zero feet for the existing dwelling is included in the request. The site is located within the planning boundaries of the *North Linden Neighborhood Plan Amendment (2014)*, which recommends "Low-Medium Density Residential" land uses at this location. Staff does not support this request noting that the use of shipping containers on a residential lot as accessory structures for the storage of personal property is not consistent with the residential character of the neighborhood. There is currently a working draft of an update to the Zoning Code that will explicitly prohibit the use of shipping containers as accessory structures on residential lots as they are industrial in nature and incompatible with neighboring residential properties. Staff encourages the owner to instead utilize sheds or similar outbuildings which are permitted and because they are more ordinarily appurtenant to a dwelling and more compatible with the neighborhood.

To grant a Variance from the provisions of Sections 3332.289, Prohibited uses and activities; and 3332.21(D)(2), Building lines, of the Columbus City codes; for the property located at **3351 KARL RD. (43224)**, to permit shipping containers for accessory storage with a reduced building line in the R-3, Residential District (Council Variance #CV21-028).

WHEREAS, by application #CV21-028, the owner of the property at **3351 KARL RD. (43224)**, is requesting a Variance to permit shipping containers for accessory storage with a reduced building line in the R-3, Residential District; and

WHEREAS, Section 3332.289, Prohibited uses and activities, prohibits shipping containers, while the applicant proposes continued use of two shipping containers for accessory storage on a residential lot that is developed with a single-unit dwelling; and

WHEREAS, Section 3332.21(D)(2), Building lines, requires the Urana Avenue setback to be no less than 10 feet, while the applicant proposes to maintain building lines of 7 feet for the shipping containers and zero feet for the existing dwelling; and

WHEREAS, the North Linden Area Commission recommends disapproval; and

WHEREAS, the City Departments recommend disapproval of the requested variances because shipping containers are industrial in nature and incompatible with neighboring residential properties. Staff encourages the owner to instead utilize

sheds or similar outbuildings which are permitted and because they are more ordinarily appurtenant to a dwelling and more compatible with the neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the shipping containers; 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 **3351 KARL RD. (43224)**, in using said property as desired and; now, therefore:

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

SECTION 1. That a Variance be hereby granted from the provisions of Sections 3332.289, Prohibited uses and activities; and 3332.21(D)(2), Building lines, of the Columbus City codes; for the property located at **3351 KARL RD. (43224)**, insofar as said sections prohibit two shipping containers to be used for accessory storage in the R-3, Residential District; with a reduced building line along Urana Avenue from 10 feet to 7 feet for the containers, and to zero feet for the existing dwelling; said property being more particularly described as follows:

3351 KARL RD. (43224), being 0.19± acres located at the southwest corner of Karl Road and Urana 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 AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF THE KARL PIKE, 878.58 FEET NORTH OF AN IRON PIN LOCATED AT THE POINT OF INTERSECTION OF THE CENTER LINE OF THE KARL PIKE WITH THE CENTER LINE OF THE CLINTONVILLE ROAD; THENCE NORTH 87 DEGREES 15 MINUTES W. 396 FEET TO A POINT IN THE LINE OF PARCEL 12; THENCE N. 2 DEGREES 50 MINUTES E. ALONG THE WEST LINE OF PARCEL 12, 175.4 FEET TO A STAKE AT THE NORTHWEST CORNER OF THE ORIGINAL 9.58 ACRE TRACT; THENCE S. 87 DEGREES 15 MINUTES E. ALONG THE NORTH LINES OF PARCELS 12 AND 11, 396 FEET TO A POINT IN THE CENTER OF THE KARL PIKE; THENCE SOUTH 2 DEGREES 50 MINUTES W. WITH THE CENTER LINE OF THE KARL PIKE, 175.44 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THE PROPERTY DESCRIBED AS FOLLOWS: (1) BEING A TRACT OF LAND 100 FEET BY 150 FEET OUT OF THE SOUTHEAST CORNER OF PARCELS NUMBER 10 AND 11 DEEDED BY SCOVILLE AND AMY EVERSOLE TO HERSCHEL A. NEALE AND BETTY Z. NEALE DATED SEPTEMBER 12, 1952 AND THE 20TH DAY OF JUNE, 1953 AND RECORDED IN DEED BOOK 1753, PAGE 523 AND DEED BOOK 1701, PAGE 557, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO. (2) BEING A STRIP OF LAND APPROXIMATELY 20.70 FEET OFF THE ENTIRE NORTH SIDE OF THE ABOVE DESCRIBED PREMISES DEEDED TO LARRY N WADE BY SCOVILLE C EVERSOLE AND AMY C EVERSOLE AND RECORDED IN DEED BOOK 1849, PAGE 307, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO. (3) BEING 200 FEET OFF THE ENTIRE WEST SIDE OF THE ABOVE DESCRIBED PREMISES DEEDED TO LARRY N. WADE BY SCOVILLE C EVERSOLE AND AMY C. EVERSOLE AND RECORDED IN DEED BOOK 1909, PAGE 25, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO. (4) BEING A TRACT OF LAND CONTAINING APPROXIMATELY .156 ACRES DEEDED BY AMY C. EVERSOLE TO BART W. SWINDLER DATED MAY 19, 1958 AND RECORDED IN DEED BOOK 2104 PAGE 443, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO. THE SUBJECT PREMISES CONTAINS 0.39331 ACRES OF LAND, MORE OR LESS. THIS DEED IS GIVEN IN COMPLETION OF A CERTAIN LAND INSTALLMENT CONTRACT OF RECORD IN MORTGAGE VOL. 3340, PAGE 250, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

The Real Property or its address is commonly known as 3351 KARL RD, COLUMBUS, OH 43224-3575. The Real Property tax identification number is 010-083163-00.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with a single-unit dwelling with two shipping containers used for accessory storage, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the shipping containers.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.