



## Legislation Details (With Text)

**File #:** 1833-2022      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/21/2022      **In control:** Zoning Committee

**On agenda:** 7/11/2022      **Final action:** 7/14/2022

**Title:** To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses of the Columbus City Codes; for the property located at 899 SULLIVANT AVE. (43223), to permit a single-unit dwelling in the C-4, Commercial District (Council Variance #CV22-049).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1833-2022.Attachments, 2. ORD1833-2022.Labels

Date	Ver.	Action By	Action	Result
7/14/2022	1	CITY CLERK	Attest	
7/13/2022	1	MAYOR	Signed	
7/11/2022	1	COUNCIL PRESIDENT	Signed	
7/11/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
7/11/2022	1	Zoning Committee	Approved	Pass
7/11/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
7/11/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass

### Council Variance Application: CV22-049

**APPLICANT:** Blue Chip Homes QOZB, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1<sup>st</sup> Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2<sup>nd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Single-unit dwelling.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel which was formerly developed with a single-unit dwelling which was razed due to a fire. The applicant proposes to develop the site with a new single-unit dwelling. A Council variance is necessary because residential uses are only permitted above certain commercial uses in the C-4, Commercial District. The site is within the planning area of the *West Franklinton Plan* (2014) which recommends "Neighborhood Mixed Use" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. The single-unit dwelling is consistent with the residential uses that are prevalent in the surrounding neighborhood, and approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses of the Columbus City Codes; for the property located at **899 SULLIVANT AVE. (43223)**, to permit a single-unit dwelling in the C-4, Commercial District (Council Variance #CV22-049).

**WHEREAS**, by application #CV22-049, the owner of property at **899 SULLIVANT AVE. (43223)**, is requesting a Council variance to permit a single-unit dwelling in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, only permits dwelling units above certain commercial uses, while the applicant proposes to develop the site with a single-unit dwelling; and

**WHEREAS**, the Franklinton Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the request is consistent with the residential uses that are prevalent in the surrounding neighborhood, and is compatible with the *West Franklinton Plan's* land use recommendation for "Neighborhood Mixed Use"; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 the 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 of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owner of the property located at **899 SULLIVANT AVE. (43223)**, 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 Section 3356.03, C-4, permitted uses of the Columbus City Codes, is hereby granted for the property located at **899 SULLIVANT AVE. (43223)**, insofar as said section prohibits a single-unit dwelling in the C-4, Commercial District, said property being more particularly described as follows:

**899 SULLIVANT AVE. (43223)**, being 0.09± acres located on the south side of Sullivant Avenue, 280± feet east of Hawkes Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin and State of Ohio:

Being Lot Number Seventy Four (74) of Osborn Place Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 364 and 365, Recorder's Office, Franklin County, Ohio

Prior Instrument Reference: 202201060004743

Property Address: 899 Sullivant Avenue, Columbus, OH 43223

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**899 SULLIVANT AVE SITE PLAN**," signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated June 14, 2022. 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 compliance with R-4, Residential District standards for any additions to the existing structures, the construction of any accessory structures, other than the detached garage, as depicted, or the reconstruction of any structures, other than the Sullivant Avenue building setback which shall be permitted at 6', as depicted.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed uses.

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