



Legislation Details (With Text)

File #: 1750-2006 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 9/29/2006 **In control:** Zoning Committee

On agenda: 11/20/2006 **Final action:** 11/22/2006

Title: To grant a Variance from the provisions of Section 3356.03, C-4, Permitted Uses of the Columbus City Codes for the property located at 7070 BENT TREE BOULEVARD (43235), to permit the interment of cremated remains in a columbarium in the L-C-4, Limited Commercial District (Council Variance # CV05-067).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1750-2006Attachments.pdf, 2. ORD1750-2006Labels.pdf, 3. ORD1750-2006DataSheet.pdf

Date	Ver.	Action By	Action	Result
11/22/2006	1	CITY CLERK	Attest	
11/21/2006	1	MAYOR	Signed	
11/20/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
11/20/2006	1	Zoning Committee	Approved	Pass
11/20/2006	1	COUNCIL PRESIDENT	Signed	
11/6/2006	1	Dev Zoning Drafter	Sent for Approval	
11/6/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/6/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/3/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
11/3/2006	1	Dev Reviewer	Reviewed and Approved	
11/1/2006	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV05-067

APPLICANT: Linworth United Methodist Church; c/o Timothy C. Long, Atty.; 455 South Ludlow Street; Columbus, Ohio 43215.

PROPOSED USE: To allow the interment of cremated remains in a columbarium in the L-C-4, Limited Commercial District.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a church and is zoned in the L-C-4, Limited Commercial District. The applicant requests a Council variance to allow a columbarium to be constructed on the site. The location of the columbarium structure is within approximately 0.45 acres fronting along Bent Tree Boulevard connected to the front of the church. It will be limited to a maximum height of six (6) feet and constructed of materials that are compatible with the church structure. A Hardship exists because there is no use category for the interment of cremated remains other than a cemetery in the Zoning Code, which is a prohibited use. The Council variance is the only mechanism in which this request can be granted.

To grant a Variance from the provisions of Section 3356.03, C-4, Permitted Uses of the Columbus City Codes for the property located at **7070 BENT TREE BOULEVARD (43235)**, to permit the interment of cremated remains in a columbarium in the L-C-4, Limited

Commercial District (Council Variance # CV05-067).

WHEREAS, by application No. CV056-067, the owner of property at **7070 BENT TREE BOULEVARD (43235)**, is requesting a Council variance to allow the interment of cremated remains in a columbarium in the L-C-4, Limited Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, prohibits cemeteries and the interment of cremated remains, while the applicant proposes to construct a columbarium structure to inter cremated remains at an existing church; and

WHEREAS, City Departments recommend approval because the requested Council variance will allow a columbarium to be constructed on a site that is developed with a church zoned in the L-C-4, Limited Commercial District. The location of the columbarium structure is within approximately 0.45 acres fronting along Bent Tree Boulevard connected to the front of the church. It will be limited to a maximum height of six (6) feet and constructed of materials that are compatible with the church structure. A Hardship exists because there is no use category for the interment of cremated remains other than a cemetery in the Zoning Code, which is a prohibited use. The Council variance is the only mechanism in which this request can be granted; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Zoning Clearance 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 **7070 BENT TREE BOULEVARD (43235)**, in using said property as desired; now, therefore:

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

SECTION 1. 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 **7070 BENT TREE BOULEVARD (43235)**, in that said section prohibits the interment of cremated remains in the L-C-4, Limited Commercial District; said property being more particularly described as follows:

7070 BENT TREE BOULEVARD (43235), being 0.45± acres located on the south side of Bent Tree Boulevard, 69± feet east of Federated Boulevard, and being more particularly described as follows:

LINWORTH UNITED METHODIST CHURCH
PROPOSED COLUMBARIUM BOUNDARY

Situated in the State of Ohio, County of Franklin, City of Columbus, located in part of Quarter Township 4, Township 2, Range 19, United States Military District, being part of that 10.092 acre tract of land (PID: 590-158962) described in the deed to Linworth United Methodist Church, recorded in Official Record 33040-D03 (record references recited herein are to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Commencing at the 'point of beginning' of said 10.092 acre tract, being a point of curvature in the easterly right-of-way return of Federated Boulevard (as shown dedicated on the plat of "Dedication of Federated Boulevard," recorded in Plat Book 64, Pages 19 & 20), which connects the southeasterly right-of-way line of Bent Tree Boulevard (as shown dedicated on the plat of "Bent Tree Boulevard and Snuffer Road Dedication and Easements," recorded in Plat Book 64, Page 21);

thence northerly, 76.52 feet along the arc of a curve to the right (Delta=87°41'04", Radius= 50.00 feet), a chord bearing and distance of North 3°05'23" West, 69.27 feet to the point of tangency in said southeasterly line of Bent Tree Boulevard;

thence northeasterly along said southeasterly right-of-way line of said Bent Tree Boulevard, North 40°45'09" East, 68.75 feet to a point of curvature in said right-of-way line;

thence leaving said southeasterly right-of-way line of Bent Tree Boulevard, South 57°05'28" East, 25.24 feet to the TRUE POINT OF BEGINNING:

thence northeasterly, southeasterly and southerly, across and through said 10.092 acre tract, the following five (5) courses and distances:

1. North 44°28'56" East, 179.94 feet along the arc of a curve to the right (Delta= 7°11'04", Radius=1435.00 & bears South 49° 06'36" East), being a line 25.00 feet southeasterly of, and concentric with, said southeasterly right-of-way line of Bent Tree Boulevard, a chord distance of 179.82 feet;
South 35°55'35" East, 68.43 feet to a point of curvature;
3. South 17°57'47" East, 31.35 feet along the arc of a curve to the right (Delta= 35°55'35", Radius=50.00 feet), a chord distance of 30.84 feet;
- West, 14.00 feet; And,
5. South, along the west edge of a covered walkway, 112.54 feet to the face of an existing building;

thence westerly, northwesterly and southwesterly, continuing across and through said 10.092 acre tract, being along said face of an existing building, the following five (5) courses and distances:

1. West, 11.45 feet;
2. North, 1.75 feet;
3. North 45°00'00" West, 34.33 feet;
4. West, 34.33 feet; and,
5. South 45°00'00" West, 34.33 feet;

thence leaving said face of building, North 45°02'12" West, 95.16 feet returning to the 'True Point of Beginning,' containing 0.451 of an acre of land, more or less, as described for zoning purposes only, in November of 2005, by Carl E. Turner Jr., Registered Professional Surveyor No. S-6702.

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

SECTION 3. That this ordinance is further conditioned on the building materials for the columbarium being cement blocks faced with stone to match the existing church structure with granite covers for the niches, not to exceed six (6) feet in total height.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed use.

SECTION 5. That this ordinance is further conditioned on the applicant dedicating the required amount of right-of-way along Bent Tree and Federated Boulevards prior to the issuance of Zoning Clearance.

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