



## Legislation Details (With Text)

**File #:** 1412-2005      **Version:** 1

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

**File created:** 8/15/2005      **In control:** Zoning Committee

**On agenda:** 12/3/2007      **Final action:** 12/5/2007

**Title:** To grant a variance from the provisions of Sections 3332.029, SR, Suburban Residential District and 3389.04 Crematory, of the Columbus City Codes for the property at 1352 WOODLAND AVENUE (43219), to permit a funeral home with the opportunity for a crematory in the SR, Suburban Residential District. (CV05-020)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1412-2005.hshp.pdf, 2. ORD1412-2005.zon.pdf, 3. ORD1412-2005.gis.pdf, 4. ORD1412-2005.lup.pdf, 5. ORD1412-2005.NCAC.pdf, 6. ORD1412-2005.prjdscl.pdf, 7. City Council Data Form\_CV05-020.pdf, 8. ORD1412-2005.lbls.pdf

Date	Ver.	Action By	Action	Result
12/5/2007	1	CITY CLERK	Attest	
12/4/2007	1	MAYOR	Signed	
12/3/2007	1	Zoning Committee	Taken from the Table	Pass
12/3/2007	1	Zoning Committee	Approved	Pass
12/3/2007	1	COUNCIL PRESIDENT	Signed	
11/26/2007	1	Zoning Committee	Taken from the Table	Pass
11/26/2007	1	Zoning Committee	Tabled to Certain Date	Pass
10/24/2005	1	Zoning Committee	Tabled Indefinitely	Pass
10/24/2005	1	Zoning Committee	Taken from the Table	Pass
10/17/2005	1	Zoning Committee	Tabled to Certain Date	Pass
10/17/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
9/23/2005	1	Dev Zoning Drafter	Sent for Approval	
9/23/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
9/23/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
9/20/2005	1	Dev Zoning Drafter	Sent for Approval	
9/20/2005	1	Dev Zoning Reviewer	Reviewed and Approved	

**Council Variance Application: CV05-020**

**APPLICANT:** Evergreen Cemetery Association; 1401 Woodland Avenue; Columbus, OH 43219.

**PROPOSED USE:** Funeral home.

**NORTH CENTRAL AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting a Council Variance to permit a funeral home in the SR, Suburban Residential District. Funeral homes are not permitted in the SR, Suburban Residential District. The site lies within the boundaries of the *North Central Plan* (2002), which recommends cemetery land uses for the site. Staff finds the funeral home use consistent with the spirit of the recommendation of the *North Central Plan* (2002) in that such a use is accessory to the adjacent cemetery. The applicant has indicated that the funeral home may contain a crematory, which will still require a special permit from the Board of Zoning Adjustment if this application is approved.

To grant a variance from the provisions of Sections 3332.029, SR, Suburban Residential District and 3389.04 Crematory, of the Columbus City Codes for the property at **1352 WOODLAND AVENUE (43219)**, to permit a funeral home with the opportunity for a crematory in the SR, Suburban Residential District. (CV05-020)

**WHEREAS**, by application #CV05-020 the owner of property at **1352 WOODLAND AVENUE (43219)**, is requesting a Council Variance to permit a funeral home and the ability to seek a Special Permit for a crematory in the SR, Suburban Residential District; and

**WHEREAS**, Section 3332.029, SR, suburban residential district, prohibits funeral home use, while the applicant wishes to develop a funeral home in the SR, Suburban Residential district; and

**WHEREAS**, Section 3389.04, Crematory, requires a special permit and may be located only in the C-3 or C-4, Commercial or M, Manufacturing Districts, while the applicant wishes to seek a Special Permit for a crematory in the SR, Suburban Residential District; and

**WHEREAS**, the North Central Area Commission recommends approval; and

**WHEREAS**, the City Department's note that a hardship exists in that the existing zoning classification does not permit a funeral home while the proposed funeral home use is consistent with the spirit of the North Central Plan (2002) which recommends cemetery use for the site;

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood;

**WHEREAS**, the applicant must apply for and receive a Special Permit from the Board of Zoning Adjustment for the proposed crematory in order to construct and operate the proposed crematory if this ordinance is approved; 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 areas, 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 property owner located at **1352 WOODLAND AVENUE (43219)**, 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 Sections 3332.029 SR Suburban Residential District, 3389.04, Crematory of the Columbus City Codes are hereby granted for the property located at **1352 WOODLAND AVENUE (43219)**, to permit a funeral home and a crematory if a special permit is issued by the Board of Zoning Adjustment in so far as said sections prohibit a funeral homes and crematory, said property being more particularly described as follows:

#### Legal Description

Situate in the City of Columbus, Mifflin Township, Franklin County, Ohio and being a part of Lot 16 of Theodore Leonard's Heirs Subdivision of the City of Columbus, Ohio of record in Plat Book 4 page 396 in the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows.

Beginning for reference at a point located in the centerline of the intersection of Woodward Avenue and Woodland Avenue,

thence with the centerline of Woodland Avenue north a distance of 800.00 feet to a point in the centerline of Woodland Avenue, thence east with a line at right angle to the centerline of Woodland Avenue a distance of 30.00 feet to a point in the east right-of-way line of Woodland Avenue, said point also being in the west line of Lot Number 16 of Theodore Leonard's Heirs Subdivision of the City of Columbus.

Said point being the TRUE POINT OF BEGINNING.

From the True Point of Beginning thence north with the west line of Lot Number 16 and the east right-of-way line of Woodland Avenue a distance of 296.32 feet to a point, thence east across Lot Number 16 parallel to and 144.42 feet south of the north line of said Lot Number 16 a distance of 735.00 feet to a point in the east line of said Lot Number 16, thence south with the east line of said Lot Number 16 a distance of 296.32 feet to a point, thence west across said Lot Number 16 a distance of 735.00 feet to the True Point of Beginning, containing 5.00 acres.

**Section 2.** That this ordinance is conditional on and shall remain in effect only for so long as said property is used for a funeral home with the possibility of a crematory with a special permit or those uses in the SR, Suburban Residential District.

**Section 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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