



Legislation Details (With Text)

File #: 1289-2010 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/7/2010 **In control:** Zoning Committee

On agenda: 10/4/2010 **Final action:** 10/6/2010

Title: To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3332.05, Area district lot width requirements; 3332.14 R-2F Area District Requirements; and 3312.59, Minimum numbers of parking spaces required, of the Columbus City codes, for the property located at 30 EAST WOODROW AVENUE (43207), to permit a shared living facility with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 0169-2010 passed February 22, 2010 and to declare an emergency (Council Variance # CV10-022).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1289-2010Attachments.pdf, 2. ORD1289-2010Labels.pdf, 3. ORD1289-2010DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
10/6/2010	2	CITY CLERK	Attest	
10/5/2010	2	MAYOR	Signed	
10/4/2010	2	COUNCIL PRESIDENT	Signed	
10/4/2010	1	Zoning Committee	Amended to Emergency	Pass
10/4/2010	2	Zoning Committee	Approved as Amended	Pass
9/27/2010	1	Columbus City Council	Read for the First Time	
9/17/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
9/17/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	
9/16/2010	1	Building and Zoning Drafter	Sent for Approval	
9/16/2010	1	Building and Zoning Reviewer	Reviewed and Approved	
9/16/2010	1	Building and Zoning Drafter	Sent for Approval	

Council Variance Application: CV10-022

APPLICANT: Serenity Housing Foundation; c/o Michael D. Bridges, Atty.; 65 East State Street; Columbus, OH 43215.

PROPOSED USE: Shared living facility.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The Serenity Housing Foundation was granted a Council variance (Ord. No. 0169-2010; CV09-031) to allow the construction of a shared living facility for fourteen residents with four parking spaces accessed from the rear alley on a vacant lot zoned in the R-2F, Residential District on February 22, 2010. The applicant would have been responsible for improving the alley to make the parking lot access possible. Because of the funding restraints that the alley improvement would have created, the applicant requests a new Council Variance to allow the same development, but with 0 parking spaces. Variances for minimum lot width, lot size, and a parking variance for eight (8) required spaces are included in the request.

The R-2F, Residential District only allows residential care facilities which are for five residents or less. Shared living facilities, which are for six or more residents, must be located within the AR-3, AR-4 or AR-O, Apartment Residential Districts. The Serenity Housing Foundation is the housing arm of The Serenity Street Foundation, an Ohio not-for-profit corporation. The Serenity Street Foundation offers a residential and employment program for men in recovery from alcohol and drug addiction through a faith-based recovery program that provides a home, a job, and a network of support that promotes recovery, health, and responsible living. The organization was originally founded in 1996 and is currently operating a residential care facility at 31 E. Woodrow Avenue, which is across the street from the subject property. The request will allow the applicant to serve additional clients while maintaining current staffing and volunteer levels. Furthermore, retaining the underlying zoning classification, which was established by a City-sponsored down-zoning of Merion and Hungarian Villages (Ordinance No. 2110-2004), will ensure that the residential character of the neighborhood will be maintained.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3332.05, Area district lot width requirements; 3332.14 R-2F Area District Requirements; and 3312.59, Minimum numbers of parking spaces required, of the Columbus City codes, for the property located at **30 EAST WOODROW AVENUE (43207)**, to permit a shared living facility with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 0169-2010 passed February 22, 2010 **and to declare an emergency** (Council Variance # CV10-022).

WHEREAS, by application #CV10-022, the owner of the property at **30 EAST WOODROW AVENUE (43207)**, is requesting a Variance to permit a shared living facility with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential district, prohibits shared living facilities, while the applicant proposes to construct a shared living facility for fourteen (14) residents with reduced development standards; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires that no building shall be erected or altered on a lot with a width measurement at the front line of no less than fifty (50) feet in the R-2F, Residential District, while the applicant proposes to construct shared living facility on a lot with a 40.9-foot width; and

WHEREAS, Section 3332.14 R-2F Area District Requirements, requires a single-family dwelling or other principal building to be situated on a lot of no less than six thousand (6,000) square feet in area, while the applicant proposes to construct a shared living facility on a lot that contains 4,939± square feet; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires one parking space per 400 square feet, a total of eight (8) spaces, while the applicant proposes zero (0) parking spaces; and

WHEREAS, this variance will allow a shared living facility for fourteen (14) occupants with reduced development standards in the R-2F, Residential District; and

WHEREAS, the Columbus South Side Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because a shared living facility is already permitted on the property, as approved by Ordinance No. 0169-2010. The request will provide residents a home, a job, and a network of support that promotes recovery, health, and responsible living. The organization was originally founded in 1996 and is currently operating a residential care facility at 31 E. Woodrow Avenue, which is across the street from the subject property. The request will allow the applicant to serve additional clients while maintaining current staffing and volunteer levels. Furthermore, retaining the underlying zoning classification, which was established by a City-sponsored down-zoning of Merion and Hungarian Villages (Ordinance No. 2110-2004), will ensure that the residential character of the neighborhood will be maintained; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy 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 **30**

EAST WOODROW AVENUE (43207), in using said property as desired; and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3332.05, Area district lot width requirements; 3332.14 R-2F Area District Requirements; and 3312.59, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **30 EAST WOODROW AVENUE (43207)**, insofar as said sections prohibit a shared living facility on a 40.9-foot wide lot that is 4, 939± square feet in size, and with a parking space reduction from eight (8) total required spaces to zero (0) spaces; said property being more particularly described as follows:

30 EAST WOODROW AVENUE (43207), being 0.11± acres located on the north side of East Woodrow Avenue, 214± feet east of South High Street, and being more particularly described as follows:

Parcel # 010-003776

Tract 1:

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

Being part of Lot Number Three (3), as the same is numbered and delineated upon the plat of a subdivision made by Nathaniel Merion of 23.28 acres of land, part of Half of Section 42, Township No. 5, Range 22, Refugee Lands, which plat may be found of record in Plat Book No. 1, page 374, Recorder's Office, Franklin County, Ohio.

Beginning at a point in the North line of Wood Avenue 260 feet distant from the intersection of said North line of Wood Avenue with the center line of South High Street, thence North at right angles to Wood Avenue 128.76 feet to a point; thence East on a line parallel with the North line of Wood Avenue 40 feet to a point; thence South at right angles to the North line of Wood Avenue 128.77 feet to a point in the North line of Wood Avenue; thence West along the North line of Wood Avenue 40 feet to the place of beginning; reserving and excepting therefrom 8 feet off the North end of said premises; which shall be dedicated and used as a public alley.

Tract 2:

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

Beginning at a point in the North line of Wood Avenue (now known as Woodrow) 259.1 feet distant from the intersection of the north line of Wood Avenue with the center line of South High Street; thence North at right angles to Wood Avenue 128.76 feet, then East .901 feet on a line parallel with the North line of Wood Avenue to a point; thence South at right angles to Wood Avenue on a line parallel with the West line thereof to a point in the North line of Wood Avenue; thence along the North line of Wood Avenue; thence along the North line of Wood Avenue West to the place of beginning; reserving and excepting therefrom 8 feet off the North side of said premises which all parties hereto agree shall be dedicated and used as a public alley, the premises herein conveyed being 10 4/5 inches off of the premises conveyed to Lucy K. Eversole, by deed dated July 10, 1919 and recorded in Deed Book 667, page 31, recorder's Office, Franklin County, Ohio.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a shared living facility for fourteen (14) occupants, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled "**SERENITY HOUSE - A NEW SHARED LIVING FACILITY**," drawn by M2 Design Group, dated September 1, 2010, and signed by Robert W. Miller, Engineer. The plans 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 plans shall be subject to review and approval by the Director of the Department 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 Ordinance No. 0169-2010 passed February 22, 2010, be and is hereby repealed.

SECTION 6. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**