



Legislation Details (With Text)

File #: 1936-2007 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/13/2007 **In control:** Zoning Committee

On agenda: 12/10/2007 **Final action:** 12/13/2007

Title: To grant a Variance from the provisions of Sections 3332.03, R-1, Residential District; and 3342.08, Driveway, of the Columbus City codes; for the property located at 5054 REED ROAD (43220), to allow office uses in the R-1, Residential District with a driveway width reduction and to declare an emergency (Council Variance # CV07-042).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1936-2007Attachments.pdf, 2. ORD1936-2007Labels.pdf, 3. ORD1936-2007DataSheet.pdf

Date	Ver.	Action By	Action	Result
12/13/2007	2	ACTING CITY CLERK	Attest	
12/12/2007	2	MAYOR	Signed	
12/10/2007	2	Zoning Committee	Approved as Amended	Pass
12/10/2007	2	COUNCIL PRESIDENT	Signed	
12/10/2007	1	Zoning Committee	Amended to Emergency	Pass
12/3/2007	1	Columbus City Council	Read for the First Time	
11/21/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
11/21/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
11/20/2007	1	Dev Zoning Drafter	Sent for Approval	
11/20/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
11/20/2007	1	Dev Reviewer	Reviewed and Approved	
11/20/2007	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV07-042

APPLICANT: Gloria A. Leo; c/o David B. Hartsook, Agent; 3695 Rushmore Drive; Columbus, OH 43220.

PROPOSED USE: Office.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is zoned in the R-1, Residential District, and is developed with a single-family dwelling. It is bordered on the north and south by office development in the L-C-2, Limited Commercial District. The requested variance would allow the existing dwelling to be converted to an office. A variance is necessary because the R-1, Residential District prohibits office uses. The applicant requests the variance to expedite the financing of the property for office uses, and has committed to filing a follow-up rezoning application for the L-C-2, Limited Commercial District within six months of the effective date of this legislation. A variance for the existing driveway width is also included in the request. The site is located within the planning area of *The Northwest Plan (2007)*, which supports office uses if developed properly with adequate limitations and separation from existing residential. The follow-up rezoning will contain limitations in consideration of the abutting residential uses. The proposed Council variance is consistent with the zoning and development patterns of the area, and with the land use

recommendations of *The Northwest Plan*.

To grant a Variance from the provisions of Sections 3332.03, R-1, Residential District; and 3342.08, Driveway, of the Columbus City codes; for the property located at **5054 REED ROAD (43220)**, to allow office uses in the R-1, Residential District with a driveway width reduction **and to declare an emergency** (Council Variance # CV07-042).

WHEREAS, by application # CV07-042, the owner of the property at **5054 REED ROAD (43220)**, is requesting a Variance to allow the conversion of a single-family dwelling to an office with a driveway width reduction in the R-1, Residential District; and

WHEREAS, Section 3332.03, R-1, Residential District, prohibits office uses, while the applicant proposes to convert an existing single-family dwelling into an office; 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 due to the need of the owner to finalize a contract to sell the property for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3342.08, Driveway, requires that a commercial driveway be at least twenty (20) feet wide, while the applicant proposes use of the existing twelve (12) foot wide driveway until a new structure is constructed on the site; and

WHEREAS, City Departments recommend approval because the proposed Council variance to allow the conversion of a single-family dwelling into an office is consistent with the zoning and development patterns of the area, and with the land use recommendations of *The Northwest Plan*; and

WHEREAS, The applicant requests the variance to expedite the sale of the property for office uses, and has committed to filing a follow-up rezoning application for the L-C-2, Limited Commercial District within six months of the effective date of this legislation; 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 **5054 REED ROAD (43220)**, 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 is hereby granted from the provisions of Sections 3332.03, R-1, Residential District; and 3342.08, Driveway, of the Columbus City codes; for the property located at **5054 REED ROAD (43220)**, insofar as said sections prohibit office uses with a twelve (12) foot wide commercial driveway; said property being more particularly described as follows:

5054 REED ROAD (43220), being 1.35± acres located on the east side of Reed Road, 509± feet north of Francisco Road, 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:

Being a part of a tract of land deeded by J. Henry Miller and Marvel M. Miller, husband and wife of the City of Columbus, County of Franklin and State of Ohio to Ralph F. and Hattie Marie Klinger as recorded in Deed Book 1747, page 646 of the Recorder's Office, County of Franklin, State of Ohio, and more particularly described as follows:

Beginning at a spike in the center line of Reed Road, which spike is located N2° -40'E a distance of five hundred and nine feet (509) along center line of Reed Road from an iron pin at the intersection of the center line of Reed Road and Francisco Road, thence S 86° - 39'E a distance of four hundred fifty-four and twenty-six hundredths feet (454.26) to an iron pin, then N 3° -11'E a distance of one

hundred thirty feet (130) to an iron pin, then N 86° -39W a distance of four hundred fifty-five and forty-one hundredths feet (455.41) to a spike in the center line of Reed Road, thence S 2° -40'W a distance of one hundred thirty feet (130) along center line of Reed Road to a spike at point of beginning and containing 1.35 acres more or less.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with office uses within the existing structure, or those uses permitted in the R-1, Residential District.

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

SECTION 4. That this ordinance is further conditioned on the applicant filing, within six months of the effective date of this ordinance, a rezoning application with Building Services Division to rezone the R-1, Residential District to an L-C-2, Limited Commercial District.

SECTION 5. ~~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.**