



## Legislation Details (With Text)

**File #:** 0264-2013      **Version:** 2

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

**File created:** 1/18/2013      **In control:** Zoning Committee

**On agenda:** 2/11/2013      **Final action:** 2/14/2013

**Title:** To grant a Variance from the provisions of Sections 3332.029, RR, Rural Residential District; and 3332.039, R-4, Residential District; of the Columbus City Codes; for the property located at 880 SOUTH WAYNE AVENUE (43204), to permit a youth educational center and parking lot in the RR, Rural Residential, and R-4, Residential Districts and to declare an emergency(Council Variance # CV13-001).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0264-2013Attachments, 2. Notice Of Public Hearing - Council Mtg20130211

Date	Ver.	Action By	Action	Result
2/14/2013	2	CITY CLERK	Attest	
2/13/2013	2	MAYOR	Signed	
2/11/2013	2	COUNCIL PRESIDENT	Signed	
2/11/2013	1	Zoning Committee	Approved as Amended	Pass
2/11/2013	1	Zoning Committee	Amended to Emergency	Pass
2/4/2013	1	Columbus City Council	Read for the First Time	

### Council Variance Application # CV13-001

**APPLICANT:** The Brian Muha Foundation, Inc.; c/o Edward T. McClellan, Atty; 880 Mendes Court; Columbus, OH 43235.

**PROPOSED USE:** Youth and family services center.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a former elementary school zoned in the R-4, Residential District, and a parking lot zoned in the RR, Rural Residential District. The requested Council Variance will allow the conversion of the school into a youth and family services center which will offer counseling, educational, financial, and recreational services to pre-Kindergarten through Grade 12 neighborhood youths and their families. The site is located within the planning area of *The Greater Hilltop Plan Amendment* (2010), which recommends institutional uses for this location. The site is adjacent to Hiltonia Park, and within close proximity of schools and other institutional uses. The request is consistent with the land-use recommendation of *The Greater Hilltop Plan Amendment*, and with the development pattern of the area. Variances that were granted by the Board of Zoning Adjustment in 1968 (V68-008), which approved reductions to building lines and the required number of parking spaces, will remain in effect.

To grant a Variance from the provisions of Sections 3332.029, RR, Rural Residential District; and 3332.039, R-4, Residential District; of the Columbus City Codes; for the property located at **880 SOUTH WAYNE AVENUE (43204)**, to permit a youth educational center and parking lot in the RR, Rural Residential, and R-4, Residential Districts **and to declare an emergency**(Council Variance # CV13-001).

**WHEREAS**, by application #CV13-001, the owner of property **880 SOUTH WAYNE AVENUE (43204)**, is requesting a Variance to permit a youth and family services center and parking lot in the RR, Rural Residential, and R-4, Residential Districts; and

**WHEREAS**, Section 3332.029, RR, Rural Residential District, does not permit a parking lot for a youth and family services center, while the applicant proposes to maintain an existing parking lot for a youth center; and

**WHEREAS**, Section 3332.039, R-4, Residential District, does not permit a youth and family services center, including counseling, educational, recreational and general office uses, while the applicant proposes to establish a youth educational center in a building that was formerly used as an elementary school; and

**WHEREAS**, this variance will permit a youth and family services center and parking lot in the RR, Rural Residential, and R-4, Residential Districts; and

**WHEREAS**, the Greater Hilltop Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the request is consistent with the land-use recommendation from *The Greater Hilltop Plan Amendment* for institutional uses, and with the development pattern of the area. The requested variance would allow the conversion of a former elementary school into a youth and family services center which will offer counseling, educational, financial, and recreational services to neighborhood youths and their families; 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 **880 SOUTH WAYNE AVENUE (43204)**, 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 3332.029, RR, Rural Residential District; and 3332.039, R-4, Residential District, of the Columbus City Codes; is hereby granted for the property located at **880 SOUTH WAYNE AVENUE (43204)**, insofar as said sections prohibit a youth and family services center including counseling, educational, recreational, and general office uses and parking lot; said property being more particularly described as follows:

**880 SOUTH WAYNE AVENUE (43204)**, being 0.94± acres located at the northeast corner of South Wayne Avenue and Eakin Road, and being more particularly described as follows:

**Tract 1**

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

Being Lot Numbers One Hundred Eighty-Five (185), One Hundred Eighty-Six (186), One Hundred Eighty-Seven (187), One Hundred Eighty-Eight (188) and One Hundred Eighty-Nine (189) of WESTLAND ADDITION EXTENSION to said City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 40, Recorder's Office, Franklin County, Ohio.

**Tract 2**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of a 8 foot wide alley, located east of Wayne Avenue and north of Eakin Road, as shown and delineated upon the plat "Westland Addition Extension", a subdivision of record in Plat Book 18, Page 40, all references to records herein being to those of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Eakin Road (width varies at the southeasterly corner of Lot 189 as shown and delineated upon the plat "Westland Addition Extension", a subdivision of record in Plat Book 18, Page 40;

Thence North 11°23'00" East, along the easterly lines of Lots 189, 188, 187, 186 and 185, all of said plat and the westerly line of said alley, a distance of 225.00 feet to a point in the southerly right-of-way line of Vadis Avenue at the southeasterly corner of said Lot 185;

Thence South 71°47'25" East, along the extension of the southerly right-of-way line of Vadis Avenue, a distance of 8.06 feet to a point in the easterly line of said alley and the westerly line of that 0.3645 acre tract as described in a deed to Board of Education of the Columbus City School District, of record in Official Record Volume 4932, Page J14;

Thence South 11°23'00" West, along said easterly and westerly lines, a distance of 224.06 feet to a point in the northerly right-of-way line of Eakin Road at the southwesterly corner of said 0.3645 acre tract;

Thence North 78°28'00" West, along the extension of the most southerly line of said Lot 189, said line being the northerly right-of-way line of Eakin Road, a distance of 8.00 feet to the place of beginning, and containing 1,796 square feet of land.

Bearings 'herein are based on a bearing of North 11°23'00" East for Wayne Avenue as shown and delineated upon the plat "Westland Addition Extension", a subdivision of record in Plat Book 18, Page 40

This description was prepared by M E Companies, Inc., David L. Chiesa, Registered Surveyor No. 7740.

**Tract 3**

Description of a 0.3645 acre tract of land, north of Eakin Road, east of South Wayne Avenue, in the City of Columbus, County of Franklin, State of Ohio.

Situated in the State of Ohio, County of Franklin, City of Columbus, containing 0.3645 acres of land, more or less, being out of 11.5 acres of land as described to the City of Columbus, Ohio, as recorded in Deed Book 2161, Page 378, Recorder's Office, Franklin County, Ohio; said 0.3645 acres being more particularly described as follows:

Beginning at an iron pin set at the intersection of the northerly right-of-way line of Eakin Road and the easterly right-of-way of an eight (8') food alley, said iron pin being the southwesterly corner of said 11.5 acre tract and being the true

point of beginning;

Thence from said true point of beginning N 11° 29 ' 00 " E along the right-of-way of said eight (8') foot alley and the westerly property line of said 11.5 acre tract a distance of 328.00 to an iron pin set;

Thence S 78° 3' 00" E a distance of 47.00 feet to an iron pin set;

Thence S 11° 29 00" W a distance of 347.71 feet to an iron pin set, being in the northerly right-of-way of said Eakin Road;

Thence N 55° 45' 55" W along the northerly right-of-way of said Eakin Road a distance of 50.97 feet to the true point of beginning, and containing 0.3645 acres of land, more or less.

Subject to all rights-of-way, easements and restrictions, if any, of previous record.

The above description was prepared from an actual Survey made under the supervision of James C. Shocker, Registered Surveyor No. 4702.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used a youth and family services center including counseling, educational, recreational, and general office uses and parking lot, or those uses permitted in the RR, Rural Residential, and R-4, Residential Districts.

**SECTION 3.** That this ordinance is further conditioned on the following Franklin County parcel numbers being combined into one parcel number prior to site compliance review: 010-078160, 010-078161, 010-078162, 010-078163, 010-078164, 010-199935, and 010-288553.

**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 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.**