



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 7/2/2007 **In control:** Zoning Committee

On agenda: 7/23/2007 **Final action:** 7/25/2007

Title: To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing District; and 3342.28, Minimum number of parking spaces required, for the property located at 3916 INDIANOLA AVENUE (43214), to permit a private school on a lot zoned in the M-1, Manufacturing District and to reduce the number of required onsite parking spaces from 46 to 21 and to declare an emergency. (Council Variance CV07-029).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1145-2007Attachments.pdf, 2. ORD1145-2007.lbls.pdf, 3. City Council Data Form_CV07-029.pdf

Date	Ver.	Action By	Action	Result
7/25/2007	2	CITY CLERK	Attest	
7/24/2007	2	MAYOR	Signed	
7/23/2007	2	Zoning Committee	Approved as Amended	Pass
7/23/2007	2	COUNCIL PRESIDENT	Signed	
7/23/2007	1	Zoning Committee	Amended to Emergency	Pass
7/16/2007	1	Columbus City Council	Read for the First Time	
7/9/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/9/2007	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
7/6/2007	1	Dev Zoning Drafter	Sent for Approval	
7/6/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
7/6/2007	1	Dev Reviewer	Reviewed and Approved	
7/6/2007	1	Dev Zoning Drafter	Sent for Approval	

Council Variance Application: CV07-029

APPLICANT: Clintonville Academy; c/o Jackson B. Reynolds, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

PROPOSED USE: Conform an existing school.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This Council variance will make an existing school a conforming use within the M-1, Manufacturing District. The City Departments note that a hardship exists because the school has operated in its present location since 1994 and such permission from the City was based on incorrect designation on the zoning map. termination that the site was zoned in the M, Manufacturing District. Because the site is in the M-1, Manufacturing District the applicant cannot

obtain zoning clearance or building permits for completed and proposed building renovations. The school has existed in this configuration at this site without negatively impacting the community.

To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing District; and 3342.28, Minimum number of parking spaces required, for the property located at **3916 INDIANOLA AVENUE (43214)**, to permit a private school on a lot zoned in the M-1, Manufacturing District and to reduce the number of required onsite parking spaces from 46 to 21 **and to declare an emergency.** (Council Variance CV07-029).

WHEREAS, by application no. CV07-029, the owners of property at **3916 INDIANOLA AVENUE (43214)**, are requesting a Council variance to make an existing private school a conforming use on a lot zoned in the M-1, Manufacturing District with less than the amount of parking required by the Zoning Code; and

WHEREAS, Section 3365.01, M-1 manufacturing districts, prohibits private school use, while the applicant proposes to conform an existing private school located in the M-1, Manufacturing District; 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 secure a building permit as soon as possible so construction can begin on a classroom addition and that it be completed prior to the end of August for the immediate preservation of the public peace, property, health and safety; and**

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires a total of forty-six (46) parking spaces for the existing and expanded area of the school, while the applicant proposes twenty-one (21) off-street parking spaces; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, City Departments recommend approval because this Council variance will make an existing school a conforming use within the M-1, Manufacturing District. The City Departments note that a hardship exists because the school has operated in its present location since 1994 and such permission from the City was based on incorrect designation on the zoning map. termination that the site was zoned in the M, Manufacturing District. Because the site is in the M-1, Manufacturing District the applicant cannot obtain zoning clearance or building permits for completed and proposed building renovations. The school has existed in this configuration at this site without negatively impacting the community; and

WHEREAS, the Clintonville Area Commission recommends approval; 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 **3916 INDIANOLA AVENUE (43214)**, 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 Section 3365.01, M-1, Manufacturing District and 3342.28(c)(4), Minimum number of parking spaces required, of the Columbus City Codes for property located at **3916 INDIANOLA AVENUE (43214)**, insofar as said section prohibits a private school on a lot zoned in the M-1, Manufacturing District, with the required parking spaces reduced from 46 to 21, said property being more particularly described as follows:

LEGAL DESCRIPTION FOR ZONING: 1.1805 ACRES

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

Being in Section 1, Township 1, North, Range 18 West, United States Military Survey and being more particularly described as follows:

Beginning at an iron pin set in the East line of Indianola Avenue (60 feet wide) which said iron pin also represents the northwest corner of a 1.2327 Acre tract deeded by Lucille Y. Jacob to the Capital City Lumber Company (Deed Book 1692, page 514, Recorder's Office, Franklin County, Ohio); thence northerly, and along the East line of said Indianola Avenue, measure 150.0 feet, to an iron pin; thence deflecting 90 deg. 00' to the right, and parallel with the north line of said 1.2327 Acre tract, measure 335.23 feet, to an iron pin, which iron pin is also 50.0 feet distant from, measured westerly and at right angles to, the centerline of the main track of the Cleveland, Cincinnati, Chicago and St. Louis Railway Company; thence deflecting 84 deg. 14' to the right, measured 150.70 feet, along a line parallel with, and 50.0 feet distant from, measured westerly and at right angles to, said centerline of the main track of said railway company, to an iron pin set in the northeast corner of said 1.2327 Acre Capital City Lumber Company tract; thence deflecting 95 deg. 46' to the right and along the north line of said 1.2327 acre tract, measure 350.42 feet, to the place of beginning, containing 1.1805 Acres.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a private school, or those uses permitted in C.C. 3365.02 through 3365.08, inclusive, of the M-1, Manufacturing District.

Section 3. That the parking lot be maintained in either asphaltic pavement or concrete.

Section 4. That this ordinance is further conditioned on 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.**