



## Legislation Details (With Text)

**File #:** 1562-2017      **Version:** 2

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

**File created:** 6/6/2017      **In control:** Zoning Committee

**On agenda:** 7/10/2017      **Final action:** 7/12/2017

**Title:** To grant a Variance from the provisions of Section 3332.037, R-2F permitted uses; for the property located at 830-836 BERKELEY ROAD (43205), to permit a four-unit dwelling in the R-2F, Residential District and to declare an emergency (Council Variance # CV17-028).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1562-2017.Attachments, 2. ORD1562-2017.Labels

Date	Ver.	Action By	Action	Result
7/12/2017	2	CITY CLERK	Attest	
7/12/2017	2	MAYOR	Signed	
7/10/2017	2	COUNCIL PRESIDENT	Signed	
7/10/2017	1	Zoning Committee	Approved	Pass
7/10/2017	1	Zoning Committee	Approved	Pass
7/10/2017	1	Zoning Committee	Reconsidered	Pass
7/10/2017	1	Zoning Committee	Approved	Pass
7/10/2017	1	Zoning Committee	Reconsidered	Pass
7/10/2017	1	Zoning Committee	Waive the 2nd Reading	Pass
7/10/2017	1	Zoning Committee	Amended to Emergency	Pass
7/10/2017	1	Zoning Committee	Approved as Amended	Pass

### Council Variance Application CV17-028

**APPLICANT:** Henry K Park; 68 East Oakland Avenue; Columbus, OH 43201.

**PROPOSED USE:** Four-unit dwelling.

**LIVINGSTON AVENUE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing four-unit dwelling in the R-2F, Residential District. A Council variance is necessary because four-unit dwellings are not permitted uses in the R-2F, Residential District which is limited to one or two-unit dwellings. The site is located within the planning area of the *Near Southside Plan* (2011), which recommends medium density mixed residential uses at this location. The four-unit dwelling has been long established on this lot and is consistent with the residential uses that are prevalent in the surrounding neighborhood. A hardship exists because the non-conforming nature of the site precludes financing options. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Section 3332.037, R-2F permitted uses; for the property located at **830-836 BERKELEY ROAD (43205)**, to permit a four-unit dwelling in the R-2F, Residential District **and to declare an emergency** (Council Variance # CV17-028).

**WHEREAS**, by application No. CV17-028, the owner of property at **830-836 BERKELEY ROAD (43205)**, is requesting a Council variance to permit a four-unit dwelling in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037 R-2F, Permitted Uses, permits one and two-dwelling units, while the applicant proposes to conform an existing four-unit dwelling; and

**WHEREAS**, the Livingston Avenue Area Commission recommends approval; and

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will conform an existing four-unit dwelling in the R-2F, Residential District, and the *Near Southside Plan* recommends medium density mixed residential uses at this and surrounding locations; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **830-836 BERKELEY ROAD (43205)**, 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 Section 3332.037 R-2F, permitted uses, of the Columbus City Codes, is hereby granted for the property located at **830-836 BERKELEY ROAD (43205)**, insofar as said section prohibits a four-unit dwelling in the R-2F, Residential District, said property being more particularly described as follows:

**830-836 BERKELEY ROAD (43205)**, being 0.31± acres located at the northeast corner of Berkeley Road and Newton Street, and being more particularly described as follows:

Situated in the County of Franklin, City of Columbus and State of Ohio and being further described as:  
Being Lot Number Sixty-Seven (67) except One foot off the North side thereof, and Lot Number Sixty-Eight(68) , Linen Place Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record, in Plat Book 5, Page 125, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-070199

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a four-unit dwelling, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** ~~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.**