



## Legislation Details (With Text)

**File #:** 1413-2005      **Version:** 1  
**Type:** Ordinance      **Status:** Defeated  
**File created:** 8/15/2005      **In control:** Zoning Committee  
**On agenda:** 11/26/2007      **Final action:**

**Title:** To grant a variance from the provisions of Sections 3332.035 R-3, Residential District, 3349.03, Permitted Uses and 3387.01, Prohibited Uses of the Columbus City Codes for property located at 1496 TAYLOR AVENUE (43219), to permit a cemetery in the R-3, Residential and I, Institutional District (CV05-021).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1413-2005.hshp.pdf, 2. ORD1413-2005.zon.pdf, 3. ORD1413-2005.gis.pdf, 4. ORD1413-2005.lup.pdf, 5. ORD1413-2005.NCAC.pdf, 6. ORD1413-2005.prjdscl.pdf, 7. ORD1413-2005.lbls.pdf, 8. City Council Data Form\_CV05-021.pdf

Date	Ver.	Action By	Action	Result
11/26/2007	1	Zoning Committee	Taken from the Table	Pass
11/26/2007	1	Zoning Committee	Approved	Fail
10/24/2005	1	Zoning Committee	Tabled Indefinitely	Pass
10/24/2005	1	Zoning Committee	Taken from the Table	Pass
10/17/2005	1	Zoning Committee	Tabled to Certain Date	Pass
10/17/2005	1	Zoning Committee	Waive the 2nd Reading	Pass
10/4/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
10/4/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/3/2005	1	Dev Zoning Reviewer	Reviewed and Approved	
10/3/2005	1	Dev Zoning Drafter	Sent for Approval	
10/3/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/3/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
9/27/2005	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV05-021**

**APPLICANT:** Evergreen Cemetery Association; c/o David Hodge, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Cemetery expansion.

**NORTH CENTRAL AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting a Council Variance to expand an existing adjacent cemetery into the I, Institutional and R-3, Residential Districts. Cemeteries are not permitted in the City of Columbus. The proposed cemetery use is not consistent with the North Central Plan (2002) which recommends single-family Residential use for the

site, however deviation is supportable because this would be an expansion of an existing cemetery rather than the establishment of a new cemetery. In addition, the site is directly adjacent to land designated for cemetery use in the North Central Plan (2002). The cemetery will serve as open space in essence and will not negatively impact the adjacent single-family neighborhood.

To grant a variance from the provisions of Sections 3332.035 R-3, Residential District, 3349.03, Permitted Uses and 3387.01, Prohibited Uses of the Columbus City Codes for property located at **1496 TAYLOR AVENUE (43219)**, to permit a cemetery in the R-3, Residential and I, Institutional District (CV05-021).

**WHEREAS**, by application #CV05-021 the owner of property at **1496 TAYLOR AVENUE (43219)**, is requesting a Council Variance to permit a cemetery in the I, Institutional and R-3, Residential Districts; and

**WHEREAS**, Section 3332.035, R-3, Residential district, prohibits cemeteries, while the applicant wishes to expand an existing cemetery into the R-3, Residential district; and

**WHEREAS**, Section 3349.03, Permitted uses, prohibits cemeteries, while the applicant wishes to expand a cemetery into the I, Institutional District; and

**WHEREAS**, Section 3387.01, Prohibited Used Specified, prohibits cemeteries within the City of Columbus, while the applicant wishes to expand a nonconforming cemetery in the R-3, Residential and I, Institutional Districts; and

**WHEREAS**, the North Central Area Commission recommends approval; and

**WHEREAS**, the City Department's note that a hardship exists in that the existing zoning classifications do not permit a cemetery and cemeteries are expressly prohibited per the Zoning Code while the proposed cemetery use would be an expansion of an existing cemetery;

**WHEREAS**, the proposed cemetery use is not consistent with the North Central Plan (2002) which recommends single-family Residential use for the site, however deviation is supportable because this would be an expansion of an existing cemetery rather than the establishment of an entirely new cemetery. In addition, the site is directly adjacent to land designated for cemetery use in the North Central Plan (2002). The cemetery will serve as open space in essence and will not negatively impact the adjacent single-family neighborhood;

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood;

**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 areas, 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 property owner located at **1496 TAYLOR AVENUE (43219)**, 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 Sections 3332.035 R-3, Residential District, 3349.03, Permitted Uses and 3387.01, Prohibited Uses of the Columbus City Codes for property located at **1496 TAYLOR AVENUE (43219)**, to permit a cemetery in the R-3, Residential and I, Institutional Districts, said property being more particularly described as follows:

**EXHIBIT "A"**

As To Lot Numbers 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 15 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded

plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 16 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 17 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 18 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 19 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 20 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 21 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, Recorder's Office, Franklin County, Ohio.

Situated in the County of Franklin, in the State of Ohio, and in the Township of Clinton:

Being Lot Number 22 in Lindale Annex, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, Page 45, 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 for a cemetery or those uses permitted in the I, Institutional and R-3, Residential Districts.

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

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.