



## Legislation Details (With Text)

**File #:** 2080-2013      **Version:** 1

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

**File created:** 8/26/2013      **In control:** Zoning Committee

**On agenda:** 10/7/2013      **Final action:** 10/10/2013

**Title:** To grant a Variance from the provisions of Section 3363.01, M, manufacturing districts, of the Columbus City Codes; for the property located at 965 & 1015 WEST FIFTH AVENUE (43212), to permit multi-unit residential development in the M, Manufacturing District (Council Variance # CV13-028).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2080-2013.Attachments, 2. Notice Of Public Hearing - Council Mtg20131007

Date	Ver.	Action By	Action	Result
10/10/2013	1	ACTING CITY CLERK	Attest	
10/10/2013	1	MAYOR	Signed	
10/7/2013	1	COUNCIL PRESIDENT	Signed	
10/7/2013	1	Zoning Committee	Approved	Pass
9/30/2013	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV13-028

**APPLICANT:** JSDI 5<sup>th</sup> Ave Associates, LLC; c/o James V. Maniace, Atty.; 65 East State Street, Suite 100; Columbus, Ohio 43215.

**PROPOSED USE:** Multi-unit residential development.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval.

To grant a Variance from the provisions of Section 3363.01, M, manufacturing districts, of the Columbus City Codes; for the property located at **965 & 1015 WEST FIFTH AVENUE(43212)**, to permit multi-unit residential development in the M, Manufacturing District (Council Variance # CV13-028).

**WHEREAS**, by application No. CV13-028, the owner of property at **965 & 1015 WEST FIFTH AVENUE (43212)**, is requesting a Council Variance to permit multi-unit residential development above first-floor commercial uses in the M, Manufacturing District; and

**WHEREAS**, Section 3363.01, M-manufacturing districts, prohibits multi-unit residential development, while the applicant proposes a mixed use building that includes multi-unit residential uses above first-floor commercial uses; and

**WHEREAS**, the Fifth By Northwest Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance to allow mixed-use development meets the *Fifth by Northwest Neighborhood Plan* density and design considerations. Staff supports the proposed uses which will not add new or incompatible uses to the area; 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 **965 & 1015 WEST FIFTH AVENUE (43212)**, 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 3363.01, M, manufacturing districts, of the Columbus City Codes, is hereby granted for the property located at **965 & 1015 WEST FIFTH AVENUE(43212)**, insofar as said sections prohibit multi-unit residential development in the M, Manufacturing District; said property being more particularly described as follows:

**965 & 1015 WEST FIFTH AVENUE (43212)**, being 1.89± acres located at the southwest corner of West Fifth and Norton Avenues, and being more particularly described as follows:

Situated in the State of Ohio, the County of Franklin and in the City of Columbus, and being part of Half Section 6, Township 5, Range 22, Refugee Lands and being more particularly described as follows:

Beginning at an iron pin at the intersection of the Southerly line of West Fifth Avenue (60 feet in width) with the Easterly line of Holly Avenue (50 feet in width) the same point being the Northeasterly corner of that certain 25 foot strip conveyed to the City of Columbus by deed of record in Deed Book 1507, Page 399, thence from said point of beginning and in an Easterly direction and along the Southerly line of West Fifth Avenue, a distance of 175.10 feet to an iron pin;

Thence in a Southerly direction a distance of 90 feet to an iron pin, same iron pin being Easterly a distance of 175.05 feet from the Easterly line of Holly Avenue as measured along a line parallel to the Southerly line of West Fifth Avenue;

Thence in a Westerly direction and parallel to the Southerly line of West Fifth Avenue and passing a spike on line at 49.63 feet, a distance of 175.05 feet to a spike in the Easterly line of Holly Avenue and in the Easterly line of that certain 25 foot strip conveyed to the City of Columbus, aforementioned;

Thence in a Northerly direction and along the Easterly line of Holly Avenue and the Easterly line of the aforementioned 25 foot strip a distance of 90 feet to the point of beginning and containing 0.361 acres, more or less, subject however to an easement 8.0 feet in width along the Southerly line of the above described and extending Easterly a distance of 125.42 feet from the Easterly line of Holly Avenue for the purpose of joint ingress and egress by Grantee and Grantor alike; together with the right of an easement 8.0 feet in width Southerly from the Southerly line of the above described and extending Easterly a distance of 125.42 feet from the easterly line of Holly Avenue for the purpose of ingress and egress and to be used jointly by Grantee and Grantor.

**SECTION 2.** That this ordinance is conditioned on the developer shall be responsible for the installation of a traffic signal at the intersection of West Fifth Avenue & Norton Avenue/Hess Street. This traffic signal installation shall include pedestrian signal heads and pedestrian pushbutton facilities, as determined by the Department of Public Service. This traffic signal installation shall also include all necessary restriping and signage modifications to accommodate this change in traffic control, as determined by the Department of Public Service. The provisions of this section shall not prohibit the Department of Public Service from removing this traffic signal if, as determined by an engineering study, it is determined that a traffic signal is no longer warranted at this intersection.

**SECTION 3.** That this ordinance is further conditioned on and shall remain in effect only for so long as said property is used for multi-unit residential development above first-floor commercial uses.

**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.