



Legislation Details (With Text)

File #: 1171-2017 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/25/2017 **In control:** Zoning Committee

On agenda: 5/15/2017 **Final action:** 5/18/2017

Title: To grant a Variance from the provisions of Section 3356.03, C-4 Permitted Uses, of the Columbus City codes; for the property located at 257 EAST ELEVENTH AVENUE (43201), to permit construction of a single-unit dwelling in the C-4, Commercial District (Council Variance # CV17-008) and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1171-2017_Attachments, 2. ORD1171-2017_Labels

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|-------------------------|--------|
| 5/18/2017 | 2 | CITY CLERK | Attest | |
| 5/18/2017 | 2 | MAYOR | Signed | |
| 5/15/2017 | 2 | COUNCIL PRESIDENT PRO-TEM | Signed | |
| 5/15/2017 | 1 | Zoning Committee | Approved as Amended | Pass |
| 5/15/2017 | 1 | Zoning Committee | Amended to Emergency | Pass |
| 5/8/2017 | 1 | Columbus City Council | Read for the First Time | |

Council Variance Application: CV17-008

APPLICANT: Derrick Haber; 3892 Powell Road, Suite 202; Columbus, OH 43065.

PROPOSED USE: Single-unit dwelling.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

UNIVERSITY AREA REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The vacant site is zoned C-4, Commercial District and was previously developed with a single-unit dwelling. The applicant proposes to construct a new single-unit dwelling. A Council variance is necessary because the C-4, Commercial District only allows dwelling-units above certain commercial uses. The site is within the planning area of the *University District Plan (2015)*, which recommends neighborhood mixed-use at this location. The site is within the boundaries of the University Impact District and is subject to design review by the University Area Review Board. The request is compatible with the Plan's land use recommendation while also being consistent with the historic development pattern along this section of East Eleventh Avenue.

To grant a Variance from the provisions of Section 3356.03, C-4 Permitted Uses, of the Columbus City codes; for the property located at **257 EAST ELEVENTH AVENUE (43201)**, to permit construction of a single-unit dwelling in the C-4, Commercial District (Council Variance # CV17-008) **and to declare an emergency.**

WHEREAS, by application No. CV17-008, the owner of property at **257 EAST ELEVENTH AVENUE (43201)**, is requesting a Council variance to permit construction of a single-unit dwelling in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits dwellings only above certain commercial uses, while the applicant proposes to construct a single-unit dwelling; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the University Area Review Board recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variance because the proposal is compatible to the *University District Plan*'s recommendation for neighborhood mixed-use at this location and is consistent with the historic development pattern of East Eleventh Avenue; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a 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 **257 EAST ELEVENTH AVENUE (43201)**, in using said property as desired;

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 3356.03, C-4 Permitted Uses, of the City of Columbus codes, is hereby granted for the property located at **257 EAST ELEVENTH AVENUE (43201)**, insofar as said section prohibits a single-unit dwelling; said property being more particularly described as follows:

257 EAST ELEVENTH AVENUE (43201), being 0.11± acres located on the south side of East Eleventh Avenue, 218± feet west of North Fourth Street, and being more particularly described as follows:

Property is situated in the State of Ohio, County of Franklin, City of Columbus, and described as follows:

Being Lot Number Twenty (20) in CLIFTON ADDITION to the City of Columbus, as the name is number and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 277, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-023897

Property Address: 257 E. 11th Avenue, Columbus, Ohio 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a single-unit dwelling, or those uses permitted in the C-4, Commercial District.

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.~~
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.