



Legislation Details (With Text)

File #: 0401-2007 **Version:** 2
Type: Ordinance **Status:** Passed
File created: 3/5/2007 **In control:** Zoning Committee
On agenda: 4/9/2007 **Final action:** 4/11/2007
Title: To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses and 3342.28, Minimum number of parking spaces required, for the property located at 1455 - 1457 SOUTH HIGH STREET (43207), to permit two existing single-family dwellings in the C-4, Commercial District and to declare an emergency. (CV06-048)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD # 0401-2007 Attachments.pdf, 2. ORD # 0401-2007 Mailing Labels.pdf, 3. ORD # 0401-2007 Data Form.pdf

Date	Ver.	Action By	Action	Result
4/11/2007	2	CITY CLERK	Attest	
4/10/2007	2	MAYOR	Signed	
4/9/2007	2	Zoning Committee	Approved as Amended	Pass
4/9/2007	2	COUNCIL PRESIDENT	Signed	
4/9/2007	1	Zoning Committee	Amended to Emergency	Pass
4/2/2007	1	Columbus City Council	Read for the First Time	
3/27/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
3/27/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
3/22/2007	1	Dev Zoning Drafter	Sent for Approval	
3/22/2007	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
3/22/2007	1	Dev Drafter	Sent to Clerk's Office for Council	
3/20/2007	1	Dev Zoning Reviewer	Reviewed and Approved	
3/20/2007	1	Dev Reviewer	Reviewed and Approved	
3/5/2007	1	Dev Drafter	Sent for Approval	

Council Variance Application: CV06-048

APPLICANT: Kelly L. McCune; c/o Christopher A. Rinehart, Attorney; Carlile Patchen & Murphy LLP; 366 East Broad Street; Columbus, Ohio 43215.

PROPOSED USE: To make two existing single-family dwellings conforming in the C-4, Commercial District.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow two existing single-family dwellings to be conforming in the C-4, Commercial District. A council variance is necessary in that single-family dwellings are not a permitted use in this district. Approval of this request will allow the lot to be split into two (2) lots as shown on the included plan and allow replacement of the current structures if they are destroyed by 50% or more. Approval of this request will not introduce a new or

incompatible use into the neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4, Permitted Uses and 3342.28, Minimum number of parking spaces required, for the property located at **1455 - 1457 SOUTH HIGH STREET (43207)**, to permit two existing single-family dwellings in the C-4, Commercial District **and to declare an emergency.** (CV06-048)

WHEREAS, by application No. CV06-048, the owner of property at **1455 - 1457 SOUTH HIGH STREET (43207)**, is requesting a Council variance to permit two existing single-family dwellings in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, prohibits single-family dwellings, while the applicant proposes to make two existing single-family dwellings conforming uses; 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; and**

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes to provide only one (1) parking space for the existing single-family dwelling located at 1455 South High Street; and

WHEREAS, City Departments recommend approval because approval of this request will not introduce a new or incompatible use into the neighborhood. This variance will allow two existing single-family dwellings to be conforming in the C-4, Commercial District. A council variance is necessary in that single-family dwellings are not a permitted use in the this district. Approval of this request will allow the lot to be split into two (2) lots as shown on the included plan and allow replacement of the current structures if they are destroyed by 50% or more; 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 **1455 - 1457 SOUTH HIGH STREET (43207)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. Variances from the provisions of Sections 3356.03, C-4, Permitted Uses and 3342.28, Minimum number of parking spaces required, are hereby granted for the property located at **1455 - 1457 SOUTH HIGH STREET (43207)**, in that said sections prohibit single-family dwellings in the C-4, Commercial District with only one parking space for the dwelling located at 1455 South High Street; said property being more particularly described as follows:

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

Being a part of Lot No. 1 of Frederick Sturtzer's Heirs Subdivision of land, beginning at the northeast corner of said Lot 1 it being in the west line of High Street, thence southerly along the west line of High Street a distance of 84.63 feet to the southeast corner of said Lot 1; thence westerly along the south line of said Lot No. 1, a distance of 150.77 feet to the east line of Wall Street; thence northerly along the east line of Wall Street and parallel to the east line of said Lot No. 1, a distance of approximately 84.63 feet to the intersection of the east line of Wall Street, and the north line of said Lot No. 1; thence easterly 150.77 feet along the north line of said Lot No. 1 to the place of beginning, said premises being known as 1455-1457 South High Street, and being east end of said Lot No. 1 remaining after the taking of twelve feet of the east end thereof by the City of Columbus for the purposes of widening South High Street.

Also known as: 1455-1457 S. High Street, Columbus, Ohio 43207

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-

family dwellings, or if the property is split into two lots, so long as said properties are used for one single-family dwelling on each lot or those uses permitted in the C-4, Commercial District .

SECTION 3. That this ordinance is further conditioned to be consistent with site plan titled **BOUNDARY SURVEY OF 0.195 ACRES & 0.096 ACRES** signed and dated by Christopher A. Rinehart, attorney for the applicant, February 27, 2007. Any slight adjustment to the drawing shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits.

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.**