City of Columbus

Legislation Text

File #: 1977-2006, **Version:** 2

Council Variance Application: CV06-056

APPLICANT: Jenney M. Rice; 1362 North Sixth Street; Columbus, OH 43201.

PROPOSED USE: To conform an existing single-family dwelling in the C-2, Commercial District.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow an existing single-family dwelling to be conforming in the C-2, Commercial District.   The site is located within the planning area of the *Weinland Park Neighborhood Plan* (2006), which supports residential uses at this location. The owner is trying to sell the home, but the lending institution will only finance a conforming use in the district, and the future owner cannot secure financing to purchase the dwelling. A Council variance is necessary in that dwelling units are permitted only above certain commercial uses in the C-2, Commercial District. Several Council variances were approved in 2002 for new construction of single-family dwellings in this same block of North Sixth Street.

To grant a Variance from the provisions of Section 3353.03, Permitted uses of the Columbus City Codes for the property located at **1362 NORTH SIXTH STREET (43201),** to conform an existing single-family dwelling in the C-2, Commercial District **and to declare an emergency.** (Council Variance # CV06-056)

WHEREAS, by application No. CV06-056, the owner of property at **1362 NORTH SIXTH STREET (43201),** is requesting a Council variance to allow an existing single-family dwelling in the C-2, Commercial District; and

WHEREAS, Section 3353.03, Permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes to make an existing single-family dwelling a conforming use on the property; 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, The University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will allow an existing single-family dwelling to be conforming in the C-2, Commercial District.   The site is located within the planning area of the *Weinland Park Neighborhood Plan* (2006), which supports residential uses at this location. The owner is trying to sell the home, but the lending institution will only finance a conforming use in the district, and the future owner cannot secure financing to purchase the dwelling. A Council variance is necessary in that dwelling units are permitted only above certain commercial uses in the C-2, Commercial District. Several Council variances were approved in 2002 for new construction of single-family dwellings in this same block of North Sixth Street; 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 **1362 NORTH SIXTH STREET (43201),** in using said property as desired; now, therefore:

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

SECTION 1. Variance from the provisions of Section 3353.03, Permitted uses of the Columbus City Codes is hereby granted for the property located at **1362 NORTH SIXTH STREET (43201),** in that said section prohibits a single-family dwelling in the C-2, Commercial District; said property being more particularly described as follows:

1362 NORTH SIXTH STREET (43201), being 0.16± acres located on the east side of North Sixth Street, 68± feet south of East Eighth Avenue, and being more particularly described as follows:

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

TRACT I:

Being Number Eighteen (18) of Anna M. Erb and Joseph Erb's Subdivision of a part of Lots Number Five (5) and Seven (7) ff Stevenson's Heirs' Subdivision of Quarter Township 4, Township 1, Range 18, United States Military Lands, being a part of Ohio Centennial Park Place, as said Lot Number Eighteen (18) is designed and delineated upon the recorded plat of said Erb Subdivision in Plat Book 4, Page 151, Recorder's Office, Franklin County, Ohio.

TRACT II:

Being Lot Number Seventeen (17) ff Anna M. Erb and Joseph Erb's Subdivision of a part of Lot Number Five (5) and Seven (7) of Stevenson's Heirs' Subdivision of Quarter Township 4, Township 1, Range No. 18, United States Military Lands, as the said Lot Number Seventeen (17) is designated and delineated on the recorded plat of said subdivision in Plat Book 4, Page 151, 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 single-family dwelling, or those uses permitted in the C-2, Commercial District.

SECTION 3. That this ordinance is further conditioned upon compliance with R-4, Residential District standards for any additions or alterations to the existing structure, or the construction of any accessory structures including a private garage.

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.**