



Legislation Text

File #: 0899-2010, Version: 2

Council Variance Application: CV10-011

APPLICANT: NRP Boulevard Homes LLC; c/o M. Neff Design Group 14855 #100-233; Maple Heights, OH 44137.

PROPOSED USE: To construct one single-unit dwelling in the C-4, Commercial District.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council variance to construct a single-unit dwelling in the C-4, Commercial District. A Council variance is necessary because dwellings are not permitted on the ground floor in the C-4, Commercial District. The site is one of 32 C-4 zoned parcels located between West Capital Street and West Town Street, bounded by the R-4, Residential District to the west, the M, Manufacturing District across South Yale Avenue to the east. This C-4, District has been in place since 1928. Thirty-one of the 32 parcels within the C-4, Commercial District are used for dwellings. The site is within the planning area of the *Franklinton Plan* (2003) which recommends single-unit dwellings for the site and the site is also within an upcoming area rezoning to the R-2, Residential District as recommended by the *Franklinton Plan* (2003). The proposed rezoning to the R-2, Residential District would permit single-unit dwellings consistent with the existing land uses in the area.

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 **45 SOUTH YALE AVENUE (43222)**, to permit a single-unit dwelling in the C-4 Commercial District. (CV10-011)...**and to declare an emergency.**

WHEREAS, by application No. CV10-011, the owner of property at **45 SOUTH YALE AVENUE (43222)**, is requesting a Council Variance to permit a single-unit dwelling in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4, Permitted uses, does not allow dwellings on the ground floor, while the applicant proposes to permit a maximum of one (1) single-unit dwelling; and

WHEREAS, the Franklinton Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because this C-4, District has been in place since 1928. The site is one of 32 C-4 zoned parcels located between West Capital Street and West Town Street, bounded by the R-4, Residential District to the west, the M, Manufacturing District across South Yale Avenue to the east. Thirty-one of the 32 parcels within the C-4, Commercial District are used for dwellings. The site is within the planning area of the *Franklinton Plan* (2003) which recommends single-unit dwellings for the site and the site is also within an upcoming area rezoning to the R-2, Residential District as recommended by the *Franklinton Plan* (2003). The proposed rezoning to the R-2, Residential District would permit single-unit dwellings consistent with the existing land uses in the area. The applicant is requesting a Council variance to construct a single-unit dwelling in the C-4, Commercial District. A Council variance is necessary because dwellings are not permitted on the ground floor in the C-4, Commercial District; 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, 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 granting of said variance will alleviate the difficulties encountered by the owner of the property located at **45 SOUTH YALE AVENUE (43222)**, 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 3356.03, C-4 Permitted uses; of the Columbus City Codes for the property located at **45 SOUTH YALE AVENUE (43222)**, insofar as said sections prohibit a single-unit dwelling in the C-4, Commercial District, said property being more particularly described as follows;

Real property in the City of Columbus, County of Franklin, State of Ohio, and is described as follows: Being Lot Number Six Hundred Fifteen (615), of WEST PARK ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 264, Recorder's Office, Franklin County, Ohio.

010-026310-00

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with up to one (1) single-unit dwelling per parcel or those uses permitted in the C-4, Commercial District.

SECTION 3. That this ordinance is further conditioned on a commitment that the site be developed in conformance with the site plan titled, "**N-33: 45 SOUTH YALE AVENUE**," signed by Matthew Neff, Agent for the Applicant, dated May 24, 2010. The Subject Site shall be developed in accordance with the site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services upon submission of the appropriate data regarding the proposed adjustment

~~.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.**