



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1807-2011, **Version:** 1

Council Variance Application: CV11-011

APPLICANT: Most Reverend Frederick F. Campbell DD, PHD; Bishop of the Catholic Diocese of Columbus c/o Dave Perry, The David Perry Co.; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: Concurrent Council variance with Rezoning Z11-015 to permit one ground-floor dwelling unit in the CPD, Commercial Planned Development District.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant seeks a Council variance concurrent with rezoning application Z11-015 to allow one ground floor dwelling unit in the CPD, Commercial Planned Development District, in which an employee will reside to oversee the auxiliary athletic facility being constructed on the site. Ground floor residential units are not permitted in commercial zoning districts. Staff supports the proposed variance. The request for one ground floor dwelling for an employee is limited in nature, intended to provide for upkeep of the proposed auxiliary athletic facility and will have no adverse effect on 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 **83 NORTH NELSON ROAD (43219)**, to allow one ground floor dwelling unit in the CPD, Commercial Planned Development District. (CV11-011)

WHEREAS, by application No. CV11-011, the owner of property at **83 NORTH NELSON ROAD (43219)**, is requesting a Council Variance to permit one dwelling unit in the CPD, Commercial Planned Development District; and

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

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request to allow one ground floor dwelling unit to house an employee at the proposed auxiliary athletic facility is limited in nature and is intended to improve upkeep of the proposed auxiliary athletic facility while having no adverse effect on 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 owner of the property located at **83 NORTH NELSON ROAD (43219)**, 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 **83 NORTH NELSON ROAD (43219)**, insofar as said sections prohibit a dwelling unit on the ground floor in the CPD, Commercial Planned Development District, with a ground floor dwelling, said property being more particularly described as follows;

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Half Section 16, Section 11, Township 5, Range 22, Refugee Lands, being all of the remainder of a 4-1/3 acre tract, 0.136 acre tract, 0.147 acre tract, and two (2) additional parcels conveyed to Frederick F. Campbell, Bishop of the Catholic Diocese of Columbus as described in Instrument Number 201012200172997, and all of a 0.20 acre tract and 0.48 acre tract conveyed to Norfolk and Western Railway Company as described in Deed Book 906, Page 337, Tract 5 and Tract 19, respectively, all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at the intersection of the northerly right-of-way line of Long Street (70') and the westerly right-of-way line of Nelson Road (60') (U.S. 62), being the southeast corner of said remainder of a 4-1/3 acre tract;

thence westerly, with the northerly right-of-way line of Long Street, the south line of said remainder of a 4-1/3 acre tract, the south line of said 0.136 acre tract, and the south line of said 0.20 acre tract, South 83° 11' 22" West, 422.0 feet to the southwest corner of said 0.20 acre tract;

thence northerly, with the west line of said 0.20 acre tract and said 0.48 acre tract, North 20° 35' 31" West, 499.1 feet to the northwest corner of said 0.48 acre tract, and being on the south line of Lot No. 8 of Eastgate Addition as described in Plat Book 12, Page 30;

thence easterly, with the north line of said 0.48 acre tract, the north line of said remainder of a 4-1/3 acre tract, the north line of an additional tract described in said Instrument Number 201012200172997, the south line of Lot Nos. 2 thru 8 of said Eastgate Addition, the south line of a tract of land conveyed to Moody Dubenion and Martha Dubenion as described in Deed Book 3449, Page 416, the south line of tract of land conveyed to Toya L. Powell as described in Instrument Number 200006060111968, and a tract of land conveyed to Ronald L. Jedlicka and Diane S. Jedlicka as described in Deed Book 3645, Page 143, South 85° 00' 28" East, 713.8 feet to the northeast corner of said additional tract, the southeast corner of said Jedlicka tract, being in the westerly right-of-way line of Nelson Road (U.S. 62);

thence southerly, with the east line of said two (2) additional tracts described in Instrument Number 201012200172997, the east line of said 0.147 acre tract, and the east line of said remainder of a 4-1/3 acre tract, being the westerly right-of-way line of Nelson Road (U.S. 62), South 18° 10' 00" West, 373.7 feet to the **TRUE POINT OF BEGINNING**, containing approximately 5.3 acres and encompasses parcel number: 010-039949-00, 010-013907-00, 010-023129-00, 010-010147-00, 010-010148, 010-185205-00, 010-066229-00.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with no more than one (1) ground floor dwelling unit for an employee of the St. Charles school and/or those uses permitted in the CPD, Commercial Planned Development approved in Z11-015.

SECTION 3. That this ordinance is further conditioned upon 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.