



# City of Columbus

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

## Legislation Text

---

**File #:** 2068-2013, **Version:** 2

---

**Council Variance Application: CV13-025**

**APPLICANT:** Equity, Inc.; c/o Donald Plank, Atty.; Plank Law Firm; 145 East Rich St., 3<sup>rd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Commercial vehicular access.

**FAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow vehicular access for a commercial development through part of a private residential street (Shadymere Lane) that is zoned in the PUD-8, Planned Unit Development District. The property to the west of Shadymere Lane is being rezoned to the CPD, Commercial Planned Development District (Ord. No. 2067-2013; Z13-038), and this request will provide a signalized access point to East Broad Street for the future commercial development. The Villas of Broadmere Condominium Association has met with the applicant several times, and supports the requested variance and adjacent rezoning proposal. Use of the existing private drive for commercial traffic will reduce the number of full service curb cuts required along this section of East Broad Street which will help maintain the traffic flow. The requested variance is the most effective mechanism to permit commercial access through the residential private street, and will not add an incompatible use to the area.

To grant a Variance from the provisions of Section 3345.04, Permitted Uses, of the Columbus City Codes; for the property located at **6633 EAST BROAD STREET (43004)**, to permit commercial vehicular access through a private street located in the PUD-8, Planned Unit Development District **and to declare an emergency** (Council Variance # CV13-025).

**WHEREAS**, by application No. CV13-025, the owners of property at **6633 EAST BROAD STREET (43004)**, are requesting a Council Variance to permit commercial vehicular access through a private street located in the PUD-8, Planned Unit Development; and

**WHEREAS**, the Far East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the use of the existing private drive for commercial traffic will reduce the number of full service curb cuts required along this section of East Broad Street which will help maintain the traffic flow. The requested variance is the most effective mechanism to permit commercial access through the residential private street, and will not add an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits 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 **6633 EAST BROAD STREET (43004)**, in using said property as desired; 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; now, therefore:

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

**SECTION 1.** To grant a Variance from the provisions of Section 3345.04, Permitted Uses, of the Columbus City Codes; for the property located at **6633 EAST BROAD STREET (43004)**, insofar as said section prohibits commercial vehicular access through an existing private street in the PUD-8, Planned Unit Development District; said property being more particularly described as follows:

**6633 EAST BROAD STREET (43004)**, being 0.15± acres located on the south side of East Broad Street at the terminus of Brice Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 16, United States Military Lands and being part of the remainder of that 9.374 acre tract conveyed to Phyllis Williams of record in Official Record 27539H16 and Instrument Number 200010180212030 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning at a northeasterly corner of the Grantor's tract, the southeasterly corner of that 0.257 acre tract conveyed to the City of Columbus, Ohio of record in Instrument Number 200102090027118, in a westerly line of that 18.875 acre tract conveyed to Rosebrook Limited of record in Official Record 30785B01;

Thence South 03°02'04" West, with an easterly line of the Grantor's tract, said westerly line, a distance of 218.11 feet;

Thence across the Grantor's tract, the following courses:

North 86°19'01" West, a distance of 30.00 feet;

North 03°02'04" East, a distance of 211.86 feet to a northerly line of the Grantor's tract, the southerly line of said 0.257 acre tract,

Thence North 81°53'42" East, with said northerly line, said southerly line, the southerly right-of-way line of East Broad Street, a distance of 30.58 feet to the Point of Beginning and containing 0.148 acre, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for commercial vehicular access, or those uses permitted in the PUD-8, Planned Unit Development District.

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

**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.**