



## Legislation Text

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**File #:** 0425-2015, **Version:** 2

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### **Council Variance Application: CV14-066**

**APPLICANT:** Jennifer Brodie; 101 East Moler Street; Columbus, OH 43207.

**PROPOSED USE:** Single-unit dwelling.

**COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing single-unit dwelling in the C-4, Commercial District. A Council variance is necessary because dwellings are only permitted above specified commercial uses in the C-4, Commercial District. The site is within the planning area of the *South Side Plan* (2014), which recommends "Neighborhood Mixed Use," a designation that includes residential uses. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from making improvements to the structure. The dwelling has been long established on this lot, and is consistent with the residential uses that are prevalent in the surrounding neighborhood. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; and 3312.49, Minimum number of parking spaces required; of the Columbus City Codes; for the property located at **101 EAST MOLER STREET (43207)**, to conform an existing single-unit dwelling in the C-4, Commercial District with a one-space parking reduction **and to declare an emergency** (Council Variance # CV14-066).

**WHEREAS**, by application No. CV14-066, the owner of property at **101 EAST MOLER STREET (43207)**, is requesting a Council variance to conform an existing single-unit dwelling in the C-4, Commercial District with a one-space parking reduction; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits dwelling units only above certain commercial uses, while the applicant proposes to maintain an existing single-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes to maintain one (1) parking space; and

**WHEREAS**, The Columbus Southside Area Commission recommends approval; and

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will conform an existing single-unit dwelling in the C-4, Commercial District, and the *South Side Plan* (2014), recommends "Neighborhood Mixed Use," a designation that includes residential uses. The dwelling has been long established on this lot, and is consistent with the residential uses that are prevalent in the surrounding neighborhood; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **101 EAST MOLER STREET (43207)**, 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.** That a Variance from the provisions of Sections 3356.03, C-4, permitted uses; and 3312.49, Minimum number of parking spaces required, of the Columbus City Codes, are hereby granted for the property located at **101 EAST MOLER STREET (43207)**, in that said sections prohibit a single-unit dwelling in the C-4, Commercial District with only one (1) parking space; said property being more particularly described as follows:

**101 EAST MOLER STREET (43207)**, being 0.07± acres located on the south side of East Moler Street, 120± feet west of South Fourth Street, and being more particularly described as follows:

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

Being 35 feet off of the west end of Lot Numbers Thirty-nine and Forty, and 21 feet off of the north side of 35 feet off the west end of Lot Number Fort-one of Marion Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat book 2, Page 348, Recorder's Office, Franklin County, Ohio. Excepting however 9 feet off of the north side of Lot No. Thirty-nine, appropriated by said City to widen Moler Street.

Parcel Number: 010-002007

Property Address: 101 East Moler 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 a single-unit dwelling, or those uses in the C-4, Commercial District.

**SECTION 3.** ~~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.**