



## Legislation Text

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**File #:** 0910-2019, **Version:** 1

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### **Council Variance Application: CV18-082**

**APPLICANT:** Andrew Cicerchi; 222 South Cypress Avenue; Columbus, OH 43223.

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

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing single-unit dwelling zoned in the C-4, Commercial District, with a small portion of the lot zoned in the AR-1, Apartment District. The requested Council variance will eliminate the nonconformity of the residential use in the commercial district. The site is within the planning area of the *Franklinton Plan* (2014), which recommends "Medium-High Density Residential" uses for this location. The dwelling has been long established on this lot and is consistent with the residential uses that are prevalent in the surrounding neighborhood. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from further improving the property. 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 of the Columbus City Codes; for the property located at **222 SOUTH CYPRESS AVENUE (43223)**, to conform an existing single-unit dwelling in the C-4, Commercial District (Council Variance #CV18-082).

**WHEREAS**, by application #CV18-082, the owner of property at **222 SOUTH CYPRESS AVENUE (43223)**, 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, permits dwelling units only above certain commercial uses, while the applicant proposes to conform an existing single-unit dwelling; and

**WHEREAS**, the Franklinton Area Commission recommends approval; and

**WHEREAS**, 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 which has been long established on this lot, and the request 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 **222 SOUTH CYPRESS AVENUE (43223)**, 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 Section 3356.03, C-4, permitted uses of the Columbus City Codes, is hereby granted for the property located at **222 SOUTH CYPRESS AVENUE (43223)**, insofar as said section prohibits a single-unit dwelling in the C-4, Commercial District, said property being more particularly described as follows:

**222 SOUTH CYPRESS AVENUE (43223)**, being 0.12± acres located at the northeast corner of South Cypress Avenue and West Rich Street, and being more particularly described as follows:

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

Being all of Lot Number Three Hundred Twenty-four (324) and 5.62 feet of the south side of Lot Number Three Hundred Twenty-five (325) of West Park Addition in said City, as the same are numbered and delineated upon the recorded plat thereof; of record in Plat Book 4 page 264, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-030925

Addressed as: 222 S. Cypress Avenue, Columbus, OH 43223

**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 permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned upon compliance with R-2F, Residential District standards for any additions to the existing structures, the construction of any accessory structures, or the reconstruction of any structures.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.