



Legislation Text

File #: 2600-2019, **Version:** 2

Council Variance Application CV19-087

APPLICANT: Roger Sheets; c/o Kevin Moore, Agent; 5712 Nike Drive; Hilliard, OH 43026.

PROPOSED USE: Single-unit dwelling.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel zoned in the M-1, Manufacturing District that is developed with a nonconforming single-unit dwelling. The requested variance will conform the existing use. The site is within the boundaries of the *Port Columbus Economic Development Strategy* (2008) and *East Columbus Neighborhood Plan* (2012), which recommend "light industrial" and "Medium Density Mixed Residential" land uses, respectively, at this location. The dwelling has been long established on this lot and is consistent with the residential uses in the surrounding area. A hardship exists because the non-conforming nature of the site precludes financing options. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Section 3365.01, M-1 Manufacturing District; for the property located at **1096 N. CASSADY AVE. (43219)**, to conform an existing single-unit dwelling in the M-1 Manufacturing District (Council Variance #CV19-087) **and to declare an emergency.**

WHEREAS, by application #CV19-087, the owner of property at **1096 N. CASSADY AVE. (43219)**, is requesting a Council variance conform an existing single-unit dwelling in the M-1 Manufacturing District; and

WHEREAS, Section 3365.01, M-1 Manufacturing District, does not permit a single-unit dwelling and allows only limited residential uses, while the applicant proposes to conform an existing single-unit dwelling; 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 M-1 Manufacturing District, and the *East Columbus Neighborhood Plan* recommends residential uses at this and surrounding locations; 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 **1096 N. CASSADY AVE. (43219)**, in using said property as desired;

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that change is needed immediately in order for Buyer to complete purchase contract using conforming financing mortgage, additionally the elderly Seller is in very poor health; now, therefore:

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

SECTION 1. That a variance from the provisions of Section 3365.01, M-1 Manufacturing District, of the Columbus City Codes, is hereby granted for the property located at **1096 N. CASSADY AVE. (43219)**, insofar as said section prohibits a single-unit dwelling in the M-1 Manufacturing District, said property being more particularly described as follows:

1096 N. CASSADY AVE. (43219), being 0.5± acres located on the east side of Cassady Avenue, 230± feet south of 14th Avenue, and being more particularly described as follows:

The following real estate situated in the county of Franklin, in the state of Ohio, and in the Township of Mifflin, and bounded and described as follows:

Being a part of the Third Quarter of Township No. 1, Range 17, United States Military Lands, and being part of lands partitioned among the heirs of Alexander Lackey, Complete Record 38, page 614, Common Pleas Court, Franklin County, Ohio, and being a part of the following described tract: Beginning at a point at the intersection of the centerline of Cassady Avenue with the centerline of a 20.00 foot lane; thence S. 86 degrees 13' E. with the centerline of said lane a distance of 1213.10 lin. feet to an iron pin and passing an iron pin in a distance of 30.00 lin. feet; thence S. 3 degrees 43' W. a distance 537.25 lin. feet to an iron and pin and passing an iron and pin in a distance of 10.0 lin. feet, said pin being in the south side of said 20.00 foot lane; thence N. 86 degrees 14' W. a distance of 1206.90 lin. feet to the centerline of Cassady Avenue and passing an iron pin in a distance of 1176.90 lin. feet; thence N. 3 degrees 02' E. with the centerline of Cassady Avenue a distance of 537.50 lin. feet to the place of beginning and containing 14.927 Acres more or less. Said part of the above described premises being more fully bounded and described as follows: Beginning at a point in the West line of said 14.927 acre tract, said point being 87 ½ feet north of the South line of said tract and in the center line of North Cassady Avenue; thence northerly with the center line of Cassady Avenue 75 feet to a point; thence easterly on a right angle to the Center line of Cassady Avenue 290.40 feet to a point, (passing an iron pin at 30 feet); thence southerly on a line parallel with the Center line of Cassady Avenue 75 feet to a point; thence westerly on a line at a right angle to the Center line of Cassady Ave. 290.40 feet, passing an iron pin at 260.40 feet, to the place of beginning containing one-half acre of ground.

Parcel Number: 010-158252

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 M-1, Manufacturing District.

SECTION 3. That this ordinance is further conditioned on compliance with R-3, Residential District standards for any additions or accessory structures, or for replacement of existing structures.

~~**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.