



## Legislation Text

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**File #:** 1832-2022, **Version:** 1

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### **Council Variance Application: CV22-048**

**APPLICANT:** Blue Chip Homes QOZB, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Two single-unit dwellings.

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two platted lots comprising one parcel in the C-4, Commercial District. The applicant proposes to raze the existing dwelling, split the parcel into two parcels, and build a single-unit dwelling on each parcel. A Council variance is necessary because residential uses are only permitted above certain commercial uses in the C-4, Commercial District. The site is within the planning area of the *West Franklinton Plan* (2014) which recommends "Neighborhood Mixed Use" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines. The dwellings are consistent with the residential uses that are prevalent in the surrounding neighborhood, and 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 **843 SULLIVANT AVE. (43223)**, to permit two single-unit dwellings in the C-4, Commercial District (Council Variance #CV22-048).

**WHEREAS**, by application #CV22-048, the owner of property at **843 SULLIVANT AVE. (43223)**, is requesting a Council variance to permit two single-unit dwellings on separate parcels in the C-4, Commercial District; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, only permits dwelling units above certain commercial uses, while the applicant proposes two single-unit dwellings on two separate parcels; and

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

**WHEREAS**, City Departments recommend approval because the request is consistent with the residential uses that are prevalent in the surrounding neighborhood, and is compatible with the *West Franklinton Plan's* land use recommendation for "Neighborhood Mixed Use"; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **843 SULLIVANT AVE. (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 **843 SULLIVANT AVE. (43223)**, insofar as said section prohibits two single-unit dwellings in the C-4, Commercial District, said property being more particularly described as follows:

**843 SULLIVANT AVE. (43223)**, being 0.17± acres located on the south side of Sullivant Avenue, 32± feet west of South Souder Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lot Numbers Sixty One (61) and Sixty Two (62) of OSBORN PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 364 and 365, Recorder's Office, County, Ohio.

Property Address: 843 Sullivant 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 two single-unit dwellings, or those uses permitted in the C-4, Commercial District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**843 SULLIVANT AVE SITE PLAN**," signed by David Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated June 14, 2022. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon compliance with R-4, Residential District standards for any additions to the existing structures, the construction of any accessory structures, or the reconstruction of any structures.

**SECTION 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed uses.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.