

City of Cincinnati

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An Ordinance No. 39

- 2022

AUTHORIZING the real property located at 932 McPherson Avenue in the East Price Hill neighborhood to be developed and used as a two-family dwelling NOTWITHSTANDING the use limitations contained in Chapter 1403, “Single-Family Districts,” of the Cincinnati Municipal Code and any other applicable zoning regulations that would prevent the property’s development and use as a two-family dwelling.

WHEREAS, BLOC Ministries, Inc. (“BLOC”) owns the real property located at 932 McPherson Avenue in the East Price Hill neighborhood (“Property”), which it purchased from the Hamilton County Land Reutilization Corporation in 2019; and

WHEREAS, the Property is located in the SF-2, “Single-Family,” zoning district, and it consists of a single parcel containing a vacant residential structure; and

WHEREAS, BLOC wishes to develop the Property for use as a two-family dwelling to serve graduates of its recovery program (“Project”), but two-family dwellings are not permitted in the SF-2, “Single-Family,” zoning district; and

WHEREAS, the Project is compatible with the surrounding land uses in the vicinity of the Property, which land uses include other two-family dwellings, multi-family dwellings, and institutional and commercial uses; and

WHEREAS, reasonable deviations from zoning code provisions that would otherwise prevent the Property’s use as a two-family dwelling will benefit the surrounding area by returning a vacant property to productive use and by providing safe and attractive housing to support graduates of BLOC’s recovery program; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on December 17, 2021, upon considering the factors set forth in Cincinnati Municipal Code (“CMC”) Section 111-5, recommended the adoption of a notwithstanding ordinance authorizing the Project subject to certain conditions; and

WHEREAS, a legislative variance authorizing the Project is consistent with *Plan Cincinnati* (2012), specifically its Sustain and Live Initiative Areas that respectively seek to “[b]ecome a healthier Cincinnati” (page 81) and to “provide quality healthy housing for all income levels” (page 165); and

WHEREAS, the Council finds that the Project will enhance the quality and character of the area by rehabilitating an existing vacant building that will fit within the context of McPherson Avenue and the East Price Hill neighborhood; and

WHEREAS, the Council additionally finds that permitting the Project will not have an adverse effect on the character of the area or the public health, safety, and welfare, and the Project is in the best interests of the City and the public's health, safety, morals, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That, following its own independent review and consideration, the City Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the development and use of the property located at 932 McPherson Avenue ("Property") in the East Price Hill neighborhood as a two-family dwelling, which Property is depicted on the map attached hereto as Exhibit A and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public's health, safety, and general welfare, and that it is consistent with the purposes of the Cincinnati Municipal Code and the zoning district within which the Property is located.

Section 3. That the Council authorizes the Property's development and use as a two-family dwelling, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the use limitations contained in Chapter 1403, "Single-Family Districts," of the Cincinnati Municipal Code, and any other applicable zoning regulations that would prevent the Property's development and use as a two-family dwelling, including, but not limited to, the off-street parking requirements set forth in Section 1425-19, "Off-Street Parking and Loading Requirements," of the Cincinnati Municipal Code.

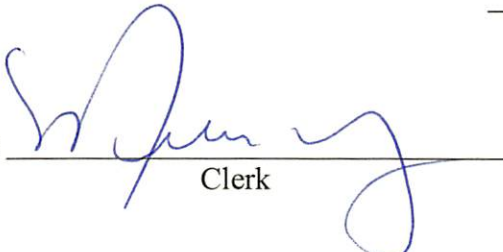
Section 4. That the Council authorizes the Property's development and use as a two-family dwelling on the condition that the Property is developed as per the plans on file with the Department of Buildings and Inspections under permit no. 2021P07766.


Section 5. That this ordinance does not provide a variance from any other laws of the City of Cincinnati, and the Property shall remain subject to all other provisions of the Cincinnati Municipal Code and the SF-2, "Single-Family," zoning district.

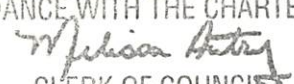
Section 6. That the City Manager and the appropriate City officials are authorized to take all necessary and proper actions to implement this ordinance, including by issuing building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, and other applicable laws, rules, and regulations.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: February 16, 2022

Attest: 
Clerk


Aftab Pureval Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 39-2022
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 3-1-2022

CLERK OF COUNCIL