



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1464-2020

30-Day

File ID: 1464-2020

Type: Ordinance

Status: Draft

Version: 1

***Committee:** Zoning Committee

File Name: Council Variance # CV20-018, 1933 VAUGHN ST.
(43223)

File Created: 06/16/2020

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Hayley Feightner; 614-645-3526

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at 1933 VAUGHN ST. (43223), to permit the expansion of an existing child day care facility with reduced development standards in the R-3, Residential District; and to repeal Ordinance #2277-78, passed December 11, 1978 (Council Variance #CV20-018).

Sponsors:

Attachments: ORD#1464-2020.Attachments

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

ODI: Following the review and approval, when required, the Office of Diversity and Inclusion certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

Council Variance Application: CV20-018

APPLICANT: Leon Humphries; P.O. Box 9303; Columbus, OH 43209.

PROPOSED USE: Expand child day care facility.

GREATER HILLTOP AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels in the R-3, Residential District, one of which is developed with a 1,248 square foot child day care facility permitted by CV78-087. The requested Council variance will allow a 4,470 square foot expansion of the existing day care facility onto the adjacent parcel, and includes the addition of off-street parking spaces. Variances for reduced parking and dumpster setbacks and yards, and a parking space reduction from 12 spaces to 7 spaces are included in this request. The site is within the boundaries of the *Hilltop Land Use Plan C2P2* (2019), which recommends medium to high density residential land uses at this location, and includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). While the Planning Division recommends disapproval of the proposed use due to incompatibility with the Plan's land use recommendation, staff finds the proposed expansion of this successful day care facility necessary for it to continue providing a valuable service to the community within a walkable residential neighborhood. Additionally, the site will be developed in accordance with the submitted site plan, which demonstrates sufficient buffering and landscaping from residential uses, and includes the installation of off-street parking and sidewalks along the site's frontages.

Title

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1933 VAUGHN ST. (43223)**, to permit the expansion of an existing child day care facility with reduced development standards in the R-3, Residential District; and to repeal Ordinance #2277-78, passed December 11, 1978 (Council Variance #CV20-018).

Body

WHEREAS, by application #CV20-018, the owner of the property at **1933 VAUGHN ST. (43223)**, is requesting a Variance to permit the expansion of a child day care facility with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, residential district, allows a child day care facility as an accessory use when located within a school or religious facility building, while the applicant proposes the expansion of an existing child day care facility that was approved by Council Variance #CV78-087 onto the adjacent parcel as the primary use of the property; and

WHEREAS, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet, while the applicant proposes a minimum parking setback line of 10 feet along Rea Avenue; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 500 square feet of day care facility space, a total of 12 parking spaces for 5,718 square feet of facility space, while the applicant proposes a total of 7 parking spaces; and

WHEREAS, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster enclosure in the required rear setback along Rea Avenue as shown on the Site Plan; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, or maximum of 16 feet for a lot that is greater than 80 feet wide, while the applicant proposes a maximum side yard of 13 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to conform the existing side yard of approximately 3 feet on the east side of the existing child day care facility; and

WHEREAS, the Greater Hilltop Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the request includes the expansion of a successful child day care center that is desired by the community, and includes a commitment to a site plan which demonstrates sufficient landscaping and buffering from adjacent residential uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use; 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 adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise 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 owners of the property located at **1933 VAUGHN ST. (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 is hereby granted from the provisions of Sections 3332.035, R-3, residential district; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1933 VAUGHN ST. (43223)**, insofar as said sections prohibit a child day care facility in the R-3, Residential District; with reduced parking setback from 25 feet to 10 feet along Rea Avenue; a parking space reduction from 12 spaces to 7 spaces; a dumpster within the required setback along Rea Avenue; a reduced maximum side yard from 16 feet to 13 feet; and a reduced minimum side yard from 5 feet to approximately 3 feet on the east side of the existing child day care facility; said property being more particularly described as follows:

1933 VAUGHN ST. (43223), being 0.20± acres located on the south side of south side of Vaughn Street, 220± feet west of Columbian Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus: Being Lot Numbers Thirty-Six (36) and Thirty-Seven (37) in Vaughn's Gardens Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, page 240, Recorder's Office, and Franklin County, Ohio.

Parcel Numbers 010-022356 and 010-055500

Property Address: 1933 Vaughn Street, Columbus, Ohio 43223

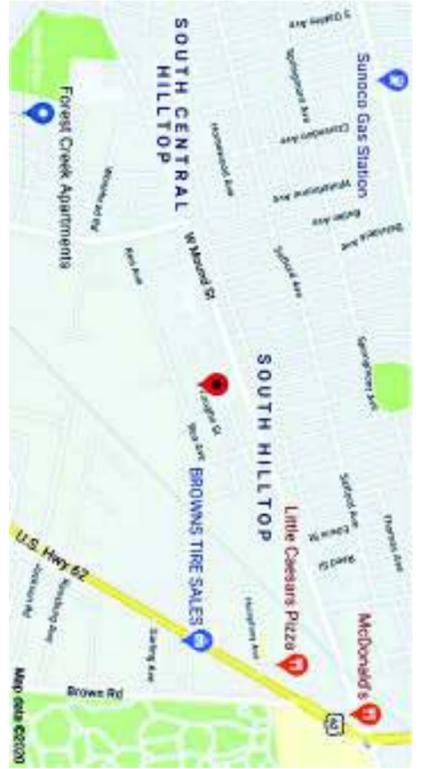
SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a child day care center in accordance with the submitted site plan, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan and renderings titled, "**ADDITION, FRESH START LEARNING ACADEMY**," dated June 11, 2020, and signed by Leon Humphries, Applicant. The plans 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 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. That Ordinance #2277-78, passed December 11, 1978, be and is hereby repealed.



VICINITY MAP NO SCALE

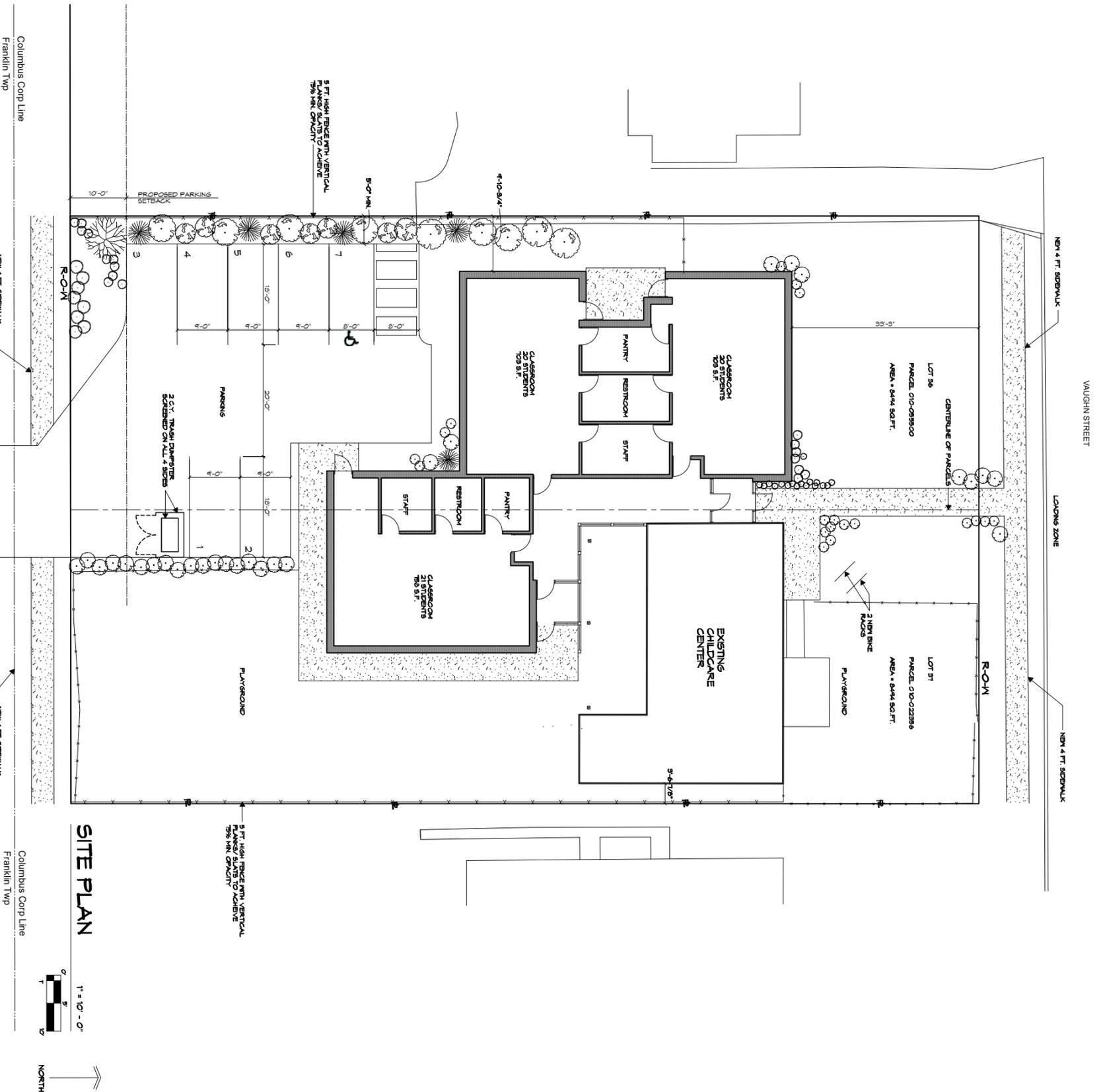
According to FEMA Flood Insurance Rate Map Community-Profile Number 390170-390492200K dated 6/17/2005 the property is in an Unshaded Zone "X". Areas determined to be outside the 0.2% annual chance floodplain.



ZONING MAP NO SCALE

Yellow indicates Residential. All adjacent properties are zoned R-3. The allowable height for new buildings is 35 feet.

- Required setbacks and notes:
1. If a building is located on a residential lot, the setbacks shall be as follows:
 - 2. To view the standards of section 3902.25 minimum side yards, which require the side yard to be reduced from 16 feet to 13 feet.
 - 3. To view the standards of section 3902.26, minimum side yard permitted, which requires that the side yard of 5 feet be reduced to 3 feet, because the existing building along the east property line is 9'-7".
 - 4. To view the standards of section 3902.27, parking setback. Applicant proposes the parking setback at the south from rear street be no less than ten (10) feet.
 - 5. To view the standards of section 3902.44 minimum number of parking spaces. Applicant proposes to provide 12 parking spaces. The minimum number of parking spaces required for reduced from 12 to 7.
 - 6. To view the requirements of 3901.01 - Dumpster area, relative to location in any lot. Applicant proposes to locate the dumpster on the east side of the lot. The setback for the dumpster is governed by the same reduced setback.
 7. Development shall comply with section 3902.21 - Landscaping and screening.
 8. Required Surface for Parking, 3902.45 - Wheel Stop Device, and Chapter 3901 - General Site Development Standards except for specific sub-sections of Chapter 3901 identified for this site.
 9. The "as shown" ordinance does not apply since the development is below the labor division.
 10. Regarding lot combination, lots 36, and 37 have not been combined at this time. We propose to enter actual lot combination until such time that it is determined that the project will move ahead.



SITE PLAN

1" = 10' - 0"



ADDITION
FRESH START LEARNING ACADEMY
1933 VAUGHN STREET
COLUMBUS, OHIO ZIP

REVISED 6/1/20

C-1

LEON HUMPHRES ARCHITECTS
614.322.7817
www.leonhumphres.com
Residential • Commercial • Religious • Regional

NOT FOR CONSTRUCTION

Leon Humphres Architects



Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

STATEMENT OF HARDSHIP

CV20-018

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare

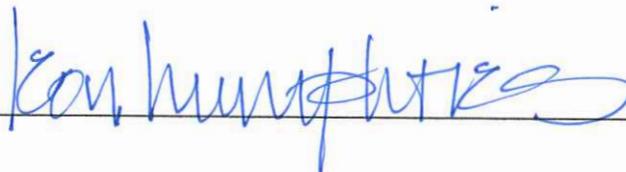
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

See attached Statement of Hardship.

Signature of Applicant



Date

2/24/2020

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

Fresh Start Learning Academy desperately needs and sincerely hopes that a variance is granted to allow expansion of its current child care facility, which is located immediately east and contiguous to the subject lot and parcel.

Fresh Start offers convenient before and after hours care for local children; and is committed to a low teacher to child ratio. Fresh Start subscribes to an early learning concept that is child-centered with experiential aspects. Its creative curriculum features weekly themes coordinated with art, music, and stories.

According to ColumbusUnderground.com, Mayor Andrew J. Ginther was in the Hilltop February 23, 2017 to deliver his State of the City Address. "We will not wait to move forward for our youngest residents," the mayor said. "In the Hilltop, fewer children are enrolled in quality pre-kindergarten than anywhere else in the city. We must act now." Mayor Ginther then announced the establishment of the Hilltop Early Childhood Partnership to address the issue. "The goal," he said, "is to double the number of children enrolled in quality pre-K in the Hilltop by 2020."

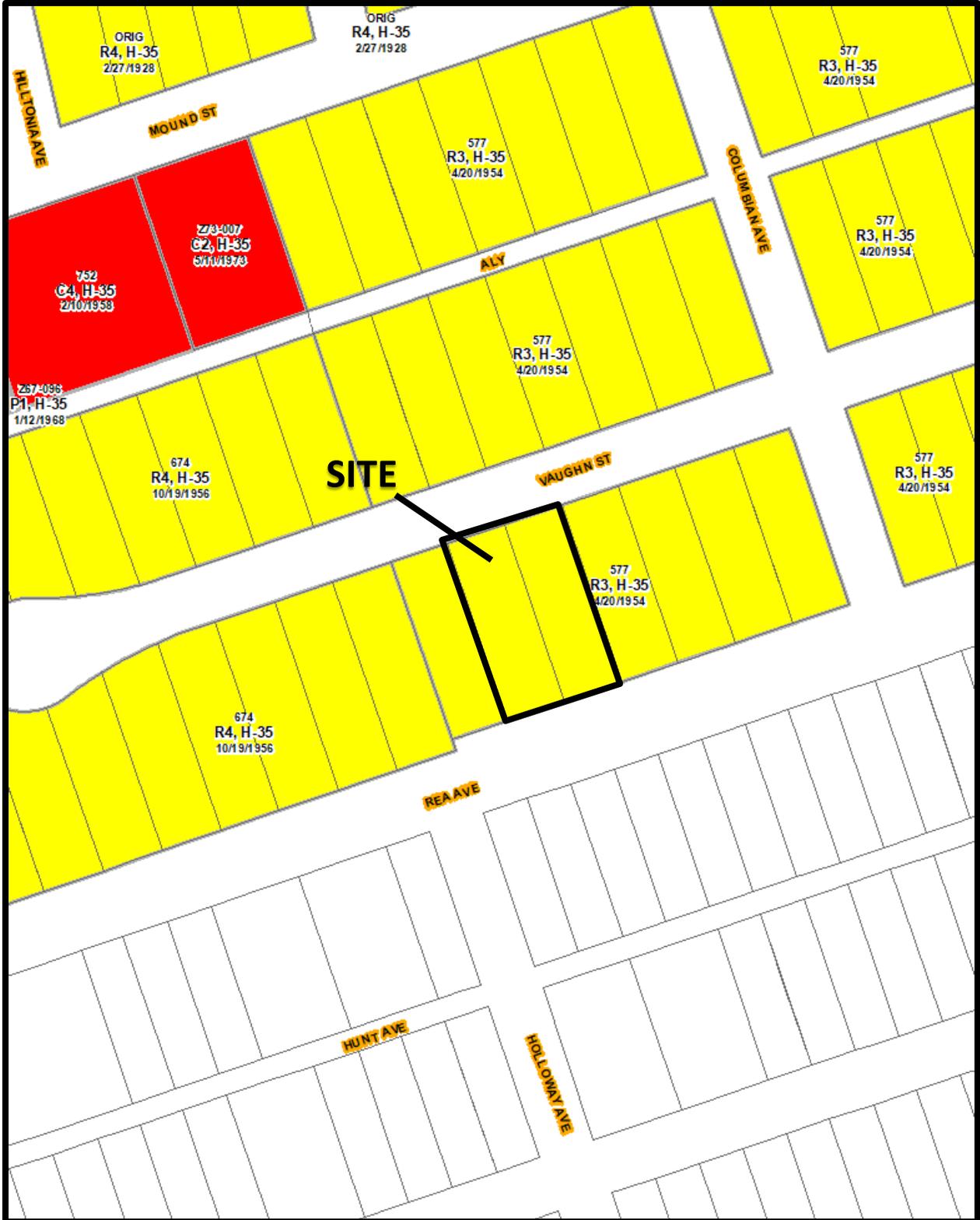
Fresh Start can work with The City of Columbus to achieve this goal for the Hilltop, but only if there is cooperation between The City and Fresh Start. Currently, there is a demand for more children to be added to the rolls of Fresh Start. However, the building that currently exists on lot 37 is at capacity. The contiguous lot 36 (to the west) could allow for a rational addition and upgrade to the current facility. Additionally, an expansion would serve economic goals as well; 71% of Fresh Start staff are Westside residents; and more staff would be employed from local ranks if this expansion is permitted.

Lot 37, the site of the current child care facility, is zoned R-3, but was granted a council variance allowing child care use. This variance request is a mere extension of the same logic; and it will not adversely affect the surrounding area.

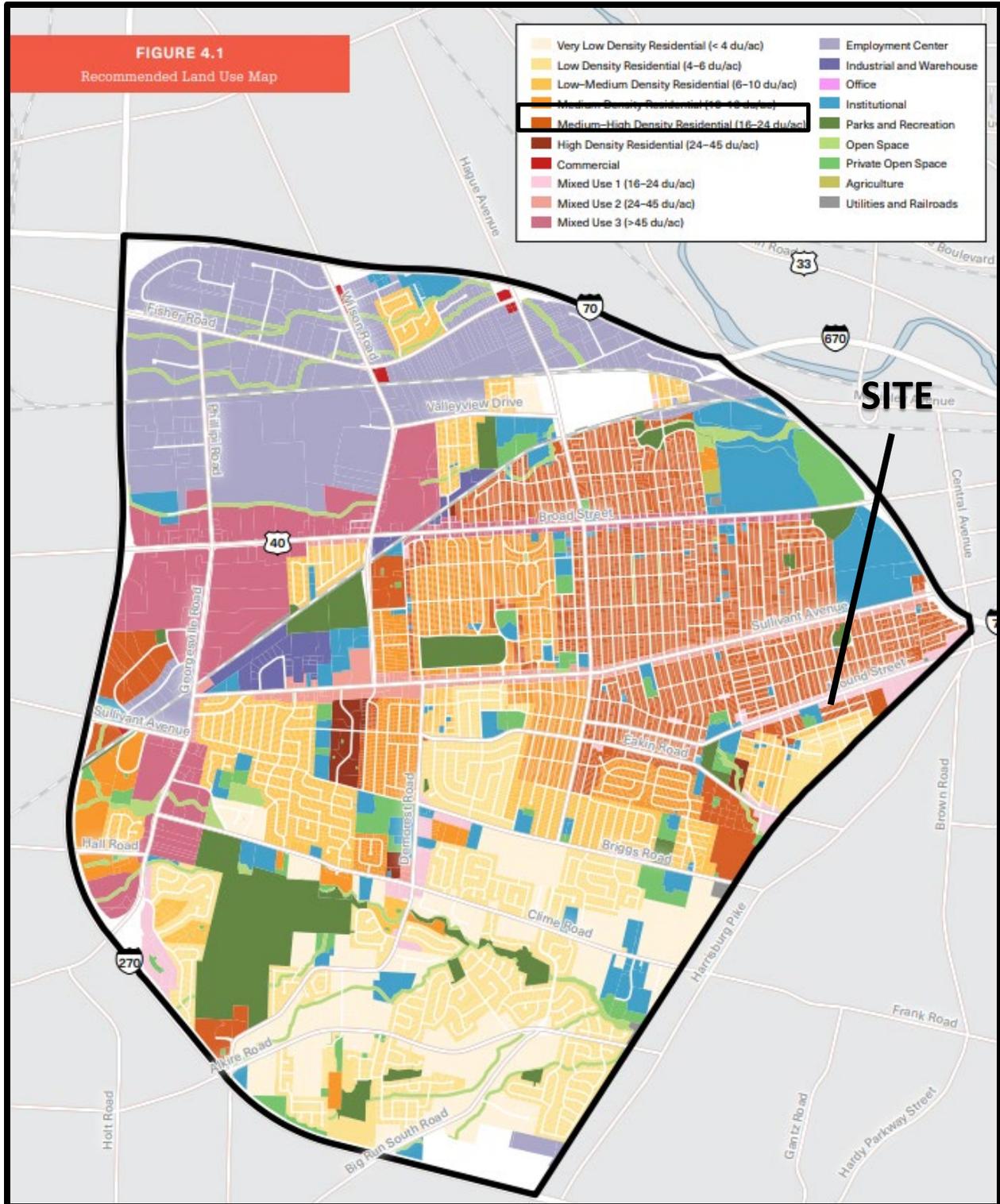
The following variances are necessary to facilitate this project:

1. To vary the standards of 3332.035 R-3 Residential District to permit the operation of a child day care center in R-3 District.
2. To vary the standards of Section 3332.25 maximum side yards, which require the side yard to be reduced from 16 feet to 13 feet.
3. To vary the standards of Section 3332.26, minimum side yard permitted, which require that the side yard of 5 feet be reduced to 3 feet, because the existing building along the east property line is 3'-7".
4. To vary the standards of Section 3332.27, parking setback. Applicant proposes the parking setback at the south from Rea Avenue be no less than ten (10) feet.
5. To vary the standards of Section 3312.49 Minimum numbers of parking spaces required, which require that the Site contain 1 per 500 square feet. The existing child care center located on lot 37 is 1248 SF; and the addition will consist of 4470 SF, for a total of 5718 SF, thus 12 parking spaces. Applicant proposes that the minimum number of parking spaces required be reduced from 12 to 7.
6. To vary the requirements of 3321.01 - Dumpster area, relative to location in any required yard or setback. Applicant proposes the parking setback at the south from Rea Avenue be no less than ten (10) feet, and therefore requests the setback for the dumpster is governed by the same reduced setback.

Please refer to the attached drawing.



CV20-018
1933 Vaughn St.
Approximately 0.20 acres



CV20-018
1933 Vaughn St.
Approximately 0.20 acres



CV20-018
1933 Vaughn St.
Approximately 0.20 acres

Board of Zoning Adjustment Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.bzs.columbus.gov

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

CV20-018

Case Number

Address

Group Name

Meeting Date

Specify Case Type

- BZA Variance / Special Permit
 Council Variance
 Rezoning
 Graphics Variance / Plan / Special Permit

Recommendation
(Check only one)

- Approval
 Disapproval

NOTES:

Supportive commissioners believe that this daycare center is an asset to the community. It has become a 5-star city rated daycare center placed in a residential neighborhood. The business serves people in the area and is walkable from many of the clients in the area. The GHAC zoning committee asked for some minor changes, mostly to trade a couple parking spaces for fencing in the dumpster. The owner and her representative responded immediately and had an altered version of the plan to meet with the GHAC request.

Vote

10 yeas, 1 nay, 2 abstain, 1 absence

Signature of Authorized Representative

Scott Stockman

Recommending Group Title

Greater Hilltop Area Commission

Daytime Phone Number

614 327 3772

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **FAX** to Zoning at (614) 645-2463; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.

PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV20-018

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Leon Humphries, Architect
of (COMPLETE ADDRESS) P.O. Box 9303, Columbus, Ohio 43209
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual (include contact name and number)
Business or individual's address
City, State, Zip Code
Number of Columbus based employees
(Limited to 4 lines per box)

<p>1. Fresh Start Learning Academy, c/o Necole Sykes Telephone 614-440-0854 256 Linden CR - Pickerington, Ohio 43147 13-Employees</p>	<p>2. Necole Sykes Telephone 614-440-0854 2850 Alderwood DR - Columbus, Ohio 43219 0 - Employees</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Leon Humphries

Subscribed to me in my presence and before me this 24th day of February, in the year 2020

SIGNATURE OF NOTARY PUBLIC

Jennifer Shanaberg

My Commission Expires:

07/17/2022



This Project Disclosure Statement expires six months after date of notarization.
JENNIFER SHANABERG
Notary Public, State of Ohio
My Commission Expires
July 17, 2022

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Please make all checks payable to the Columbus City Treasurer