



Legislation Details (With Text)

File #: 1150-2012 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/22/2012 **In control:** Zoning Committee

On agenda: 6/11/2012 **Final action:** 6/12/2012

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3312.49, Minimum numbers of parking spaces required; of the Columbus City codes, for the property located at 1601 EAST TWELFTH AVENUE (43211), to permit a Type "A" home day care facility for a maximum of twelve children within an existing single-unit dwelling with reduced parking in the R-3, Residential District and to declare an emergency (Council Variance # CV12-021).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1150-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20120611

Date	Ver.	Action By	Action	Result
6/12/2012	2	MAYOR	Signed	
6/12/2012	2	CITY CLERK	Attest	
6/11/2012	2	COUNCIL PRESIDENT	Signed	
6/11/2012	1	Zoning Committee	Approved as Amended	Pass
6/11/2012	1	Zoning Committee	Amended to Emergency	Pass
6/4/2012	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV12-021

APPLICANT: Fardosa Elmi; 1601 East Twelfth Avenue; Columbus, OH 43219.

PROPOSED USE: Type "A" home day care facility.

NORTH CENTRAL AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will allow a Type "A" home day care facility to operate within an existing single-unit dwelling in the R-3, Residential District. The R-3 Residential District permits only Type "B" home day care facilities, or child day care centers as accessory uses to a church or school. Type "B" facilities permit a maximum of six children and do not require a Certificate of Zoning Clearance or a license, while Type "A" facilities permit a maximum of twelve children, require a Certificate of Zoning Clearance, and are licensed by the Ohio Department of Job and Family Services. The site is within the planning area of *The North Central Plan (2002)*, which proposes single-unit residential uses for this location. Since the primary use of the property will still be a single-unit dwelling, Staff has no objection to the requested Type "A" home day care use which must comply with Ohio Revised Code requirements, and be licensed and inspected by the Ohio Department of Job and Family Services.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3312.49, Minimum numbers

of parking spaces required; of the Columbus City codes, for the property located at **1601 EAST TWELFTH AVENUE (43211)**, to permit a Type "A" home day care facility for a maximum of twelve children within an existing single-unit dwelling with reduced parking in the R-3, Residential District **and to declare an emergency** (Council Variance # CV12-021).

WHEREAS, by application #CV12-021, the owner of the property at **1601 EAST TWELFTH AVENUE (43211)**, is requesting a Variance to permit a Type "A" home day care facility to operate within an existing single-unit dwelling with reduced parking in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 Residential District, permits only Type "B" home day care facilities, or child day care centers as accessory uses to a church or school, while the applicant proposes to operate a Type "A" home day care facility for a maximum of twelve children within an existing single-unit dwelling in the R-3, Residential District; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires one (1) parking spaces per five hundred (500) square feet of day care facility space, while the applicant proposes zero (0) parking spaces for the Type "A" home day care facility, and instead requests that the existing driveway serving the detached garage be used for parking when needed; and

WHEREAS, this variance will allow a Type "A" home day care facility to operate within an existing single-unit dwelling in the R-3, Residential District; and

WHEREAS, the North Central Area Commission recommends approval; 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 **1601 EAST TWELFTH AVENUE (43211)**, in using said property as desired and

WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

SECTION 1. That a variance from the provisions of Sections 3332.035, R-3, Residential District; and 3312.49, Minimum numbers of parking spaces required; of the City codes for the property located at **1601 EAST TWELFTH AVENUE (43211)**, insofar as said sections prohibit a Type "A" home day care facility for a maximum of twelve children within an existing single-unit dwelling with no parking spaces for the day care use; said property being more particularly described as follows:

1601 EAST TWELFTH AVENUE (43211), being 0.12± acres located at the southeast corner of East Twelfth Avenue and Lee 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 Number Forty-One (41) of LEA CREST ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, page 38, Recorder's Office, Franklin County, Ohio.

Property Address: 1601 East Twelfth Avenue, Columbus, OH 43211
Franklin County Parcel # 010-126430

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a Type "A" home day care facility for up to twelve children in conjunction with a single-unit dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

~~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.