



## Legislation Details (With Text)

**File #:** 0127-2008      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/14/2008      **In control:** Zoning Committee

**On agenda:** 2/4/2008      **Final action:** 2/6/2008

**Title:** To grant a Variance from the provisions of Sections 3333.025, AR-2, Apartment Residential District Use, of the Columbus City codes, for the property located at 950 CALDWELL PLACE (43205), to permit a child daycare in the AR-2, Apartment Residential District.(Council Variance #CV07-044)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0127-2008Attachments.pdf, 2. ORD0127-2008lbs.pdf, 3. City Council Data Form\_CV07-044.pdf

Date	Ver.	Action By	Action	Result
2/6/2008	1	MAYOR	Signed	
2/6/2008	1	CITY CLERK	Attest	
2/4/2008	1	COUNCIL PRESIDENT	Signed	
2/4/2008	1	Zoning Committee	Approved	Pass
1/28/2008	2	Columbus City Council	Read for the First Time	
1/18/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
1/17/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
1/16/2008	1	Dev Zoning Drafter	Sent for Approval	
1/15/2008	1	Dev Zoning Reviewer	Reviewed and Approved	
1/15/2008	1	Dev Reviewer	Reviewed and Approved	
1/14/2008	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV07-044**

**APPLICANT:** The Neighborhood House, Inc; c/o Allen Huff; 1000 Atcheson Street; Columbus, OH 43203.

**PROPOSED USE:** Child daycare.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant is requesting a Council Variance to allow a child daycare in an existing building in the AR-2, Apartment Residential District. A Council variance is necessary because the AR-2, Apartment Residential District does not permit child daycare uses though they are permitted in the AR-3, AR-4 and AR-O, Apartment Residential Districts. The proposed child daycare will be located a building accessory to a high density residential complex. Staff finds this use to be in keeping with the character of the area and that it will provide a service to the community.

To grant a Variance from the provisions of Sections 3333.025, AR-2, Apartment Residential District Use, of the Columbus City codes, for the property located at **950 CALDWELL PLACE (43205)**, to permit a child daycare in the AR-2, Apartment Residential District. (Council Variance #CV07-044)

**WHEREAS**, by application No. CV07-044, the owner of property at **950 CALDWELL PLACE (43205)**, is requesting a Council Variance to permit a child daycare in the AR-2, Apartment Residential District; and

**WHEREAS**, Section 3333.025, AR-2, Apartment Residential District Use, does not permit child daycares, while the applicant proposes to utilize an existing building for child daycare at this site; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval and note a hardship exists because a Council variance is necessary because the AR-2, Apartment Residential District does not permit child daycare uses though they are permitted in the AR-3, AR-4 and AR-O, Apartment Residential Districts. The proposed child daycare will be located in a building accessory to a high density residential complex. Staff finds this use to be in keeping with the character of the area and that it will provide a service to the community; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **950 CALDWELL PLACE (43205)**, 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 Sections 3333.025, AR-2, Apartment Residential District use; for the property located at **950 CALDWELL PLACE (43205)**, insofar as said sections prohibit a child daycare; said property being more particularly described as follows:

**950 CALDWELL PLACE (43205)**, being 1.1± acre located on the north side of Caldwell Place, 760± feet west of Bolivar Street, and being more particularly described as follows:

Legal Description of Proposed The Neighborhood  
House Inc. Child Care Facilities

Situated in the City of Columbus, County of Franklin and State of Ohio and known as being part of sub lots 30 thru 37 of the Dewitt C. Jones Northeastern addition to the City of Columbus PBZ-328; also part of sub lots 68, 67. and 66 of the Panhandle addition PBZ-226 being bounded and described as follows:

Beginning at the center line intersection of Felton Avenue 56 feet wide with the center line of Caldwell Street 60 Feet wide;

Thence N 04 26' 45" W 28.0 feet along the center line of said Caldwell Street to a point of curve on the projected Northerly line of said Felton Avenue;

Thence N 34 56' 45" E 577.73 feet long a chord of a curve deflecting right with an arc length 609.91 and a radius 569.15 to a point on the center line of said Caldwell Street;

Thence N 24 33' 15" W 30.00 feet along a radial to the Northerly line of said Caldwell Street to a point said point beginning the point of beginning of lands intended to describe herein;

Thence N 24 33'15"W, 105.00 feet along said radial line to a point;

Thence N 79 56' 45" E 352.61 feet, along a chord of a curve deflecting to the right with an arc length of 356.40 and a radius of 704.15 to a point;

Thence S 85 33" 15" E 33.00 feet, to a point;

Thence S 04 26' 45"W 105.00 feet to a point on the northerly line of said Caldwell street;

Thence N 85 33' 15" W 33.00 feet, along said northerly line of Caldwell street to a point;

Thence S 79 56' 45" W 300.03 feet, along a chord of a curve deflecting left with an arc length of 303.26 and a radius of 599.15 to the place of beginning and containing 1.14 acres of land according to a survey made in December 2007 by Bemba K. Jones, Ohio Registered Surveyor #7343, for Bemba K. Jones & Associates, Inc.

The Meridian for all bearings in this description is Ohio State Plan coordinate system, south Zone.

**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 daycare, or those uses permitted in the AR-2, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on 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.