



Legislation Details (With Text)

File #: 2798-2014 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/18/2014 **In control:** Zoning Committee

On agenda: 12/8/2014 **Final action:** 12/10/2014

Title: To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.21, Building lines; 3332.25(B), Maximum side yards required; and 3332.26(C)(2), Minimum side yard permitted, of the Columbus City Codes; for the property located at 923 EAST LONG STREET (43205), to permit a Type "A" home day care facility with reduced development standards in the R-2F, Residential District (Council Variance # CV14-046).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD2798-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20141208

Date	Ver.	Action By	Action	Result
12/10/2014	1	CITY CLERK	Attest	
12/9/2014	1	MAYOR	Signed	
12/8/2014	1	COUNCIL PRESIDENT	Signed	
12/8/2014	1	Zoning Committee	Waive the 2nd Reading	Pass
12/8/2014	1	Zoning Committee	Approved	Pass

Council Variance Application: CV14-046

APPLICANT: Capital City Holdings LLC; c/o Thomas F. Kibbey, Atty.; 41 South High Street, 2000 Huntington Center; Columbus, Ohio 43215.

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

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a two-unit dwelling zoned in the R-2F, Residential District. The requested Council variance will allow conversion of the structure to a single-unit dwelling with a Type "A" home day care to serve the applicant's tenants residing in nearby Scholar House, which offers affordable housing for young parents pursuing a college education. The R-2F district permits only Type "B" home day care facilities, or child day care centers as accessory uses to a religious facility 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 located within the planning area of the *Near East Area Plan* (2005), which recommends higher-density residential and mixed-use development for this location. The proposed Type "A" home day care facility is consistent with the Plan's land use recommendation for mixed use development, and will result in the re-use of an existing historic building. Staff has no objection to the requested Type "A" home day care facility which must comply with Ohio Revised Code requirements and be inspected by the Ohio Department of Job and Family Services. Variances for minimum number of parking spaces and to conform the dwelling's existing conditions are

included in the request.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.21, Building lines; 3332.25(B), Maximum side yards required; and 3332.26(C)(2), Minimum side yard permitted, of the Columbus City Codes; for the property located at **923 EAST LONG STREET (43205)**, to permit a Type "A" home day care facility with reduced development standards in the R-2F, Residential District (Council Variance # CV14-046).

WHEREAS, by application No. CV14-046, the owner of the property at **923 EAST LONG STREET (43205)**, is requesting a Council Variance to permit a Type "A" home day care with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, Residential District, permits only Type "B" home day care facilities, or child day care centers as accessory uses to a religious facility or school, while the applicant proposes to operate a Type "A" home day care facility for a maximum of twelve children within a single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two (2) parking spaces for the single-unit dwelling use and one (1) parking space per five hundred (500) square feet of day care facility space, a total requirement of nine (9) spaces, while the applicant proposes zero (0) parking spaces because the parties utilizing the day care is intended to be limited to residents of the nearby Scholar House, and parking is available on those properties; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-2F, Residential District, while the applicant proposes to maintain a lot width of 43.75 feet; and

WHEREAS, Section 3332.21, Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain a building line of 8.9 feet along East Long Street as shown on the Site Plan; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be twenty (20) percent of the lot width, or 8.75± feet for a lot width of 43.75 feet, while the applicant proposes a maximum side yard of 14.7± percent of the lot width, a total of 6.45± feet; and

WHEREAS, Section 3332.26(C)(2), Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes a minimum side yard of 1.7± feet along the east property line and 4.75± feet along the west property line; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed Type "A" home day care facility is consistent with the *Near East Area Plan's* land use recommendation for mixed use development, and will result in the re-use of an existing historic building. Staff has no objection to the requested Type "A" home day care facility which must comply with Ohio Revised Code requirements, and be inspected by the Ohio Department of Job and Family Services; 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 owner of the property located at **923 EAST LONG STREET (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 3332.037, R-2F, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.21, Building lines; 3332.25(B), Maximum side yards required; and 3332.26(C)(2), Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **923 EAST LONG STREET (43205)**, insofar as said sections prohibit a Type "A" home day care facility within a single-unit dwelling in the R-2F, Residential District, with a parking space reduction from nine (9) required spaces to zero (0) spaces, a lot width of 43.75 feet, a reduction in the required building setback line from ten (10) feet to 8.9 feet, a reduction in the maximum side yards from 8.75± feet to 6.45 feet, and a reduction in the minimum side yard from five (5) feet to 1.7± feet along the east property line and 4.75± feet along the west property line; said property being more particularly described as follows:

923 EAST LONG STREET (43205), being 0.21± acres located on the south side east of East Long Street 142± feet east of North Seventeenth Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Two (2) of Knight, Noble and English's Subdivision of a part of Half-Section No. 13, Township No. 5, Range No. 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, Page 155, Recorder's Office, Franklin County, Ohio.

Permanent Parcel No.: 010-017390

Street Address: 923 E. Long Street, Columbus, OH 43203

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-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the site plan titled, "**INTERIOR ALTERATION & ADDITION TO: 923-925 EAST LONG STREET**," drawn by UrbanOrder Architecture, dated November 14, 2014, and signed Steven Hurtt, Architect. 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 adjustment to the plans shall be reviewed and may be approved 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 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.