



## Legislation Details (With Text)

**File #:** 2624-2015      **Version:** 1

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

**File created:** 10/14/2015      **In control:** Zoning Committee

**On agenda:** 11/2/2015      **Final action:** 11/4/2015

**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 child day care center or a Type "A" home day care facility with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 2798-2014, passed on December 8, 2014 (Council Variance # CV15-038).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2624-2015Attachments, 2. Notice Of Public Hearing - Council Mtg20151102

| Date       | Ver. | Action By             | Action                  | Result |
|------------|------|-----------------------|-------------------------|--------|
| 11/4/2015  | 1    | CITY CLERK            | Attest                  |        |
| 11/4/2015  | 1    | MAYOR                 | Signed                  |        |
| 11/2/2015  | 1    | COUNCIL PRESIDENT     | Signed                  |        |
| 11/2/2015  | 1    | Zoning Committee      | Approved                | Pass   |
| 10/26/2015 | 1    | Columbus City Council | Read for the First Time |        |

**Council Variance Application: CV15-038**

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

**PROPOSED USE:** Child day care center or a Type "A" home day care facility.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a vacant dwelling zoned in the R-2F, Residential District, and is subject to Ordinance No. 2798-2014, passed on December 8, 2014 (Council Variance # CV14-046), which permitted the structure to be used as a single-unit dwelling with a Type "A" home day care. The requested Council variance will permit the structure to be used as a child day care center, but will retain the ability for Type "A" home day care to be established to give the applicant more flexibility. The proposed day care facility will serve the applicant's tenants residing in nearby Scholar House, which offers affordable housing for young parents pursuing 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. 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 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. Variances for minimum number of parking spaces and for the building'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 child day care center or a Type "A" home day care facility with reduced development standards in the R-2F, Residential District, and to repeal Ordinance No. 2798-2014, passed on December 8, 2014 (Council Variance # CV15-038).

**WHEREAS**, by application No. CV15-038, 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 child day care center or a Type "A" home day care facility within an existing dwelling, or a commercial child day care center; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires one (1) parking space per five hundred (500) square feet of day care facility space, and two (2) parking spaces for a single-unit dwelling, for a total requirement of seven (7) spaces for a day care facility, and nine (9) spaces for a Type "A" home day care facility, while the applicant proposes zero (0) parking spaces because the parties utilizing the day care will 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± 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 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; 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 child day care center or Type "A" home day care facility within a dwelling unit in the R-2F, Residential District, with a parking space reduction from the maximum requirement of nine (9) 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 child day care center ,or 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 September 1, 2015, and signed by 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.

**SECTION 6.** That Ordinance No. 2798-2014, passed on December 8, 2014, be and is hereby repealed.