



## Legislation Text

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**File #: 0403-2005, Version: 1**

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**Council Variance Application: CV04-012**

**APPLICANT:** Khristy A. Stires; 1478 Wilson Avenue; Columbus, Ohio 43206.

**PROPOSED USE:** Child day care center.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow the conversion of a nonconforming office building into a child day care center on the rear of a lot developed with a single-family dwelling in the R-4, Residential District. Variances include building and parking setbacks and yard standards. The site is within the planning area of *The Near Southside Plan* (1997), which recommends commercial development in contiguous locations along Frebis Avenue. This site is located within close proximity to other commercial uses across Frebis Avenue.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District, 3332.21, Building lines; 3332.24, Minimum side yard permitted; 3332.25, Maximum side yard required; 3342.08, Driveway; 3342.18, Parking setback line; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes for the property located at **1014 FREBIS AVENUE (43206)**, to permit a child day care center with reduced development standards on the rear of a lot developed with a single-family dwelling in the R-4, Residential District (Council Variance # CV04-012).

**WHEREAS**, by application #CV04-012, the owner of the property at **1014 FREBIS AVENUE (43206)**, is requesting a Variance to permit a child day care center on the rear of a lot developed with a single-family dwelling in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential District, permits child day care only as an accessory use to a church or school, while the applicant proposes to use a non-conforming office structure on the rear of a lot that includes a single-family dwelling as a child day care; and

**WHEREAS**, Section 3332.21, Building lines, requires the setback to be twenty-five (25) feet, while the applicant proposes to maintain existing building lines along Frebis Avenue of fifteen and one-half (15.5) feet for the day care building and twenty-three (23) feet for the single-family dwelling; and

**WHEREAS**, Section 3332.24, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes a three and one-half (3.5) foot side yard along the north property line to allow for parking and maneuvering; and

**WHEREAS**, Section 3332.25, Maximum side yard permitted, requires the sum of the widths of each side yard to equal 20% of the lot width or not more than sixteen (16) feet, while the applicant proposes a maximum side yard of eleven and one-half (11.5) feet for the new parking lot; and

**WHEREAS**, Section 3342.08, Driveway, requires commercial driveways to have a minimum width of twenty (20) feet, while the applicant proposes a twenty (20) foot driveway at the entrance from Frebis Avenue for a distance of 49.9± feet narrowing to varying widths of sixteen (16) feet to ten (10) feet around the existing single-family dwelling and at the exit point on Wilson Avenue; and

**WHEREAS**, Section 3342.18, Parking setback line, requires a parking setback line of twenty-five (25) feet, while the applicant proposes a parking setback line of eight (8) feet along Frebis Avenue; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per classroom but in no case less than six (6) parking spaces for a child day care, while the applicant proposes to provide five (5) parking spaces; and

**WHEREAS**, this variance will allow a child day care center with reduced development standards on the rear of a lot developed with a single-family dwelling in the R-4, Residential District; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow the conversion of a nonconforming office building into a child day care center on the rear of a lot developed with a single-family dwelling in the R-4, Residential District. Variances include building and parking setbacks and yard standards. The site is within the planning area of *The Near Southside Plan* (1997), which recommends commercial development in contiguous locations along Frebis Avenue. This site is located within close proximity to other commercial uses across Frebis Avenue; 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 **1014 FREBIS AVENUE (43206)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Sections 3332.039, R-4, Residential District; 3332.21, Building lines; 3332.24, Minimum side yard permitted; 3332.25, Maximum side yard required; 3342.08, Driveway; 3342.18, Parking setback line; and 3342.28, Minimum number of parking spaces required; of the City codes for the property located at **1014 FREBIS AVENUE (43206)**, insofar as said sections prohibit a child day care center on the rear of a lot developed with a single-family dwelling, with building lines along Frebis Avenue of fifteen and one-half (15.5) feet for the day care building and twenty-three (23) feet for the single-family dwelling, a minimum side yard of three and one-half (3.5) feet, a maximum side yard of eleven and one-half (11.5) feet, a driveway less than twenty (20) feet wide, a parking setback of eight (8) feet along Frebis Avenue, and a parking space reduction from 6 required spaces to 5 spaces; said property being more particularly described as follows:

**1014 FREBIS AVENUE (43206)**, being 0.34± acres located at the northeast corner of Frebis and Wilson Avenues, 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 Seventy-nine (79) of the EDGEWOOD ACRES SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 444, Recorder's Office, Franklin County, Ohio, EXCEPT Seven and one-half (7 ½) feet off of the East End thereof.

**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 on the rear of a lot developed with a single-family dwelling, or those uses permitted in the R-4, 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.