



Legislation Text

File #: 0473-2012, Version: 2

Council Variance Application: CV11-031

APPLICANT: Ramla Jama; 4279 Golden Gate Square East Apt. G; Columbus, OH 43224.

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

NORTH EAST AREA COMMISSION RECOMMENDATION: ~~Disapproval~~ **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. The applicant had originally requested to convert the dwelling into a day care center for 40 children, but after initial recommendations of disapproval were received from Staff, the proposal was revised to the less-intense Type "A" home day care facility. The site is within the planning area of *The Northeast Area Plan (2007)*, which proposes low density 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 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 **2363 EHRING ROAD (43211)**, to permit Type "A" home day care facility for a maximum of 12 children within an existing single-unit dwelling with reduced parking in the R-3, Residential District (Council Variance # CV11-031).

WHEREAS, by application #CV11-031, the owner of the property at **2363 EHRING ROAD (43211)**, is requesting a Variance to permit a Type "A" home day care facility to operate within an existing single-unit dwelling 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 12 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 East Area Commission recommends ~~disapproval of the original day care center proposal for 40 children, but did not consider the Type "A" home day care proposal~~; and

WHEREAS, City Departments recommend approval because the primary use of the property will still be a single-unit dwelling, and Staff has no objection to the requested Type "A" home day care use 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 owners of the property located at **2363 EHRING ROAD (43211)**, 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 3332.035, R-3, Residential District; and 3312.49, Minimum numbers of parking spaces required; of the City codes for the property located at **2363 EHRING ROAD (43211)**, insofar as said sections prohibit Type "A" home day care facility for a maximum of 12 children within an existing single-unit dwelling with no parking spaces for the day care use; said property being more particularly described as follows:

2363 EHRING ROAD (43211), being 0.12± acres located on the south side of Ehring Road, 301± feet east of Woodland 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 Thirty (30) in FLORENCE'S SUNNYSIDE ADDITIONION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, page 344, Recorder's Office, Franklin County, Ohio.

Excepting therefrom the following:

Situated in the state of Ohio, county of Franklin, city of Columbus, and a portion of the lot number Thirty (30) in Sunnyside Addition Subdivision, plat book 10, pages 344 and 345, recorder's office, Franklin County, Ohio, and as said lot no. 30 was conveyed to Dayspring Christian Community Development Corporation of Official records Volume 31776, page B10, recorder's office, Franklin county, Ohio, said tract of land being bounded and described as follows:

Beginning at a point in the south right of way line of Ehring road and the northeast corner of said lot no. 30, said point being the True point of beginning of the herein tract to be described:

Thence south 04 degree 30' 00" west leaving the south right of way line of Ehring road along the east line of said lot no. 30, a distance of 25.00 feet to a point in the east line of said lot no. 30;

Thence North 85 degree 42' 00" West parallel with and 25.00 feet southerly by perpendicular measurement from the south right of way line of Ehring Road, a distance of 45.50 feet to a point in the west line of said lot no.30;

Thence North 04 degree 30' 00" East along the west line of said lot No. 30, a distance of 25.00 feet to a point in the south right of way line of Ehring road and the northwest corner of said lot No. 30;

Thence south 85 degree 42' 00" East along the south right of way line of Ehring Road, a distance of 45.50 feet to the True point of beginning of the herein tract described, containing 1137.50 Square feet (0.026 acres) of land, more or less.

The above description was prepared by William Edward Chaffin, Ohio surveyor No. 7559 of Harry L. Greene, Engineering and surveying, Columbus, Ohio, from the best available court house records in March, 1997, and not from an actual field survey. Basis of bearings is the centerline of Ehring road, being South 85 degree 42' 00" East, as shown of record in plat Book 10, pages 344 and 345, recorder's office, Franklin County, Ohio.

Property Address: 2363 Ehring Road, Columbus, OH 43211

Franklin County Parcel # 010-234991

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 is further conditioned upon the following: Any bus or other commercial vehicle used to transport children for the Type "A" home day care facility is not permitted to be parked on-site.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.