



Legislation Text

File #: 0929-2016, **Version:** 1

Council Variance Application: CV15-047

APPLICANT: Barbara Burden; 1125 Linwood Avenue; Columbus, Ohio 43206.

PROPOSED USE: Type "A" home day care facility within a single-unit dwelling.

COLUMBUS SOUTHSIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling zoned in the R-4, Residential District. The applicant proposes a Type "A" day care facility within her home. The R-4 district permits only Type "B" day care facilities within a home, 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 *Southside Plan* (2014), which recommends medium-density mixed 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 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. The property is also the subject of a 1995 Board of Zoning Adjustment variance (V95-025) which permitted a room addition with a reduced rear yard, and that variance is also being carried over into this request.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.21, Building lines; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1125 LINWOOD AVENUE (43206)**, to permit a Type "A" home day care facility with reduced development standards in the R-4, Residential District (Council Variance # CV15-047).

WHEREAS, by application No. CV15-047, the owner of the property at **1125 LINWOOD AVENUE (43206)**, is requesting a Council Variance to permit a Type "A" home day care with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, 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 six (6) spaces, while the applicant proposes to maintain two (2) parking spaces; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet,

while the applicant proposes to maintain a lot width of 35.5 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 approximately four (4) feet along Reinhard Avenue; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes to maintain a rear yard of nine (9) percent; and

WHEREAS, the Columbus Southside Area Commission recommends approval; 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 (if required) 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 **1125 LINWOOD AVENUE (43206)**, 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 3332.039, R-4, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.21, Building lines; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1125 LINWOOD AVENUE (43206)**, insofar as said sections prohibit a Type "A" home day care facility within a single-unit dwelling in the R-4, Residential District, with a parking space reduction from six (6) required spaces to two (2) spaces, a lot width reduction from fifty (50) feet to 35.5 feet, a reduction in the required building setback line from ten (10) feet to approximately four (4) feet along Reinhard Avenue, and a reduction in the rear yard from twenty-five (25) percent to nine (9) percent; said property being more particularly described as follows:

1125 LINWOOD AVENUE (43206), being 0.10± acres located at the northwest corner of Linwood and Reinhard Avenues, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number Twenty-Seven (27) in Ranft Terrace Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, page 25, Recorder's Office, Franklin County, Ohio.

Permanent Parcel No.: 010-069360

Street Address: 1125 Linwood Avenue, Columbus, Ohio 43206

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-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy (if required) 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.