



## Legislation Details (With Text)

**File #:** 0907-2024      **Version:** 1

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

**File created:** 3/21/2024      **In control:** Zoning Committee

**On agenda:** 4/8/2024      **Final action:** 4/10/2024

**Title:** To grant a Variance from the provisions of Sections 3332.027, RR, rural residential district; 3312.21(D)(1), Landscaping and screening; and 3332.05(A)(2), Area district lot width requirements, of the Columbus City Codes; for the property located at 4295 CLEVELAND AVE. (43224), to allow a daycare center with reduced development standards in the RR, Rural Residential District, and to repeal Ordinance #1999-96 (CV96-057), passed September 16, 1996 (Council Variance #CV23-081).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0907-2024.Attachments, 2. ORD0907-2024.Labels

Date	Ver.	Action By	Action	Result
4/10/2024	1	CITY CLERK	Attest	
4/9/2024	1	MAYOR	Signed	
4/8/2024	1	Zoning Committee	Waive the 2nd Reading	Pass
4/8/2024	1	Zoning Committee	Approved	Pass
4/8/2024	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
4/8/2024	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
4/8/2024	1	COUNCIL PRESIDENT	Signed	

### Council Variance Application CV23-081

**APPLICANT:** Dua Magan; 5735 Catchfly Road; Westerville, OH 43081.

**PROPOSED USE:** Daycare center.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a former beauty salon in the RR, Rural Residential District. The requested Council variance will allow for the existing building to be re-purposed as a daycare center. A Council variance is required because the RR district only allows daycare centers when accessory to a school or religious facility use. The site is within the planning boundaries of the *Northland I Area Plan* (2014), which recommends "Office" land uses at this location. Staff supports the proposed use as no major alterations will be made to the site and it is generally consistent with the Plan's recommended land use.

To grant a Variance from the provisions of Sections 3332.027, RR, rural residential district; 3312.21(D)(1), Landscaping and screening; and 3332.05(A)(2), Area district lot width requirements, of the Columbus City Codes; for the property located at **4295 CLEVELAND AVE. (43224)**, to allow a daycare center with reduced development standards in the RR, Rural Residential District, and to repeal Ordinance #1999-96 (CV96-057), passed September 16, 1996 (Council Variance

#CV23-081).

**WHEREAS**, by application #CV23-081, the owner of the property at **4295 CLEVELAND AVE. (43224)**, is requesting a Council variance to allow a daycare center with reduced development standards in the RR, Rural Residential District; and

**WHEREAS**, Section 3332.027, RR, rural residential district, does not allow a daycare center as a primary use, while the applicant proposes to convert the existing building into a daycare center; and

**WHEREAS**, Section 3312.21(D)(1), Parking lot screening, requires headlight screening of a parking lot along a public street, and requires screening of a parking lot within 80 feet of residentially zoned property, while the applicant proposes to not provide such screening and to maintain existing conditions; and

**WHEREAS**, Section 3332.05(A)(2), Area district lot width requirements, requires a minimum lot width of 80 feet in the RR, Rural Residential District, while the applicant proposes to maintain a reduced lot width of 79± feet; and

**WHEREAS**, City Departments recommend approval because the proposal is generally consistent with the *Northland I Area Plan*'s land use recommendation, and no major alterations are being made to the site; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed daycare 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 **4295 CLEVELAND AVE. (43224)**, in using said property as desired; now, therefore;

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.027, RR, rural residential district; 3312.21(D)(1), Landscaping and screening; and 3332.05(A)(2), Area district lot width requirements; of the Columbus City Codes; for the property located at **4295 CLEVELAND AVE. (43224)**, insofar as said sections prohibit daycare centers in the RR, Rural Residential District; with no parking lot landscaping or screening; and a reduced minimum lot width from 80 feet to 79 feet; said property being more particularly described as follows:

**4295 CLEVELAND AVE. (43224)**, being 0.55± acres located on the west side of Cleveland Avenue, 950± feet south of Morse Road:

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

Being 80 feet or approximately the south half of the following described premises:

Beginning at a point in the center of Cleveland Avenue 247.9 feet north of the Southeast corner of the above mentioned 27 acre tract; Thence N 86° 12' W parallel with the South line of said tract; 342 feet to an iron pin, passing an iron pin on line at 30 feet in the West line of Cleveland Avenue; Thence N. 4 ° 0' E. 159.21 feet, parallel with the center of Cleveland Avenue, to an iron pin; Thence S. 86° 12' E. parallel with the South line of the above mentioned 27 acre tract, 342 feet to a point in the center of the Cleveland Avenue, passing an iron pin on line in the West line of Cleveland Avenue at 312

feet; Thence S. 4° 0' W. 159.21 feet to the place of beginning, containing 1.25 acres, and being part of a 27 acre tract belonging to Marguerite P. Walcutt and Roscoe R. Walcutt. The premises herein conveyed fronting 80 feet on Cleveland Avenue.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a daycare center, in accordance with the submitted site plan, or those uses allowed in the RR, Rural Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**SITE PLAN**", dated March 15, 2024, and signed by Faduma Hasan, Property Owner. 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 adjustments to the plan shall be subject to review and approval 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed daycare 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 #1999-96 (CV96-057), passed September 16, 1996, be and is hereby repealed.