



## Legislation Text

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**File #:** 1153-2018, **Version:** 1

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### **Council Variance Application: CV18-011**

**APPLICANT:** Catherine Odom; 3490 Liv-Moor Drive; Columbus, OH 43227.

**PROPOSED USE:** Non-accessory child day care center within a religious facility.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of 15 parcels zoned SR, Suburban Residential and developed with a religious facility. The applicant proposes a child day care center within the religious facility. A Council variance is required because the proposed child day care center is considered to be a non-accessory use because it will not be operated by the religious facility. The SR district only permits child day care centers as accessory uses to religious facility uses. The site is within the boundaries of the *Livingston East Area Plan* (2009), which recommends institutional land uses at this location. Staff supports the requested variance because the proposed day care center is consistent with the Plan's institutional use recommendation and does not add incompatible uses to the neighborhood.

To grant a Variance from the provisions of Section 3332.029, SR suburban residential district, of the Columbus City Codes; for the property located at **3330 SCOTTWOOD ROAD (43227)**, to permit a non-accessory child day care facility in the SR, Suburban Residential District (Council Variance # CV18-011).

**WHEREAS**, by application # CV18-011, the owner of the property at **3330 SCOTTWOOD ROAD (43227)**, is requesting a Council Variance to permit a non-accessory child day care facility in the SR, Suburban Residential District; and

**WHEREAS**, Section 3332.029, SR suburban residential district, permits child day care centers as accessory uses to a religious facility or school, while the applicant proposes to operate a non-accessory child day care center within a religious facility; and

**WHEREAS**, City Departments recommend approval because the proposed child day care center is consistent with the institutional land use recommendation of the *Livingston East Area Plan* and will not add incompatible uses to the neighborhood; 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 **3330 SCOTTWOOD ROAD (43227)**, 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 Section 3332.029, SR suburban residential district, of the Columbus City Codes, is hereby granted for the property located at **3330 SCOTTWOOD ROAD (43227)**, insofar as said section prohibits a child day care center when not an accessory use to a religious facility in the SR, Suburban Residential District; said property being more particularly described as follows:

**3330 SCOTTWOOD ROAD (43227)**, being 2.58± acres located at the northeast corner of Scottwood and Barnett Roads, and being more particularly described as follows:

Parcel 1:

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

Being Lots 92 through 109, inclusive of LIV-MOOR HEIGHTS NO. 3, and that tract shown on the plat of said Liv-Moor Heights No. 3 as Liv-Moor Drive, which tract is more fully described as being that part of Liv-Moor Drive from the North Line of Scottwood Road to the Northern Terminus of said Liv-Moor Drive, said part of Liv-Moor Drive having been vacated by action of the council of the City of Columbus in Ordinance No. 777-57, which ordinance was passed and approved June 3, 1957, as said Lots and said Tract are numbered and delineated upon the recorded plat thereof, of record in Plat Book 28, Pages 36 and 37, Recorder's Office, Franklin County, Ohio.

H-130-CC

ALL OF (010) 107345, 107346, 107347, 107348, 107349, 107350, 107351, 107352, 107353, 107354, 107355, 107356 107357, 107358, 107359.

Commonly known as: 3330 Scottwood Rd. Cols OH 43227.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a non-accessory child day care center, or those uses permitted in the SR, Suburban Residential District.

**SECTION 3.** That this ordinance is further conditioned on 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.