



Legislation Text

File #: 2741-2018, **Version:** 1

Council Variance Application: CV18-068

APPLICANT: Marillian LLC; c/o Jackson B. Reynolds, III, Atty.; 37 West Broad Street; Columbus, OH 43215.

PROPOSED USE: Daycare center.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a vacant funeral home located on four parcels. Three parcels are zoned in the C-4, Commercial District and one is zoned in the RRR, Residential District. A variance is requested to permit a daycare center in the RRR, Restricted Rural Residential District. The applicant intends to repurpose the existing building for this use which is permitted in the portions of the building located within the C-4 district. The site is within the planning area of the *Clintonville Area Plan* (2009), which recommends "Mixed Use" for this location. The reuse of the site for a daycare center is consistent with the Plan's land use recommendation.

To grant a Variance from the provisions of Section 3332.025, RRR, restricted rural residential district of the Columbus City Codes; for the property located at **40 WALHALLA ROAD (43202)**, to permit a daycare center in the RRR, Restricted Rural Residential District (Council Variance #CV18-068).

WHEREAS, by application #CV18-068, the owner of the property at **40 WALHALLA ROAD (43202)**, is requesting a Council Variance to permit a daycare center in the RRR, Restricted Rural Residential District; and

WHEREAS, Section 3332.025, RRR, restricted rural residential district, does not permit a daycare center as a primary use, while the applicant proposes converting an existing building that is partially in the RRR, Restricted Rural Residential District into a daycare center; and

WHEREAS, City Departments recommend approval of the requested Council variance, noting the proposed daycare center will be located primarily within the adjacent C-4, Commercial District, and that the request is consistent with the "Mixed Use" land use recommendations of the *Clintonville Area Plan*; 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 **40 WALHALLA ROAD (43202)**, 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 3332.025, RRR, restricted rural residential district of the Columbus City Codes, is hereby granted for the property located at **40 WALHALLA ROAD (43202)**, insofar as said section prohibits a daycare center as a primary use in the RRR, Restricted Rural Residential District; said property being more particularly described as follows:

40 WALHALLA ROAD (43202), being 0.35± acres located at the southeast corner of Walhalla Road and North High Street, and being more particularly described as follows:

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

PARCEL I

Beginning at a point in the east line of the property now owned by Raymond L. Southwick on the northeast corner of High Street and Walhalla Road in the City of Columbus, Ohio 5.9 feet north of Walhalla Road; thence in the northerly direction 124 feet more or less to a point 111.85 feet south of California Avenue; thence easterly 200 feet more or less to a point in the west line of land owned by Lorenza D. and Dott E. Garner, 111 feet south of California Avenue; thence southerly 97.02 feet more or less along the west line of said Garner tract to a point 18 feet north of Walhalla Road; thence westerly 196 feet more or less to the place of beginning.

PARCEL V

Being a strip or parcel of ground in WALHALLA PARK PLACE, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 9, page 16, Recorder's Office, Franklin County, Ohio and lying wholly south of the Old North M.E. Burying ground and north of Walhalla Road, more fully described as follows, to wit:

Beginning at the southwest corner of Lot No. 46 in said addition; thence along the west line of Lot No. 46 in a northerly direction to the southeast corner of said burial ground; thence along the south line of said burial ground in a westerly direction 196 feet to a point in the west line of said burial ground; thence in a southerly direction 5.90 feet to the north line of Walhalla Road; thence following the north line of Walhalla Road in the easterly direction, 123.30 feet to a point; thence following the north line of Walhalla Road in an easterly direction, 74.43 feet to the place of beginning, and being all the land lying between said burial ground and Walhalla Road.

EXCEPTING THEREFROM, THE FOLOWING DESCRIBED LAND FROM THE ABOVE-DESCRIBED PARCELS:

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 10, of Section 2, Township 1, Range 18, United States Military Lands, containing 0.230 acre of land, more or less, said 0.230 acre being part of Parcel I and Parcel V, as said parcels are described in the deed to Robert T. Southwick, of record in Official Records 21906 page F06, said 0.230 acre also being part of an outlot of Walhalla Park Place, a subdivision of record in Plat Book 9, Pages 16 and 17, both being of record in the Recorder's Office, Franklin County, Ohio, said 0.230 acre being more particularly described as follows:

Beginning for reference, at the centerline of North High Street and California Avenue (formerly known as Belmont Avenue), thence South 85 degrees 35' 21" East, with the centerline if said California Avenue, a distance of 432.92 feet to a point, thence South 4 degrees 24' 39" West, a distance of 25.00 feet to a ¾ inch (I.D.) iron pipe found in the southerly right-of-way of said California Avenue, said iron pipe being at the northeasterly corner of that tract of land described in the deed to William R. Good and Susan Rebecca Good, of record in Official Records 02537 page H07, Recorder's Office, Franklin County, Ohio, and at the northwesterly corner of Lot 46 of said Walhalla Park Place, thence South 4 degrees 51' 46" East, with the westerly line of said Lot 46 and with the easterly line of said Good Tract (O.R. 02537H07), a distance of 110.73 feet to a 2 ½ inch diameter metal post found at the southeasterly corner of said Good tract (O.R. 02537H07) the

same being at the northeasterly corner of said Parcel I and the true point of beginning;

Thence, from said true point of beginning South 4 degrees 51' 46" East, with the westerly line of said Lot 46 and with the easterly lines of said Parcel I and Parcel V, a distance of 126.48 feet to a ¾ inch (I.D.) iron pipe set in the northerly right-of-way line of Walhalla Road, said iron pipe being at the southwesterly corner of Lot 46 and the southeasterly corner of said Parcel V;

Thence North 84 degrees 33' 46" West, with the northerly right-of-way line of said Walhalla Road and with a southerly line of said Parcel V, a distance of 74.43 feet to a ¾ inch (I.D.) iron pipe set at an angle point in said right-of-way;

Thence South 86 degrees 37' 58" West, with the northerly right-of-way line of said Walhalla Road and with a southerly line of said Parcel V, a distance of 13.21 feet to a ¾ inch (I.D.) iron pipe set;

Thence North 0 degrees 46' 31' East, crossing said Parcel V and Parcel I, a distance of 123.33 feet to a ¾ inch (I.D.) iron pipe set in the northerly line of said Parcel I, the same being in the southerly line of that tract of land described in the deed to William R. Good and Susan Rebecca Good of record in Deed Book 3300, Page 133, Recorder's Office, Franklin County, Ohio;

Thence South 87 degrees 16' 20" East, with the northerly line of said Parcel I, with the southerly lines of the Good tracts (D.B. 3300, P. 133 and O.R. 02537H07) a distance of 74.98 feet to the true point of beginning and containing 0.230 acre of land, more or less.

Subject to all rights-of-way, easement and restrictions, if any, of previous record.

We hereby state that the foregoing description has been prepared from information obtained from an actual field survey of the premises by Bauer, Davidson & Merchant, Inc. in September of 1998.

The bearings referred to in the hereinabove description are based on the bearing North 10 degrees 32' 00" West, for the easterly right-of-way line of said North High Street as shown on the recorded plat of Walhalla Park Place, of record in Plat Book 6, Pages 16 and 17, Recorder's Office, Franklin County, Ohio.

Real property in the City of Columbus, County of Franklin, State of Ohio, and is described as follows:

Franklin County, Ohio

Parcel Number: 010-037653

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a daycare center, or those uses permitted in the RRR, Restricted Rural 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.