



Legislation Text

File #: 2283-2019, **Version:** 1

Council Variance Application: CV19-065

APPLICANT: Community Montessori School; c/o John A. Gleason, Atty.; 41 South High Street, Suite 3100; Columbus, OH 43215.

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

CITY DEPARTMENTS' RECOMMENDATION: Approval. The subject site is developed with a church in the SR, Suburban Residential District. The applicant proposes to establish an independent child day care use within the building. The Zoning Code provides that a day care use in a residential district must be associated with a school or church and be established in a building occupied by the principal use. While the proposed day care will occupy a portion of the church building, it is not associated with, nor accessory to, the church. The site is located within the planning area of the *Northland I Area Plan* (2014), which recommends "Institutional" 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. Similar Council variances permitting non-accessory daycares within churches have been supported and approved throughout the city.

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 **5400 KARL RD. (43229)**, to permit a non-accessory child day care facility in the SR, Suburban Residential District (Council Variance #CV19-065).

WHEREAS, by application #CV19-065, the owner of property at **5400 KARL RD. (43229)**, 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 *Northland I Area Plan* and will not add incompatible uses to the neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits 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 **5400 KARL RD. (43229)**, 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 **5400 KARL RD. (43229)**, insofar as said section prohibits a child day care center when not an accessory use to a religious facility or school in the SR, Suburban Residential District; said property being more particularly described as follows:

5400 KARL RD. (43229), being 3.9± acres located on the east side of Karl Road, 125± feet north of Sandalwood Place, and being more particularly described as follows:

Situate in the State of Ohio, County of Franklin, City of Columbus and being part of Section 4, Township 2, Range 18, United States Military Lands and being part of Tract No. 2 containing 45.49 acres as described in a Certificate of Transfer of the Estate of Savannah M. Postlewaite conveyed to David M. and William N. Postlewaite, Trustees, et al (3) and of record in Deed Book 2384, Page 261, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a railroad spike in the center line of Karl Road and at the northwesterly corner of the said 45.49 acre tract; thence S. 64° 47' 20" and along the northerly line of said 45.49 acre tract and passing an iron pin on line at 30.00 ft. a distance of 435.00 feet to an iron pin; thence S. 5°44' 40" W. and parallel to the center line of Karl Road a distance of 500.00 ft. to an iron pin; thence N. 84° 47' 20" W. and parallel to the northerly line of the said 45.49 acre tract and passing an iron pin on line at 405.00 ft. a distance of 435.00 ft. to a railroad spike in the centerline of Karl Road; thence N. 5°44' 40" E. and along the centerline of Karl Road, the westerly line of the said 45.49 acre tract a distance of 500.00 to the place of beginning, containing 4.993 acres; subject to all easements and restrictions shown of record, also subject to all legal highways and being the premises conveyed to Ohio Disciples Extension Corporation by Metzger Brothers Company, Inc. by deed recorded in Volume 2514, Page 173 of Franklin County Records, excluding, however, the following described parcel which was conveyed by Ohio Disciples Extension Corporation to the Young Men's Christian Association of Columbus, Ohio by deed recorded in Volume 3642, Page 197 of Franklin County Records:

Situated in the City of Columbus, County of Franklin and State of Ohio, being part of Section 4 in Township 2, Range 18, United States of Military Lands, and being part of that certain parcel of land conveyed to Ohio Disciples Extension corporation by deed from Metzger Brothers Company, Inc., dated October 3, 1963 and recorded in Deed Book 2514, Page 173 of Franklin County, Ohio Records, and being more particularly bounded and described as follows:

Beginning at an iron pin in the intersection of the centerlines of Karl Road and Sandalwood Drive, thence North 5°44' 40" East along said centerline of Karl Road a distance of 183.50 feet;

Thence South 84°47' 35" East along the southerly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid a distance of 287.0 feet to an iron pin, the principal place of beginning;

Thence North 5°44' 40" East along a line parallel to the easterly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid a distance of 206.10 feet to an iron pin;

Thence South 84°47' 35" East along a line parallel to the southerly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid a distance of 148.0 feet to an iron pin in the easterly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid;

Thence South 5°44' 40" West along the easterly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid a distance of 206.10 feet to an iron pin, said iron pin being the southeastern corner of the land conveyed to Ohio Disciples Extension Corporation as aforesaid;

Thence North 84°47' 35" West along the southerly line of the land conveyed to Ohio Disciples Extension Corporation as aforesaid a distance of 148.0 feet to an iron pin, the principal place of beginning.

Containing .7002 acres of land, more or less, and subject to all legal highways as shown by a survey by John Circle, Registration No. 4340 of Worthington, Ohio, on November 21, 1977.

Parcel No. 010-41673

Address: 5400 Karl Road, Columbus, Ohio 43229

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.