



## Legislation Text

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**File #:** 1464-2020, **Version:** 1

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### **Council Variance Application: CV20-018**

**APPLICANT:** Leon Humphries; P.O. Box 9303; Columbus, OH 43209.

**PROPOSED USE:** Expand child day care facility.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels in the R-3, Residential District, one of which is developed with a 1,248 square foot child day care facility permitted by CV78-087. The requested Council variance will allow a 4,470 square foot expansion of the existing day care facility onto the adjacent parcel, and includes the addition of off-street parking spaces. Variances for reduced parking and dumpster setbacks and yards, and a parking space reduction from 12 spaces to 7 spaces are included in this request. The site is within the boundaries of the *Hilltop Land Use Plan C2P2* (2019), which recommends medium to high density residential land uses at this location, and includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). While the Planning Division recommends disapproval of the requested use due to incompatibility with the Plan's land use recommendation, staff finds the proposed expansion of this successful day care facility necessary for it to continue providing a valuable service to the community within a walkable residential neighborhood. Additionally, the site will be developed in accordance with the submitted site plan, which demonstrates sufficient buffering and landscaping from residential uses, and includes the installation of off-street parking and sidewalks along the site's frontages.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1933 VAUGHN ST. (43223)**, to permit the expansion of an existing child day care facility with reduced development standards in the R-3, Residential District; and to repeal Ordinance #2277-78, passed December 11, 1978 (Council Variance #CV20-018).

**WHEREAS**, by application #CV20-018, the owner of the property at **1933 VAUGHN ST. (43223)**, is requesting a Variance to permit the expansion of a child day care facility with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, residential district, allows a child day care facility as an accessory use when located within a school or religious facility building, while the applicant proposes the expansion of an existing child day care facility that was approved by Council Variance #CV78-087 onto the adjacent parcel as the primary use of the property; and

**WHEREAS**, Section 3312.27, Parking setback line, requires the minimum parking setback line to be 25 feet, while the applicant proposes a minimum parking setback line of 10 feet along Rea Avenue; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 500 square feet of day care facility space, a total of 12 parking spaces for 5,718 square feet of facility space, while the applicant

proposes a total of 7 parking spaces; and

**WHEREAS**, Section 3321.01, Dumpster area, requires that a dumpster not be located in any required yard, while the applicant proposes a dumpster enclosure in the required rear setback along Rea Avenue as shown on the Site Plan; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, or maximum of 16 feet for a lot that is greater than 80 feet wide, while the applicant proposes a maximum side yard of 13 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to conform the existing side yard of approximately 3 feet on the east side of the existing child day care facility; and

**WHEREAS**, the Greater Hilltop Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the request includes the expansion of a successful child day care facility that is desired by the community, and includes a commitment to a site plan which demonstrates sufficient landscaping and buffering from adjacent residential uses; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 owners of the property located at **1933 VAUGHN ST. (43223)**, 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 3332.035, R-3, residential district; 3312.27, Parking setback line; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1933 VAUGHN ST. (43223)**, insofar as said sections prohibit a child day care facility in the R-3, Residential District; with reduced parking setback from 25 feet to 10 feet along Rea Avenue; a parking space reduction from 12 spaces to 7 spaces; a dumpster within the required setback along Rea Avenue; a reduced maximum side yard from 16 feet to 13 feet; and a reduced minimum side yard from 5 feet to approximately 3 feet on the east side of the existing child day care facility; said property being more particularly described as follows:

**1933 VAUGHN ST. (43223)**, being 0.20± acres located on the south side of south side of Vaughn Street, 220± feet west of Columbian Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus: Being Lot Numbers Thirty-Six (36) and Thirty-Seven (37) in Vaughn's Gardens Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, page 240, Recorder's Office, and Franklin County, Ohio.

Parcel Numbers 010-022356 and 010-055500

Property Address: 1933 Vaughn Street, Columbus, Ohio 43223

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a child day care center in accordance with the submitted site plan, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in accordance with the site plan and renderings titled, "**ADDITION, FRESH START LEARNING ACADEMY**," dated June 11, 2020, and signed by Leon Humphries, Applicant. The plans 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 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 on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed 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 #2277-78, passed December 11, 1978, be and is hereby repealed.