

**CITY COUNCIL – ZONING COMMITTEE  
STAFF REPORT  
COUNCIL VARIANCE**

**APPLICATION:** CV24-143  
**Location:** 5012 SUGAR PLUM ST. (43230), being 0.17± acres located on the east side of Sugar Plum Street, 134± south of Daffodil Drive (600-172308; Northland Community Council).  
**Existing Zoning:** SR, Suburban Residential District.  
**Proposed Use:** Type A family child care home.  
**Applicant(s):** Mervat Khalil and Amin Husein; 5012 Sugar Plum Street; Columbus, OH 43230.  
**Property Owner(s):** The Applicant.  
**Planner:** Eastman Johnson; 614-645-7979; [roejohnson@columbus.gov](mailto:roejohnson@columbus.gov)

**BACKGROUND:**

- The site consists of one parcel developed with a single-unit dwelling in the SR, Suburban Residential District. The requested Council variance will allow a Type A family child care home with reduced parking from three spaces to two spaces.
- A Council variance is required because while the SR district allows Type B family child care homes for a maximum of six children, or daycare centers in conjunction with schools or religious facilities, it does not allow a dwelling unit to be used for a Type A family child care home for up to 12 children.
- To the north, south, east, and west of the site are single-unit dwellings in the SR, Suburban Residential District.
- The site is within the planning boundaries of the *Northland I Area Plan* (2014), which recommends “Low-Medium Density Residential” land uses at this location.
- The site is located within the boundaries of the Northland Community Council, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving the required parking for both the single-unit dwelling and child-care use as proposed.

**CITY DEPARTMENTS’ RECOMMENDATION:** Approval.

The requested Council variance will allow a Type A family child care home with reduced required parking. Staff supports the proposal as the Plan does not address the issue of home daycares, the primary use will remain a single-unit dwelling, and will not add an incompatible use to the area.

## Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

### STATEMENT OF HARDSHIP

#### Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such 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.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

**The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:**

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

☒ Yes ☒ No

It could remain as a daycare type B

2. Whether the variance is substantial.

☒ Yes ☐ No

No The Variance is not Substantial it is already operating as a type B day care

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

☐ Yes ☒ No

The Character of the neighborhood would not be altered

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

☐ Yes ☒ No

No governmental services will be adversely affected

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

☐ Yes ☒ No

We did not know zoning restrictions

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

☐ Yes ☒ No

We can not operate a Type A Daycare without the variance

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

☒ Yes ☐ No

The spirit and intent of zoning code will be observed

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

3332.029 SR- Suburban Residential District -

To Allow a Type A Home Child Care Facility

3312.49 Minimum Number of Parking Spaces Required

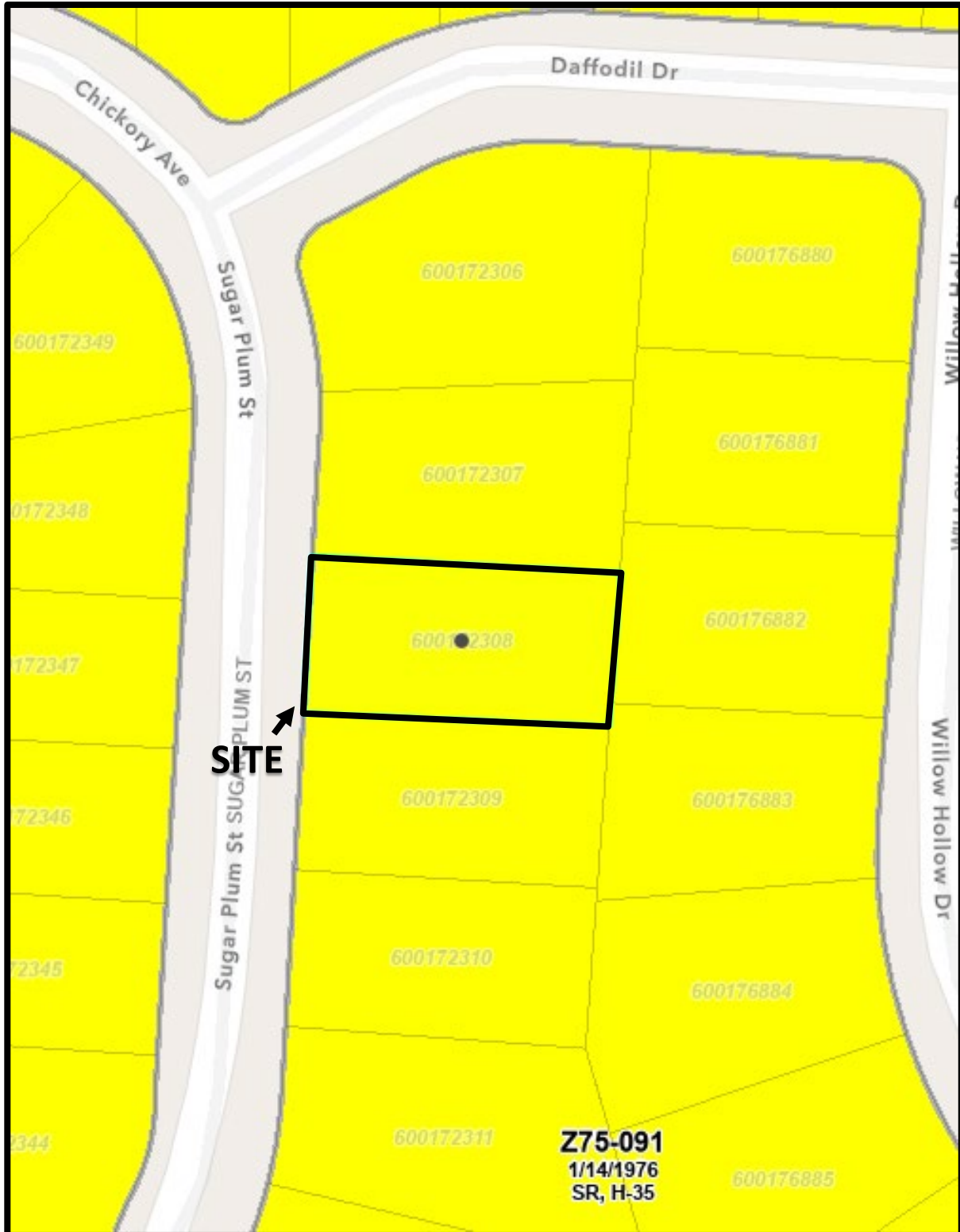
To Reduce the Number of Parking Spaces from 3 to 2

Signature of Applicant

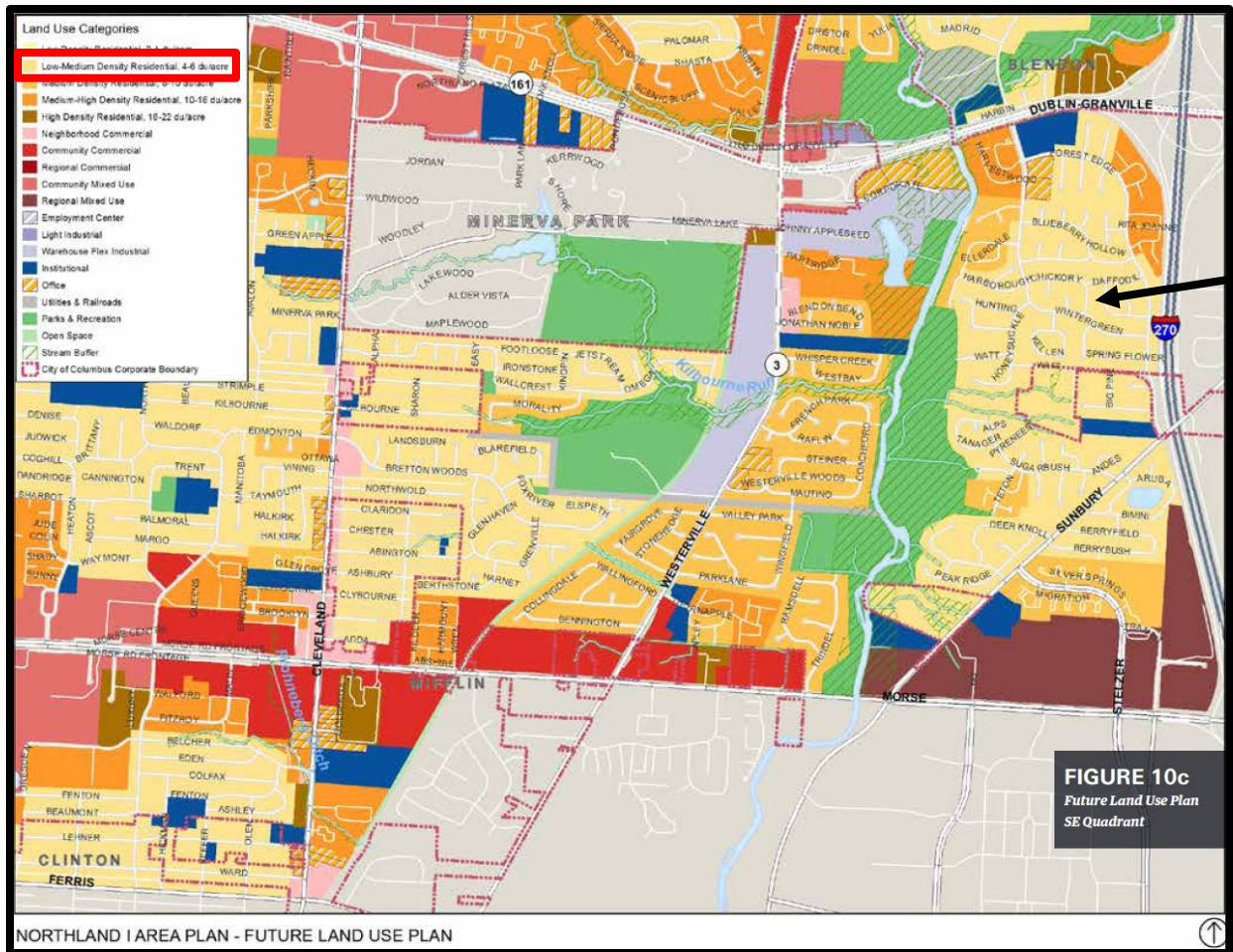
Mervat Kh. Alil

Date

11-20-24



CV24-143  
5012 Sugar Plum St.  
Approximately 0.17 acres



CV24-143  
5012 Sugar Plum St.  
Approximately 0.17 acres



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5012 Sugar Plum St.  
Approximately 0.17 acres



Northland Community Council  
Development Committee

## Report

February 6, 2025 6:00 PM  
Columbus Metropolitan Library  
5590 Karl Road (43229)

**Meeting Called to Order: 6:00 pm** by co-chairs **Dave Paul and Bill Logan**

Members represented:

*Voting: (15):* Albany Park (APHA), Asherton Grove (AGCA), Clinton Estates (CECA), Devonshire (DCA), Forest Park (FPCA), Karmel/Woodward Park (KWPCA), Lee/Ulry (LUCA), Little Turtle (LTCA), Maize Morse Tri-Area (MMTACA), Northland Alliance (NA), Northland Area Business Association (NABA), Salem (SCA), Sharon Woods (SWCA), Westerwood (WRA).

<b>Case #1</b>	<p>Application #CV24-143 (Request to expand use of the site from a Type B to Type A in-home daycare) <span style="float: right;">Johnson</span></p> <p>Mervat Khalil/Amin Husein (Residence) 5012 Sugar Plum St, 43230 (PID 600-172308)</p> <ul style="list-style-type: none"> <li><i>The Committee approved (14-1) a motion (by EN, second by SCA) to <b>RECOMMEND APPROVAL</b> of the application.</i></li> </ul>
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<b>Case #2</b>	<p>Application #CV24-150 (Revision of prior site plan approved under CV14-051 to maintain curb cut onto Cleveland Avenue that was to be abandoned, and variance from §3312.49 to reduce required parking from 13 to 12 spaces. <i>NCC conditionally supported CV14-051 in February 2015. CE Notices 23470-02403, 25470-01325</i>) <span style="float: right;">Rose</span></p> <p>Jeanne Cabral, Architect representing Oscar Martinez/El Grullense LLC (El Grullense Mexican Restaurant) 4989 Cleveland Ave, 43231 (PID 600-183744)</p> <ul style="list-style-type: none"> <li><i>The Committee approved (15-0) a motion (by NA) to <b>TABLE</b> the application.<sup>1</sup></i></li> </ul>
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<b>Case #3</b>	<p>Application #BZA24-158 (Variances from §3321.05, §3321.07, and §3312.30 to maintain a 22' x 16' driveway constructed within the front building setback without terminating in a legal parking space, and having done so without a certificate of zoning clearance. <i>CE Notice 24470-07997</i>) <span style="float: right;">Trimmer</span></p> <p>Jason Nguyen/Hien Mai (Residence) 1277 Thurell Rd, 43229 (PID 010-129307)</p> <ul style="list-style-type: none"> <li><i>The Committee approved (14-0 w/ 1 abstention) a motion (by KWPCA, second by FPCA) to <b>RECOMMEND DISAPPROVAL</b> of the application.<sup>2</sup></i></li> </ul>
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<b>Case #4</b>	<p>Application #BZA24-178 (Variance from §3321.05 to maintain a 6' tall wood panel fence of &gt;25% opacity on a corner lot which extends past the setback into a required yard having vehicular access to a street, and which obstructs the clear vision area. <i>CE Notice 24470-08284</i>) <span style="float: right;">Trimmer</span></p> <p>Carla Powell (Residence) 2388 Halkirk St S, 43229 (PID 600-146156)</p> <ul style="list-style-type: none"> <li><i>The Committee approved (15-0) a motion (by FPCA, second by SAC) to <b>RECOMMEND APPROVAL</b> of the application.</i></li> </ul>
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### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-143

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Mervat Khalil  
of (COMPLETE ADDRESS) 5012 Sugarplum St Columbus-ohio 43230  
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: [ Name of Business or individual  
Contact name and number  
Business or individual's address; City, State, Zip Code  
Number of Columbus-based employees

1. Amin Husein 0 614-556-1512 5012 SUGAR PLUM ST COLAS.OH. 43230	2. Mervat Khalil 0 614-599-6757 5012 SUGAR PLUM ST. COLAS.OHIO 43230
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Mervat Khalil

Sworn to before me and signed in my presence this 20 day of November, in the year 2024

SIGNATURE OF NOTARY PUBLIC Ryan Merkel

01/06/2027  
My Commission Expires

Notary Seal Here



RYAN MERKEL  
Notary Public, State of Ohio  
My Comm. Expires 01/06/2027

**This Project Disclosure Statement expires six (6) months after date of notarization.**