

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

**APPLICATION:** CV25-108  
**Location:** 1309 LEE AVE. (43219), being 0.10± acres located on the west side of Lee Avenue, 347± feet west of Simpson Avenue (010-126590; North Central Area Commission).  
**Existing Zoning:** R-3, Residential District.  
**Proposed Use:** Type A child day care home.  
**Applicant(s):** Michelle Scott; 1309 Lee Avenue; Columbus, OH 43219.  
**Property Owner(s):** The Applicant.  
**Planner:** Alyssa Saltzman; 614-645-9625; [ADSaltzman@columbus.gov](mailto:ADSaltzman@columbus.gov)

**BACKGROUND:**

- The 0.10 ± acres site consists of one parcel developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will allow a Type A child day care home with reduced required parking from three spaces to two spaces.
- A Council variance is required because while the R-3 district allows Type B child day 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 child day care home for up to 14 children per State of Ohio guidelines.
- To the north, south, and east of the site are single-unit dwellings in the R-3, Residential District. West of the site is a religious facility in the R-3, Residential District.
- The site is located within the planning boundaries the *North Central Plan* (2002), which recommends “Single-Family Residential” land uses at this location.
- The site is located within the boundaries of the North Central Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this requested use, and support the reduced required parking for a Type A child care home.

**CITY DEPARTMENTS’ RECOMMENDATION:** Approval.

Since the primary use of the property will remain a single-unit dwelling, Staff supports the requested Type A child day care home, which must comply with Ohio Revised Code requirements and will be licensed by the State of Ohio.

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**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

2. Whether the variance is substantial.

Yes  No

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

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).  
 Yes  No

5. Whether the property owner purchased the property with knowledge of the zoning restriction.  
 Yes  No

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.  
 Yes  No

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.  
 Yes  No

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):

Signature of Applicant Michelle Scott

Date 10/26/25

**Statement of Hardship**

Applicant: Michelle Scott

Address: 1309 Lee Ave, Columbus, Ohio 43219

Request: Council Variance to operate a Type 'A' Home ChildCare Facility

Applicable Code: Columbus City Code Section 3307.10 – Variances by City Council

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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.

**Sections of Code to be Varied and Reasoning**

Section 3332.035 (R-3 Residential District): Permits only Type 'B' home child care facilities, or child care centers as accessory uses to a religious facility or school, while the applicant proposes to operate a Type 'A' home child care facility serving a maximum of fourteen children within a single-unit dwelling.

Section 3312.49 (Required Parking): Requires two parking spaces for the single-unit dwelling use and one parking space per 500 square feet of child care facility space, a total requirement of approximately three spaces, while the applicant proposes to maintain two parking spaces for the single-unit dwelling and to provide two parking spaces for the Type 'A' home child care facility.

### Statement of Hardship

As the property owner and licensed child care provider, I, Michelle Scott, respectfully request approval for this variance to expand and convert my existing licensed Type 'B' home child care into a Type 'A' home child care facility at 1309 Lee Ave, Columbus, Ohio 43219 in order to better serve families in my community. The hardship arises because the current zoning code

limits the property to a Type "B" home childcare, which allows care for no more than six ( 6) children. This restriction significantly impacts my ability to meet the increasing demand for safe, reliable, and high-quality child care services within the North Central and surrounding neighborhoods. Many local families, especially those working non-traditional hours struggle to find licensed, dependable care. The proposed Type 'A' facility would allow care for up to (14) fourteen children within the home, providing essential childcare services for working families in the North Columbus area. While maintaining the same high standards of supervision, safety, and educational care.

The current Type 'B' operation has reached capacity due to the high community demand for quality childcare. Limiting enrollment prevents families from accessing stable and licensed childcare. The use of this property for child care is compatible with the character of the neighborhood, as the home has been used for child care since 2016 without any disruption to the community. The home and yard are well-maintained, and all activity occurs indoors or within the neighborhood park , American Addition outdoor areas designed for children's safety.

Regarding parking, I request to reduce the number of required spaces under Section 3312.49 from three (3) to two (2). The single-family dwelling currently provides two (2) off-street parking spaces right in front of the building, surrounding parking spots on the side of the street that's always free during the day or night that would meet the daily, operational needs. The child care operates by appointment and scheduled drop-off/pick-up times to prevent congestion, and most parents park briefly or walk their children to the entrance. Additional required spaces would create unnecessary paving and loss of usable play area.

My home provides approximately 490 square feet of dedicated, usable wall-to-wall indoor floor space for childcare activities, learning, eating, and room to play, meeting the required 35 square feet per child for fourteen children. I will continue to comply with all Ohio Department of Job and Family Services (ODJFS) licensing standards and maintain a safe, nurturing, and educational environment. While the remainder of the house continues to function as a private residence.

Due to the residential zoning designation (R-3), only Type 'B' home childcares are permitted by right. However, granting this variance will not alter the essential character of the neighborhood or adversely affect the health, safety, or welfare of nearby residents. Instead, it will allow an existing, well-established, and state-licensed provider to meet critical child care needs while maintaining compliance with all safety and zoning requirements. I am requesting a variance to operate a Type 'A' home childcare that will not adversely affect the character of the

neighborhood, surrounding property values, or public safety. The proposed use will remain consistent with the residential setting, as the property will continue to serve local families twenty-four hours. For these reasons, I respectfully request approval of this variance under Columbus City Code Section 3307.10, allowing operation of a Type "A" Home Child Care Facility and reduction of required parking spaces from three (3) to two (2) at 1309 Lee Avenue, Columbus, Ohio 43219.

### **Conclusion**

For these reasons, I respectfully request approval of this variance under Columbus City Code Section 3307.10, allowing operation of a Type "A" Home Child Care Facility and reduction of required parking spaces from three (3) to two (2) at 1309 Lee Avenue, Columbus, Ohio 43219. seven days a week .

The hardship arises because the current zoning regulations restrict the ability to expand a well-established, licensed, and essential childcare program within a community that lacks sufficient childcare options. Without the variance, the applicant cannot meet the growing needs of working parents and families who rely on accessible, high-quality early education.

Granting this variance aligns with the intent of the Columbus City Code Section 3307.10 by alleviating hardship, promoting public welfare, and ensuring a practical use of the property that supports community needs while maintaining safety, order, and compatibility with the surrounding area. For these reasons, I respectfully request approval of this variance under Columbus City Code Section 3307.10, allowing operation of a Type "A" Home Child Care Facility and reduction of required parking spaces from three (3) to two (2) at 1309 Lee Avenue, Columbus, Ohio 43219.

### **Additional Information – Required Factors**

**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.**

No. Without the variance, the property cannot be used to its fullest and most beneficial potential for the community. Limiting operations to a Type "B" child care home significantly restricts the number of families that can be served, despite the property being safely equipped and appropriately maintained for expanded care. Granting the variance will allow the applicant to continue lawful residential use while providing an essential community service.

**2. Whether the variance is substantial.**

No. The variance requested is not substantial in nature. The change from a Type "B" to a Type "A" home child care represents a modest increase in capacity that will occur within the existing single-family structure, without structural expansion, signage changes, or added noise or traffic. The use remains residential in character and scale.

**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.**

No. The essential character of the neighborhood will remain intact. The applicant's home has operated successfully as a licensed Type "B" child care since 2016 with no history of complaints.

and parking will remain minimal and managed through scheduled drop-off and pick-up times.

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

No. The variance will not affect the delivery of any governmental services. The property is already fully serviced by existing infrastructure, and the proposed use will not increase demand beyond that of a standard single-family dwelling.

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

Yes. The property was purchased with knowledge of its R-3 zoning designation. However, at the time of purchase, the intention was to continue lawful child care operations within the home as permitted under state licensing and local zoning. The applicant is now seeking to responsibly expand services through the variance process to meet community needs in accordance with City Code.

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

No. The hardship cannot be feasibly resolved by other means. The State of Ohio requires a variance in order to license a Type "A" home daycare in a residential district. The physical layout of the property, along with its continued residential use, makes it suitable for the requested variance rather than relocation or major alteration.

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

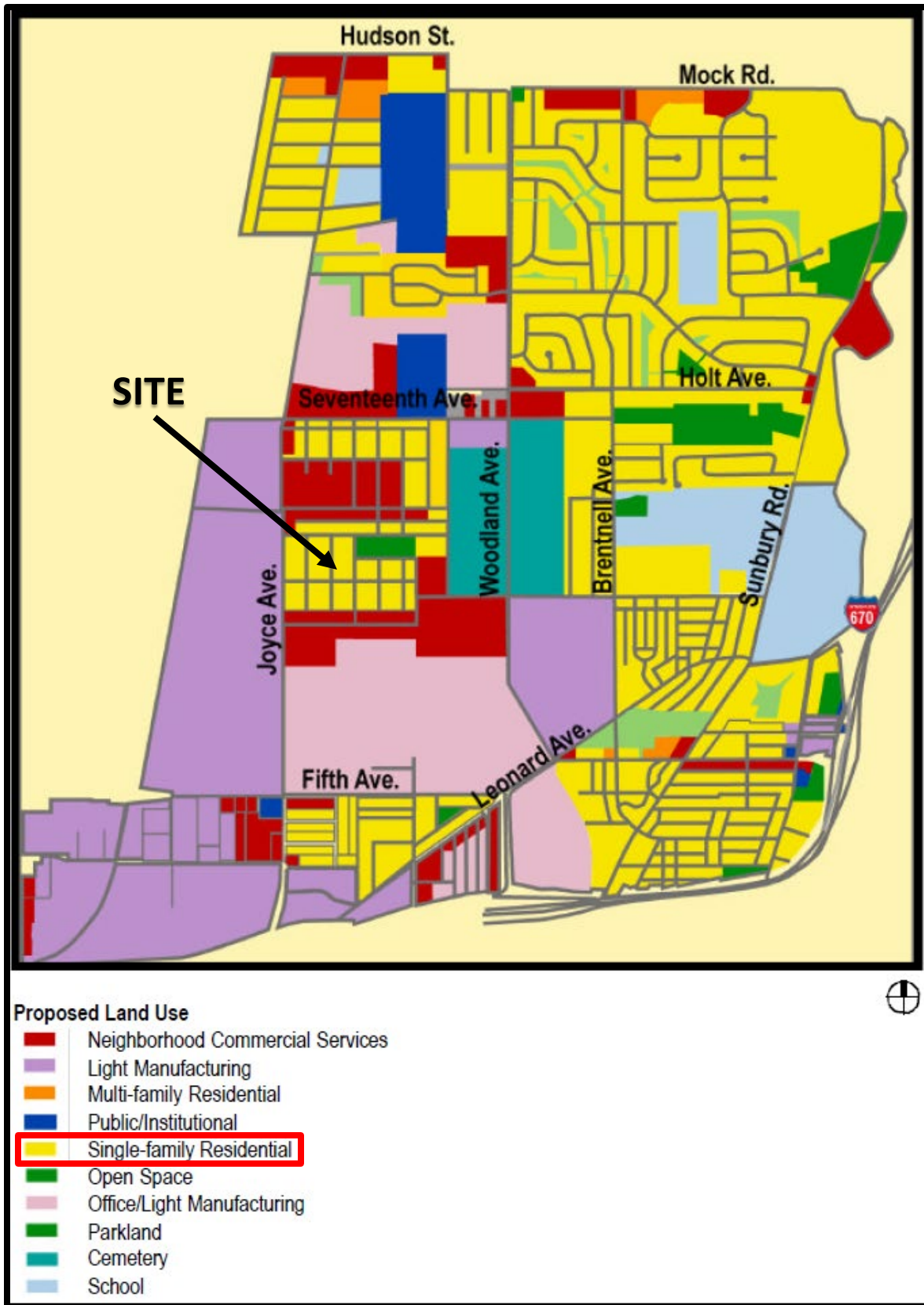
Yes. Granting this variance aligns with the intent of the zoning code by preserving residential character while allowing a beneficial community service. The proposal maintains public safety, neighborhood integrity, and property values while addressing a demonstrated need for accessible, quality child care within the North Central community.

Signature of Applicant: Michelle Smith

Date: 10/26/2025



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1309 Lee Ave.  
Approximately 0.10 acres



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Approximately 0.10 acres



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**FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP**  
(PLEASE PRINT)

**Case Number** CV25-108

**Address** 1309 LEE AVENUE

**Group Name** NORTH CENTRAL AREA COMMISSION

**Meeting Date** 03/05/2026

**Specify Case Type**

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

**Recommendation**  Approval  
(Check only one)  Disapproval

**LIST BASIS FOR RECOMMENDATION:**

The Council Variance was recommended for approval from a Type B licensed home child care for 1-6 children to a Type A licensed home child care for 7-12 children, based on the essential character of the neighborhood would not be substantially alter or the adjoining properties will not suffer a substantial detriment as a result if the variance.

**Vote** 5 - Yes, 2 - No

**Signature of Authorized Representative** Melodie A. Cook Digitally signed by Melodie A. Cook  
Date: 2026.03.11 21:41:34 -04'00'

**Recommending Group Title** North Central Area Commission

**Daytime Phone Number** 614-209-7972

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

