



Legislation Text

File #: 1797-2024, **Version:** 1

Council Variance Application: CV24-019

APPLICANT: Cristian Tiburcio; 6779 Raybear Drive; Canal Winchester, OH 43110.

PROPOSED USE: Type A family child care home.

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling in the SR, Suburban Residential District, with an accessory Type B family child care use, an allowed use that is not regulated by the Zoning Code. The requested Council variance proposes a Type A family child care home in the dwelling, which is not an allowed use in the SR district. Since the primary use of the property will remain a single-unit dwelling, staff has no objection to the requested use, which must comply with Ohio Revised Code requirements and be inspected by the Ohio Department of Job and Family Services. Additionally, the request includes a variance to required parking, which is supported due to the presence of available on-street parking in the neighborhood.

To grant a Variance from the provisions of Sections 3332.029, SR, suburban residential district; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **6779 RAYBEAR DR. (43110)**, to allow a Type A family child care home with reduced parking in the SR, Suburban Residential District (Council Variance #CV24-019).

WHEREAS, by application #CV24-019, the owner of the property at **6779 RAYBEAR DR. (43110)**, is requesting a Variance to allow a Type A family child care home with reduced parking in the SR, Suburban Residential District; and

WHEREAS, Section 3332.029, SR, suburban residential district, allows only Type "B" family child care homes, or child day care centers as accessory uses to a religious facility or school, while the applicant proposes to operate a Type A family child care home for a maximum of twelve children within an existing single-unit dwelling; and

WHEREAS, 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 six spaces, while the applicant proposes a total of two spaces; and

WHEREAS, the Greater South East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the primary use of the property will still be a single-unit dwelling, and Staff has no objection to the requested Type A family child care home. Additionally, the variance request to required parking is supported due to the availability of on-street parking spaces; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed Type A family day-care home; 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 **6779 RAYBEAR DR. (43110)**, 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 3332.029, SR suburban residential district; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **6779 RAYBEAR DR. (43110)**, insofar as said sections prohibit a Type A family day-care home in the SR, Suburban Residential District; with a parking space reduction from six required spaces to two spaces; said property being more particularly described as follows:

6779 RAYBEAR DR. (43110), being 0.18± acres located on the south side of Raybear Drive, 140± feet east of Long Road:

ALL THAT IS CERTAIN lot or tract of land, situate in the City of Columbus, County of Franklin and State of Ohio, being known as Lot No. 35 as the same is numbered and delineated upon the recorded plat thereof, of record Plat Book 72, Page 31, 32, and 33, Recorder's Office, Franklin County, Ohio and Official Records Instrument No. 201311140191010, and subject to all covenants, restrictions, easements, conditions, and rights appearing of record; and subject to any state of facts an accurate survey would show.

Parcel No.: 530-216969-00

Street Address: 6779 Ray bear Drive, Canal Winchester Ohio 43110

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a Type A family child care home in conjunction with a single-unit dwelling, or those uses allowed in the SR, Suburban Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Zoning Clearance for the proposed Type A family child care home.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.