



Legislation Text

File #: 1826-2024, **Version:** 1

Council Variance Application: CV23-155

APPLICANT: Densire Ingabire-Smith; 3851 Highland Bluff Drive; Columbus, OH 43125.

PROPOSED USE: Type "A" family child care home.

FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling in the R-2, Residential District. The requested Council variance will allow the existing dwelling to be utilized as a Type "A" family child care home. A Council variance is required because the R-2 district only allows Type "B" child care facilities within a home, or child day care centers as accessory uses to a religious facility or school. Type "B" facilities allow a maximum of six children and do not require a Certificate of Zoning Clearance or a license, while Type "A" facilities allow a maximum of twelve children, require a Certificate of Zoning Clearance, and are licensed by the State of Ohio. Variances to maneuvering, parking setback, and parking space are included in this request. Since the primary use of the property will remain a single-unit dwelling, Staff has no objection to the requested Type "A" family day care home..

To grant a Variance from the provisions of Sections 3332.033, R-2 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **3851 HIGHLAND BLUFF DR. (43125)**, to allow a Type "A" family child care home with reduced parking standards in the R-2, Residential District (Council Variance #CV23-155).

WHEREAS, by application #CV23-155, the owner of the property at **3851 HIGHLAND BLUFF DR. (43125)**, is requesting a Variance to allow a Type "A" family child care home with reduced development standards in the R-2, Residential District; and

WHEREAS, Section 3332.033, R-2 residential district, allows only Type "B" home child care facilities, 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 3312.25, Maneuvering, requires every parking space to have sufficient access and maneuvering area anywhere on a lot, while the applicant proposes to allow maneuvering over and through stacked parking spaces; and

WHEREAS, Section 3312.27, Parking setback line, requires the parking setback line to be 25 feet, while the applicant proposes a reduced setback of zero feet along Highland Bluff Drive to allow stacked parking spaces within the existing driveway for two vehicles; and

WHEREAS, Section 3312.29, Parking space, requires that a parking space shall be a rectangular area of not less than nine feet by 18 feet with no stacking allowed, while the applicant proposes stacked parking in the existing driveway for two vehicles; 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 five spaces, while the applicant proposes to maintain two parking spaces for the single-unit dwelling, and two parking spaces for the Type "A" family child care home, for a total of four spaces; and

WHEREAS, the Far South Columbus 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" home child care use; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed Type "A" child care 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 **3851 HIGHLAND BLUFF DR. (43125)**, 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 3332.033, R-2 residential district; 3312.25, Maneuvering; 3312.27, Parking setback line; 3312.29, Parking space; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **3851 HIGHLAND BLUFF DR. (43125)**, insofar as said sections prohibit a Type "A" family child care home in the R-2, Residential District; with maneuvering over and through stacked parking spaces; a reduced parking setback line from 25 feet to zero feet; stacked parking spaces counting as required parking spaces; and a parking space reduction from five required to four spaces; said property being more particularly described as follows:

3851 HIGHLAND BLUFF DR. (43125), being 0.14± acres located on the west side of Highland Bluff Drive, 220± feet south of Eastrise Drive, and being more particularly described as follows:

Being Lot Number Eighty-Four (84) of Walnut Crossing Section 3, as the same is numbered and delineated upon the recorded Plat thereof, of record in Plat Book 93, Page 18, Recorder's Office, Franklin County, Ohio.

Address: 3851 Highland Bluff Drive, Columbus, OH 43125

Parcel No.: 530-251091

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 R-2, 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" child care use.

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