



Legislation Text

File #: 0465-2021, **Version:** 1

Council Variance Application: CV21-005

APPLICANT: Thalia Osei; c/o Tashianna Kwakye; 1300 Yellowwood Drive; Columbus, OH 43229.

PROPOSED USE: Type "A" home day care facility within a single-unit dwelling.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling zoned in the SR, Suburban Residential District. The applicant proposes a Type "A" day care facility within her home. The SR district permits only Type "B" day care facilities within a home, or child day care centers as accessory uses to a religious facility or school. Type "B" facilities permit a maximum of six children and do not require a Certificate of Zoning Clearance or a license, while Type "A" facilities permit a maximum of twelve children, require a Certificate of Zoning Clearance, and are licensed by the Ohio Department of Job and Family Services. Since the primary use of the property will still be a single-unit dwelling, Staff has no objection to the requested Type "A" home day care facility which must comply with Ohio Revised Code requirements and be inspected by the Ohio Department of Job and Family Services. A variance to the minimum number of parking spaces required is included in the request.

To grant a Variance from the provisions of Sections 3332.029, Suburban Residential District; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **5876 MALL VIEW CT. (43231)**, to permit a Type "A" home day care facility with reduced parking in the SR, Suburban Residential District (Council Variance #CV21-005).

WHEREAS, by application #CV21-005, the owner of the property at **5876 MALL VIEW CT. (43231)**, is requesting a Council Variance to permit a Type "A" home day care with reduced parking in the SR, Suburban Residential District; and

WHEREAS, Section 3332.029, SR, Suburban Residential District, permits only Type "B" home day 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" home day care facility for a maximum of twelve children within an existing single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two parking spaces for the single-unit dwelling use and one parking space per 500 square feet of day care facility space, a total requirement of seven spaces, while the applicant proposes to maintain two parking spaces; 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 day care use which must comply with Ohio Revised Code requirements, and be inspected by the Ohio Department of Job and Family Services; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy (if required) 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 owner of the property located at **5876 MALL VIEW CT. (43231)**, in using said property as desired; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3332.029, SR, Suburban Residential District; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **5876 MALL VIEW CT. (43231)**, insofar as said sections prohibit a Type "A" home day care facility within a single-unit dwelling in the SR, Suburban Residential District, and a parking space reduction from seven required spaces to two spaces; said property being more particularly described as follows:

5876 MALL VIEW CT. (43231), being 0.24± acres located on the east side of Mall View Court, 270± feet north of Lou Street, and being more particularly described as follows:

Being Lot Number Sixty Three (63) of Pinewood Colony, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 50, page 13-14, Recorder's Office, Franklin County, Ohio.

Parcel: 600-169558
Address: 5876 Mall View Court

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

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy (if required) for the proposed use.

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