



Legislation Text

File #: 1409-2020, **Version:** 1

Council Variance Application: CV20-036

APPLICANT: Timothy Etienne; 5160 Southbend Drive; Canal Winchester, OH 43110.

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

GREATER SOUTH EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling zoned in the L-R-2, Limited Residential District. The requested Council Variance will allow a Type "A" child day care facility serving a maximum of 12 children in conjunction with the dwelling. The Council variance is necessary because the L-R-2 district permits only Type "B" day care facilities serving a maximum of 6 children within a home, or child day care centers as accessory uses to a religious facility or school. A variance to reduce the required number of auto and bicycle spaces is included in this request. The site is within the boundaries of the *South East Land Use Plan C2P2* (2018), which recommends low density residential (4-6 du/ac) land uses at this location. The Plan also includes complete adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). Since the primary use of the property will remain a single-unit dwelling and the Plan does not comment on Type "A" day care facilities, 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.

To grant a Variance from the provisions of Sections 3332.033, R-2, residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **5160 SOUTHBEND DR. (43110)**, to permit a Type "A" home day care with reduced number of parking spaces in the L-R-2, Limited Residential District (Council Variance #CV20-036).

WHEREAS, by application #CV20-036, the owner of the property at **5160 SOUTHBEND DR. (43110)**, is requesting a Variance to permit a Type "A" home day care with reduced number of parking spaces in the L-R-2, Limited Residential District; and

WHEREAS, Section 3332.033, R-2, 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 serving a maximum of twelve children in conjunction with a single-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces for the single-unit dwelling use and 1 parking space per 500 square feet of day care facility space, a total requirement of 5 spaces, and 2 bicycle parking spaces, while the applicant proposes to maintain 2 vehicle parking spaces and no bicycle parking; and

WHEREAS, the Columbus 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. Since the *South East Land Use Plan C2P2* does not comment on Type "A" day care facilities, 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 a Certificate of Occupancy 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 owners of the property located at **5160 SOUTHBEND 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 3332.033, R-2, residential district; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **5160 SOUTHBEND DR. (43110)**, insofar as said sections prohibit a Type “A” home day care facility in conjunction with a single unit dwelling in the L-R-2, Limited Residential District; with a parking space reduction from 5 spaces to 2 spaces, and a bicycle parking space reduction from 2 spaces to 0 spaces; said property being more particularly described as follows:

5160 SOUTHBEND DR. (43110), being 0.14± acres located on the south side of the intersection of Southbend Drive and Green Bay Court, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio, to-wit:

Being Lot Number Twenty-two (22) of ESSEX PLACE SECTION 1, as the same is numbered and delineated upon the recorded plat thereof as recorded in Plat Book 78, page 58, Recorder’s Office, Franklin County, Ohio.

Tax district and parcel number: 490-225324

Address of property: 5160 Southbend 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 as a Type “A” home day care facility for up to twelve children in conjunction with a single-unit dwelling, or those uses permitted in the L-R-2, Limited Residential District as specified by ORD #2084-92 (Z91-113A).

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.