



Legislation Text

File #: 1094-2022, **Version:** 2

Council Variance Application: CV22-008

APPLICANT: Esther Jefferson; 2199 Lilacwood Avenue; 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 R-1, Residential District. The applicant proposes a Type "A" day care facility within her home. The R-1 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 3332.03, R-1 residential district; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **2199 LILACWOOD AVE. (43229)**, to permit a Type "A" home day care facility with reduced parking in the R-1, Residential District (Council Variance #CV22-008).

WHEREAS, by application #CV22-008, the owner of the property at **2199 LILACWOOD AVE. (43229)**, is requesting a Council Variance to permit a Type "A" home day care with reduced parking in the R-1, Residential District; and

WHEREAS, Section 3332.03, R-1 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 ~~six~~ **seven** spaces, while the applicant proposes to maintain two parking spaces **for the single-unit dwelling and to provide no parking spaces for the Type "A" home day care facility;** 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 **2199 LILACWOOD AVE. (43229)**, 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 3332.03, R-1 residential district; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **2199 LILACWOOD AVE. (43229)**, insofar as said sections prohibit a Type "A" home day care facility within a single-unit dwelling in the R-1, Residential District, and a parking space reduction from ~~six~~ **seven** required spaces to two spaces, **with those spaces counting as the required spaces for the single-unit dwelling, and no spaces being provided for the Type "A" home day care facility**; said property being more particularly described as follows:

2199 LILACWOOD AVE. (43229), being 0.24± acres located on the south side of Lilacwood Avenue, 300± feet west of Plumwood Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number One Thousand Four Hundred Forty-nine (1449) of Forest Park East, Section Number 12 Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 46, Pages 36 and 37, Recorder's Office, Franklin County, Ohio.

Commonly known as: 2199 Lilacwood Avenue, Columbus, OH 43229
Parcel Number: 010-162246

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 R-1, 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.