



## Legislation Text

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**File #:** 2052-2022, **Version:** 1

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### **Council Variance Application: CV22-046**

**APPLICANT:** Nitoriya Goff; 6158 Northgap 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 **6158 NORTHGAP DR. (43229)**, to permit a Type "A" home day care facility with reduced parking in the SR, Suburban Residential District (Council Variance #CV22-046).

**WHEREAS**, by application #CV21-005, the owner of the property at **6158 NORTHGAP DR. (43229)**, 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 five 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 **6158 NORTHGAP DR. (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 3332.029, 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 **6158 NORTHGAP DR. (43229)**, 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 five 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:

**6158 NORTHGAP DR. (43229)**, being 0.20± acres located at the northeast corner of Northgap Drive and South Oakfield Drive, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Being Lot Number Nine Hundred Forty-One (941) of the Devonshire No. 7 Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 38, Pages 44 and 45, Recorder's Office, Franklin County, Ohio.

**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.