



## Legislation Text

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**File #:** 0769-2024, **Version:** 1

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### **Council Variance Application: CV24-007**

**APPLICANT:** Kenia Brito Portorreal; 1450 Ellsworth Avenue; Columbus, OH 43206

**PROPOSED USE:** Type "A" home day care facility.

**COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single-unit dwelling in the R-4, Residential District. The requested Council variance will allow the existing dwelling to be used as a Type "A" home day care facility. A Council variance is required because the R-4 district does not allow Type "A" home day care facilities. 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. Additionally, the request includes a variance to required parking, which is also supported due to the presence of available on-street parking in the neighborhood.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **1450 ELLSWORTH AVE. (43206)**, to allow a Type "A" home day care facility with reduced parking in the R-4, Residential District (Council Variance #CV24-007).

**WHEREAS**, by application #CV24-007, the owner of the property at **1450 ELLSWORTH AVE. (43206)**, is requesting a Variance to allow a Type "A" home day care facility with reduced parking in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4 residential district, allows 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, Required parking, 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 a total of two spaces; and

**WHEREAS**, the Columbus South Side 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 day care facility. Additionally, the variance request to required parking is supported due to the availability of on-street parking spaces; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Zoning Clearance for the proposed Type "A" home day care facility; 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 **1450 ELLSWORTH AVE. (43206)**, 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 3332.039, R-4 residential district; and 3312.49, Required parking, of the Columbus City Codes; for the property located at **1450 ELLSWORTH AVE. (43206)**, insofar as said sections prohibit a Type “A” home day care facility in the R-4, Residential District; with a parking space reduction from five required spaces to two spaces; said property being more particularly described as follows:

**1450 ELLSWORTH AVE. (43206)**, being 0.15± acres located at the southeast corner of Ellsworth Avenue and East Gates Street:

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

Being Lot Number Eighty (80) of BAUMAN’S LOCKBOURNE AVENUE SUBDIVISION as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 33, Recorder’s Office, Franklin County.

Parcel Number: 010-1040036

Address: 1450 Ellsworth Avenue, Columbus, Ohio 43206

**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” home day care facility in conjunction with a single-unit dwelling, or those uses allowed in the R-4, 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” home day care facility.

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