



Legislation Details (With Text)

File #: 1188-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 4/20/2022 **In control:** Zoning Committee

On agenda: 5/9/2022 **Final action:** 5/11/2022

Title: To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.05, Area district lot width requirements; 3332.14, R-2F, area district requirements; 3332.26(C)(1), Minimum side yard permitted and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at 1027 CITY PARK AVE. (43206), to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV21-133).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1188-2022_Attachments, 2. ORD1188-2022_Labels

Date	Ver.	Action By	Action	Result
5/11/2022	1	ACTING CITY CLERK	Attest	
5/10/2022	1	MAYOR	Signed	
5/9/2022	1	COUNCIL PRESIDENT	Signed	
5/9/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
5/9/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/9/2022	1	Zoning Committee	Approved	Pass
5/2/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV21-133

APPLICANT: Eric D. Martineau, Atty.; 3006 North High Street, Suite 1A; Columbus, OH 43202.

PROPOSED USE: Habitable space above a detached garage.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling zoned in the R-2F, Residential District. The applicant requests a Council variance to permit the construction of habitable space above an existing detached garage. A Council variance is necessary because the zoning code only permits habitable space above a garage when connected directly to habitable space in a dwelling. The request also includes variances to conform lot width, lot area, side yards, and garage height. Staff supports the proposed variances as the request is consistent with similar proposals that have been approved in German Village.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.05, Area district lot width requirements; 3332.14, R-2F, area district requirements; 3332.26(C)(1), Minimum side yard permitted and 3332.38(G),

Private garage, of the Columbus City Codes; for the property located at **1027 CITY PARK AVE. (43206)**, to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV21-133).

WHEREAS, by application #CV21-133, the owner of the property at **1027 CITY PARK AVE. (43206)**, is requesting a Variance to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.38(H), Private garage, requires habitable space in a garage to connect directly with habitable space in a dwelling, while the applicant proposes habitable space above a detached garage that is not connected to habitable space within the single-unit dwelling; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires that no building shall be erected or altered on a lot with a width measurement at the front line of no less than 50 feet in the R-2F, Residential District, while the applicant proposes to maintain the existing 30.5 foot width; and

WHEREAS, Section 3332.14 R-2F Area District Requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes to maintain an existing single-unit dwelling and detached garage on a lot area of 2,791 square feet (pursuant to lot area calculation in 3332.18(C)); and

WHEREAS, Section 3332.26(C)(1), Minimum side yard permitted, requires a minimum side yard of three feet, while the applicant proposes to maintain a reduced side yard of 1.7 feet along the northern property line of the single-unit dwelling and 1.3 feet along the southern property line of the detached garage; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of 20 feet; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the request is consistent with similar proposals that have been approved in German Village; 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 **1027 CITY PARK 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 3332.38(H), Private garage; 3332.05, Area district lot width requirements; 3332.14, R-2F, area district requirements; 3332.26(C)(1), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1027 CITY PARK AVE. (43206)**, insofar as said sections prohibit habitable space above a detached garage that does not connect directly

with habitable space in a dwelling in the R-2F, Residential District; with a reduced lot width from 50 feet to 30.5 feet; reduced lot area from 6,000 square feet per dwelling unit to 2,791 square feet; reduced side yard from 3 feet to 1.7 feet along the northern property line of the single-unit dwelling and 1.3 feet along the southern property line of the detached garage; and an increased height of the detached garage from 15 feet to 20 feet; said property being more particularly described as follows:

1027 CITY PARK AVE. (43206), being 0.13± acres located on the west side of City Park Avenue, 63± feet north of East Deshler Avenue, and being more particularly described as follows:

Situated in Columbus City, Franklin County, Ohio.

Being the South half of Lot Number Thirty-five (35) as the same is numbered and delineated upon the recorded plat of Otto Dressel and others alteration of certain lots in Deshler and Thurman's Addition to said City of Columbus, Ohio recorded in Plat Book 2, Page 55, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-021982

Property Address: 1072 City Park Ave., Columbus, OH 43206.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a single-unit dwelling and habitable space above a detached garage, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**," dated April 13, 2022, and signed by Eric D. Martineau, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plan shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned on the following: The second floor of the garage will not be converted to, or used as, a separate dwelling unit. The second floor of the garage will have no cooking facilities.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.