

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: CV24-147
Location: 460 S. POWELL AVE. (43204), being 0.10± acres on the east side of South Powell Avenue, 33± feet north of Roland Sunker Place (010-043748; Greater Hilltop Area Commission).
Existing Zoning: R-3, Residential District.
Proposed Use: Habitable space within a detached garage.
Applicant(s): Sergio Francisco Perez; 460 South Powell Avenue; Columbus, OH 43204.
Property Owner(s): The Applicant.
Planner: Joe Rose; 614-645-3526; jmrose@columbus.gov

BACKGROUND:

- The site consists of one parcel developed with a single-unit dwelling in the R-3, Residential. The requested Council variance will allow habitable space within a detached garage.
- A Council variance is required because the R-3 district does not allow habitable space within a detached garage, unless connected directly to habitable space in the dwelling.
- To the north, south, east, and west are single-unit dwellings in the R-3, Residential District.
- The site is located within the planning boundaries of the Hilltop Land Use Plan (2019), which recommends “Medium-High Density Residential (16-24 du/ac)” land uses at this location. The Plan also includes complete adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).
- The site is located within the boundaries of the Greater Hilltop Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving the proposed use with regards to the reduction in required parking and increased garage height.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested Council variance will allow habitable space within a detached garage at this location. Staff support the request as the proposed use is consistent with the Plans land use recommendation and does not introduce an incompatible use to the area.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A.** Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B.** Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

☐ Yes ☒ No

It is for the owner's personal use. Variance will be needed for the additions.

2. Whether the variance is substantial.

☐ Yes ☒ No

The variance is not substantial as there is an existing detached garage. This project would add 8 feet to the top of the garage and an emergency half bath and single sink on the first floor.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

☐ Yes ☒ No

The character of the neighborhood will not be altered since the garage would remain similar to how it is already, with an addition of 3 feet above it and a half bath with and single sink on the first floor.

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

☐ Yes ☒ No

No, the variance would not adversely affect any governmental services. The additional structure will be in the same location as the existing structure.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

☐ Yes ☒ No

I, the owner of the property, did not know that to add a bathroom and additional storage space above the garage I would need to acquire a variance.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

☐ Yes ☒ No

The addition of an upstairs storage space and a bathroom requires a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

☒ Yes ☐ No

The spirit and intent of the zoning codes would be observed since the surrounding area would remain the same, I would be adding on top of the structure (storage place) and inside of it (bathroom). This will be detailed in plans I will provide.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

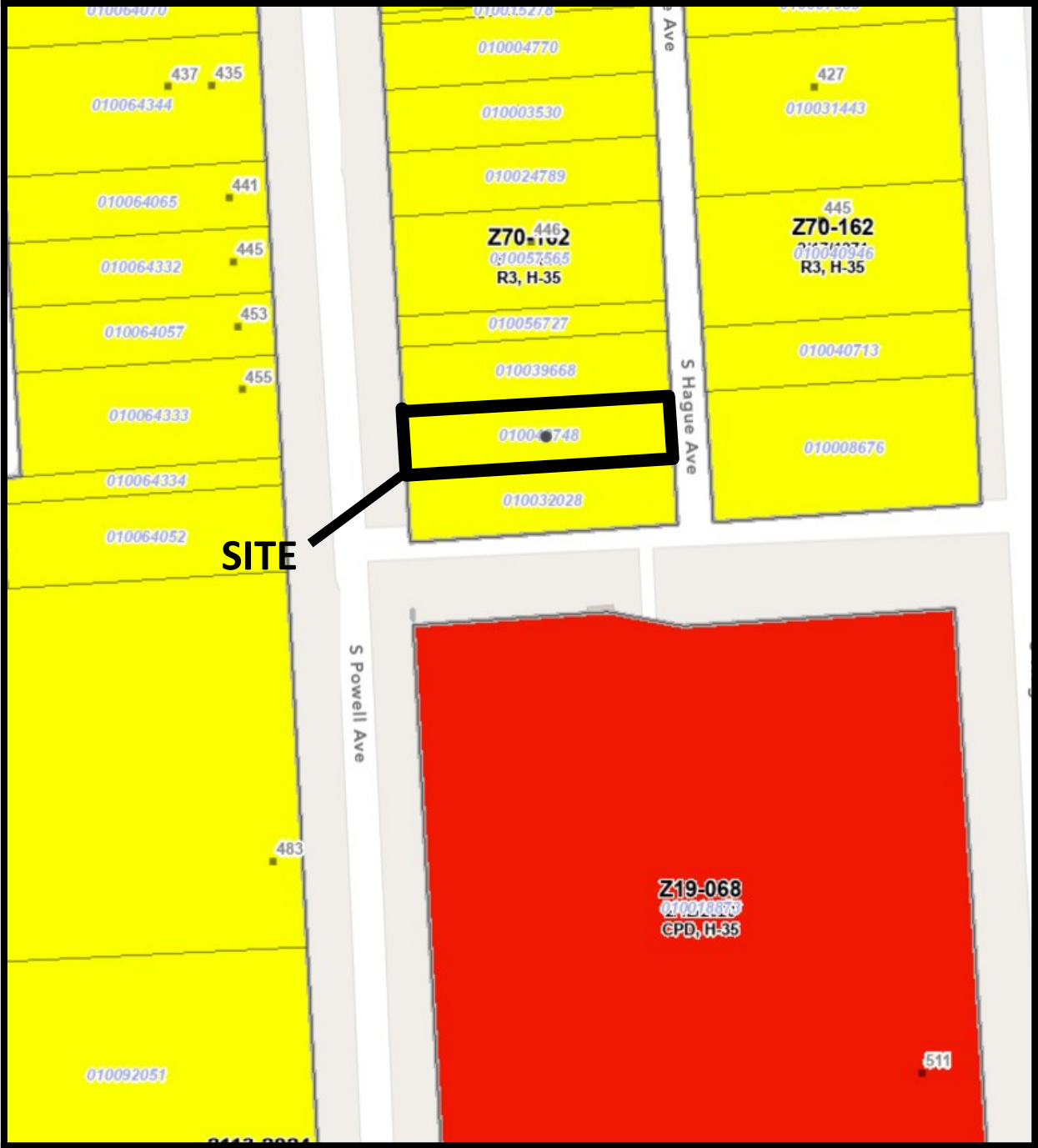
Request a variance from Section 3332.38 (G) (garage height) to increase the height of a detached garage from 15 feet to 18 feet. Request a variance from Section 3332.38 (H) (private garage) to allow for habitable space in a second story of a detached garage. To reduce the required parking from 2 required spaces to 1 provided space.

Signature of Applicant

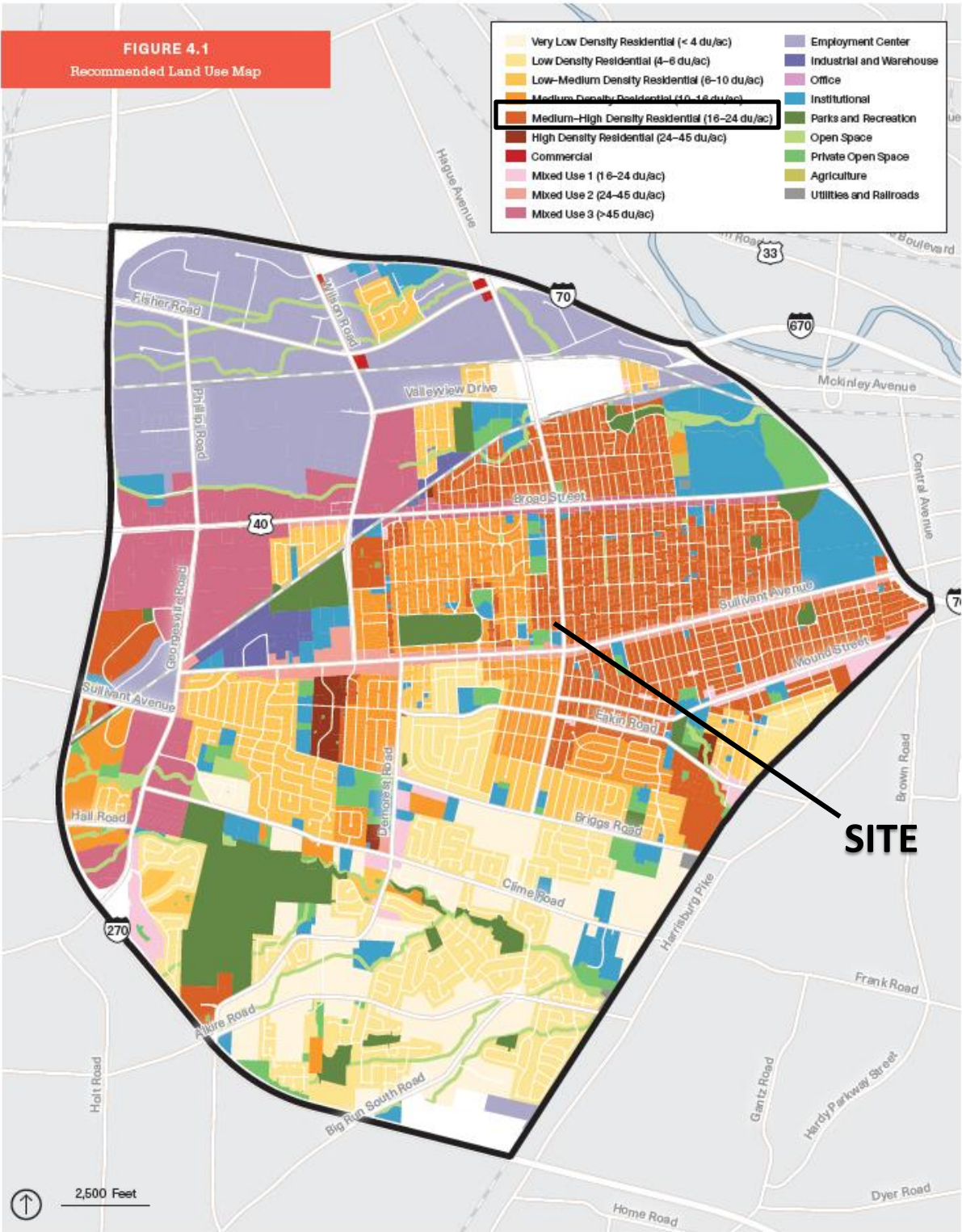


Date

11 26 2024



CV24-147
460 S. Powell Ave.
Approximately 0.10 acres



COLUMBUS CITYWIDE PLANNING POLICIES | HILLTOP LAND USE PLAN 2019

CV24-147
460 S. Powell Ave.
Approximately 0.10 acres



CV24-147
460 S. Powell Ave.
Approximately 0.10 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number _____

Address _____

Group Name _____

Meeting Date _____

Specify Case Type
BZA Variance / Special Permit
Council Variance
Rezoning
Graphics Variance / Plan / Special Permit

Recommendation
(Check only one) **Approval**
 Disapproval

LIST BASIS FOR RECOMMENDATION:

Vote _____

Signature of Authorized Representative _____

Recommending Group Title _____

Daytime Phone Number _____

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.



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PROJECT DISCLOSURE STATEMENT

APPLICATION #: ALTR2443661

Parties having a 5% or more interest in the project that is the subject of this application.

CV24-147

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) SERGIO FRANCISCO PEREZ YADALICOLA
of (COMPLETE ADDRESS) 460 S. DOWELL AVE COLUMBUS, OH 43204
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual
Contact name and number
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees

1. <u>SERGIO FRANCISCO PEREZ YADALICOLA</u> <u>460 S. DOWELL AVE</u> <u>COLUMBUS, OH 43204</u> <u>614-689-1954</u>	2. <u>- NA -</u>
3. <u>- NA -</u>	4. <u>- NA -</u>

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

[Signature]

Sworn to before me and signed in my presence this 22 day of April, in the year 2025

[Signature]
SIGNATURE OF NOTARY PUBLIC

April 5, 2026
My Commission Expires

Notary Seal Here



FRANCINE W WILSON
Notary Public
State of Ohio
My Comm. Expires
April 5, 2026

This Project Disclosure Statement expires six (6) months after date of notarization.