



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

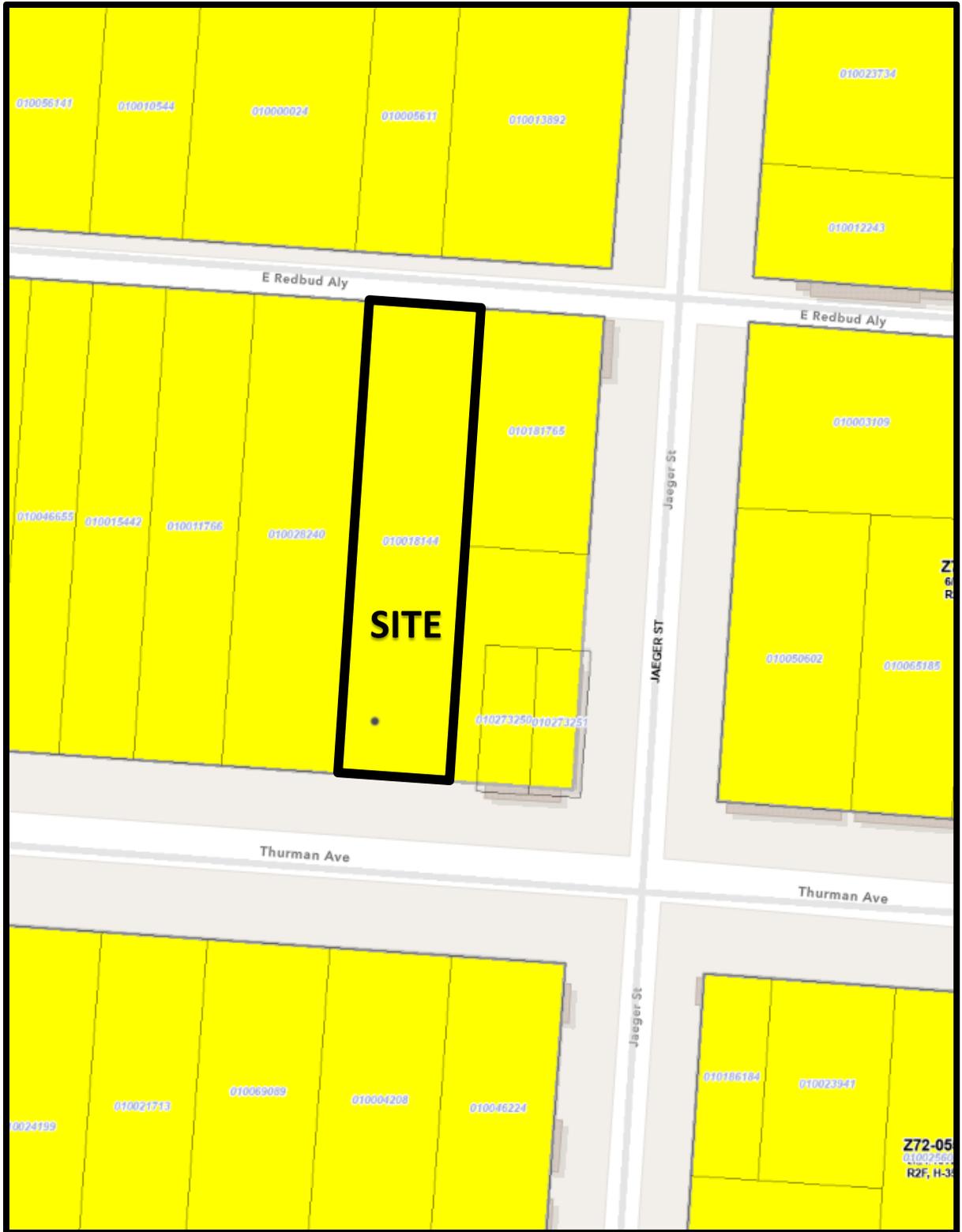
**APPLICATION:** CV24-133  
**Location:** 192 THURMAN AVE. (43206), being 0.16± acres on the north side of Thurman Avenue, 50± feet west of Jaeger Street (010-018144; German Village Commission).  
**Existing Zoning:** R-2F, Residential District.  
**Proposed Use:** Habitable space above a detached garage.  
**Applicant(s):** Mark Ours; 275 College Street; Columbus, OH 43125.  
**Property Owner(s):** Mark and Keriann Ours; 192 Thurman Avenue; Columbus, OH 43206.  
**Planner:** Joe Rose; 614-645-3526; [jmrose@columbus.gov](mailto:jmrose@columbus.gov)

**BACKGROUND:**

- The site consists of one parcel developed with a single-unit dwelling in the R-2F, Residential District. The requested Council variance will allow habitable space above a detached garage at this location.
- A Council variance is required because habitable space above a garage is only allowed when connected directly to habitable space within a dwelling.
- To the north, east, and west are single-unit dwellings in the R-2F, Residential District. To the south are commercial retail uses in the R-2F, Residential District.
- The site is no located within the boundaries of any Council adopted land use plan but is subject to a Certificate of Appropriateness from the German Village Commission.
- The site is located within the boundaries of the German Village Commission, whose recommendation is for approval.
- Staff recognizes that there are practical difficulties with the requested reduced side yards and garage height increase included in the request.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval

The requested Council variance will allow habitable space above a detached garage at this location. Staff support the request as it is consistent with similar uses in the surrounding area and does not introduce and incompatible use to the neighborhood.



CV24-133  
192 Thurman Ave.  
Approximately 0.16 acres



CV24-133  
192 Thurman Ave.  
Approximately 0.16 acres

# Council Variance Application

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

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## 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

The development pattern of German Village provides building lots which are much smaller than typical modern lots. The zoning code allows for the architectural review district to determine the appropriateness for the proposed height and habitable space above the accessory building.

2. Whether the variance is substantial.

Yes  No

Development of habitable space above accessory structures is typical for this neighborhood and for this city block in particular. This request is minimal and inline with adjacent properties.

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

Development of habitable space above accessory structures is typical for this neighborhood and for this city block in particular. This request is minimal and inline with adjacent properties.

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DEPARTMENT OF BUILDING  
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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 governmental services will be affected by this request.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.  
 Yes  No

The owner was aware of the zoning restriction and process at the time of purchase. The existing garage has existing non-conforming habitable space above the garage. This is a request to reconfigure and to legalize the use above the garage.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.  
 Yes  No

The variance is the only way to alleviate the restriction imposed by the zoning code.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.  
 Yes  No

Development of habitable space above accessory structures is typical for this neighborhood and for this city block in particular. This request is minimal and inline with adjacent properties.

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):

See attached separate sheet

Signature of Applicant 

Date 10/18/2024

**STATEMENT OF HARDSHIP**

192 Thurman Avenue

The site is located on the north side of Thurman Avenue between 4th Street and Jaeger Street in German Village. The site is zoned R2F - Residential as is most of the area surrounding this property.

This application is requesting Variances to construct a 2 car garage addition to an existing 1 car garage with habitable space above the 2 car garage portion (sleeping quarters and bathroom with no kitchen) as many other properties already have done in the District. This proposed structure is consistent with the development pattern of the neighborhood. The alley on which this structure is proposed contains other 2-story residential structures. The proposed height is consistent with the block. The existing structure to be modified is both a 3 car garage and it also contains existing habitable space above the 1 car portion of the garage.

Since 2007, the German Village Commission discourages connecting a garage structure to a house which creates a hardship for this property. This condition is not a result of actions by this homeowner and will not be injurious to adjacent properties.

**Variance's Required -****3332.26 - Minimum side yard permitted.**

The minimum side yard shall be the least dimension between any part of the building or structure and the side lot line, which least dimension shall be as follows:

- (C) In R-2F and R-4 districts:
- (2) For a single-family dwelling on a lot more than 40 feet wide, no less than - five feet

**Variance Requested**

To vary the west side yard from 5' to 4.3' and to vary the east side yard from 5' to 4.2'.

**3332.38 A Private Garage**

A private garage in a residential district shall be so located and constructed as to conform to one or more of the following as the case may require:

- (G) No carport or detached private garage shall exceed 15 feet in height, the perpendicular straight line measured from the curb level, or from the finished grade line of the lot where such grade is higher than the curb, to the highest point of such garage, except that in the university impact district, as defined in C.C. 3372.504, in those areas having an architectural review commission as set out in Chapters 3319 through 3331, C.C., or in a district or listed property, as defined in Chapter 3116, C.C., the 15 foot height limit may be exceeded in order to achieve a compatible roof pitch provided the University Area review board, the appropriate architectural review commission, or the historic resources commission, as the case may be, finds the increased roof pitch is compatible with the established architectural character of the district and further provided the increased roof pitch does not result in habitable space

**Variance Requested**

The property is within the jurisdiction of the German Village Planning Commission The proposed height of the detached garage is 26'-0".

**3332.38 A Private Garage**

- (H) A private garage shall be considered attached to the dwelling only when directly attached to habitable space. Any habitable space in an attached garage must connect directly with habitable space in the dwelling.

**Variance Requested**

The habitable space above the detached garage is not attached to the primary dwelling.

APPLICANT:  DATE: 01/08/2025

Mark Ours / Mode Architects - Property Owner

DEPARTMENT OF  
DEVELOPMENT

*This Certificate of Appropriateness is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 111 N. Front Street) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 192 Thurman Ave.

**APPLICANT'S NAME:** Mark Ours (Applicant)/ Michael A. Yee (Owner)

**APPLICATION NO.:** COA2400419

**MEETING OR STAFF APPROVED DATE:** 11-06-24    **EXPIRATION:** 11-06-25

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3319 and the architectural guidelines:

- Approved: Commission**  or **Staff**  Exterior alterations per APPROVED SPECIFICATIONS  
 **Recommendation for Approval:** Requested re-zoning/variance per APPROVED SPECIFICATIONS  
 **Recommended** or  **Not Recommended**

Recommend application COA2400419, 192 Thurman Ave., as submitted:

Variance Recommendation Request – Additions/Site Plan

- 3332.26 - Minimum side yard permitted. To vary the west side yard from 5' to 4.3' and to vary the east side yard from 5' to 4.2'.
- ~~3332.26 (E) - Minimum side yard permitted. From the detached garage - to vary the west side yard from 3' to 1.2' and vary the east side yard from 3' to 2'.~~
- 3332.38 A Private Garage. (G) The proposed height of the detached garage is 26'-0", when 15' is the maximum height allowed.
- 3332.38 A Private Garage. To allow habitable space in an unattached garage.

MOTION: Thiell/Durst (3-2-0) RECOMMENDED. [Thiell, Schultz]

**Drawings Required**

This Certificate of Appropriateness is only valid for work performed in accordance with the motion so passed and approved by the Commission, and shall accompany plans submitted for zoning clearance and/or building permits.

  
James A. Goodman, M.S.  
Historic Preservation Officer

NC

**Staff Notes:**

# Council Variance Application

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## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-133

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

**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) Mark Ours  
of (COMPLETE ADDRESS) 275 College Street Groveport Ohio 43125  
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. Mark and Keriann Ours - 100% 614-571-5817 192 Thurman Avenue Columbus Ohio 43206	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 18 day of OCTOBER, in the year 2024

[Signature]  
SIGNATURE OF NOTARY PUBLIC

2/13/2027 Notary Seal Here  
My Commission Expires



**Doris J Berube**  
Notary Public, State of Ohio  
Commission #: 2017-RE-630383  
My Commission Expires 02-13-2027

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