



## Legislation Details (With Text)

**File #:** 1659-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 5/26/2023      **In control:** Zoning Committee

**On agenda:** 6/12/2023      **Final action:** 6/14/2023

**Title:** To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25 Maximum side yards required; 3332.26(C), Minimum side yard permitted; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at 275 E. WHITTIER ST. (43206), to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV22-158).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 1659-2023.Attachments, 2. ORD 1659-2023.Labels

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|--|--------|
| 6/14/2023 | 1    | CITY CLERK            | Attest   |        |
| 6/13/2023 | 1    | MAYOR                 | Signed   |        |
| 6/12/2023 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 6/12/2023 | 1    | Zoning Committee      | Accept entire staff report into evidence as an exhibit | Pass   |
| 6/12/2023 | 1    | Zoning Committee      | Adopt the findings of staff as the findings of Council | Pass   |
| 6/12/2023 | 1    | Zoning Committee      | Approved   | Pass   |
| 6/5/2023  | 1    | Columbus City Council | Read for the First Time                                |        |

**Council Variance Application: CV22-158**

**APPLICANT:** Yehira (Heidi) Negron; c/o Jon Stevenson, Attorney; 250 E. Town Street, Suite 200; Columbus, OH, 43206.

**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 a detached garage with habitable space above. 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 includes variances to area district lot width requirements, area district requirements, maximum and minimum side yards, and garage height. Staff supports the proposed variances as the request is consistent with similar proposals that have been approved in the area.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.05(A)(4), Area district lot width

requirements; 3332.14, R-2F area district requirements; 3332.25 Maximum side yards required; 3332.26(C), Minimum side yard permitted; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **275 E. WHITTIER ST. (43206)**, to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV22-158).

**WHEREAS**, by application #CV22-158, the owner of the property at **275 E. WHITTIER ST. (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(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet, while the applicant proposes to maintain the existing lot width of 31 feet; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires a 6,000 square foot lot for a single-family dwelling, while the applicant proposes to maintain the existing lot of 2,883 square feet; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 6.2 feet for a 31 foot wide lot, while the applicant proposes to maintain a maximum side yard of 5.4 feet for the existing single-unit dwelling; and

**WHEREAS**, Section 3332.26(C), Minimum side yard permitted, requires a minimum side yard of 3 feet for lots 40 feet wide or less, while the applicant proposes to maintain a minimum side yard 0.93 feet along the west side of the existing single-unit dwelling; and

**WHEREAS**, Section 3332.26(E), Minimum side yard permitted, requires a minimum distance for a garage of 3 feet from a side lot line, while the applicant proposes a distance of 1' 11" from the east property line; and

**WHEREAS**, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of 24 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 the area; 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 **275 E. WHITTIER ST. (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(A) (4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.25 Maximum side yards required; 3332.26(C), Minimum side yard permitted; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage of the Columbus City Codes; for the property located at **275 E. WHITTIER ST. (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 area district lot width requirement from 50 feet to 31 feet; a reduced area district requirement from 6,000 square feet to 2,883 square feet; a reduced maximum side yard from 6.2 feet to 5.4 feet for the existing single-unit dwelling; a reduced minimum side yard from 3 feet to 0.93 feet along the west side of the single-unit dwelling; a reduced minimum side yard from 3 feet to 1 foot 11 inches along the east side of the garage; and an increased height of the detached garage from 15 feet to 24 feet; said property being more particularly described as follows:

**275 E. WHITTIER ST. (43206)**, being 0.09± acres located at the southwest corner of East Whittier Street and Blackberry Alley, and being more particularly described as follows:

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

Being Lot Number Five (5), in BLESCH AND KREMER'S SUBDIVISION of Lot Number Six (6) of C.F. Jaeger's Estate, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 434, Recorder's Office, Franklin County, Ohio.

For informational Purposes only:

Property Address: 275-277 East Whittier Street Columbus, Ohio 43206

Parcel No.: 010-017425-00

**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 DIMENSION PLAN**," dated May 18, 2023, and signed by Jon Stevenson, 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 plans shall be subject to review and approval by the Director of the Department 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 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 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.