



## Legislation Details (With Text)

**File #:** 0854-2023      **Version:** 1

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

**File created:** 3/13/2023      **In control:** Zoning Committee

**On agenda:** 4/3/2023      **Final action:** 4/5/2023

**Title:** To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.21, Building lines; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at 51 E. 4TH AVE. (43201), to permit habitable space above a detached garage with reduced development standards in the R-4, Residential District (Council Variance #CV22-137).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0854-2023.Attachments, 2. ORD0854-2023.Labels

Date	Ver.	Action By	Action	Result
4/5/2023	1	CITY CLERK	Attest	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
4/3/2023	1	Zoning Committee	Approved	Pass
4/3/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
4/3/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass

**Council Variance Application: CV22-137**

**APPLICANT:** Juliet Bullock; 4886 Olentangy Boulevard; Columbus, OH 43215.

**PROPOSED USE:** Habitable space above a detached garage.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of a single-unit dwelling and detached garage zoned in the R-4, Residential District. The requested Council variance will permit the conversion of storage space on the second floor of the existing detached garage to habitable space as a guest suite including sleeping facilities. 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 building setback 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; 3332.21, Building lines; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **51 E. 4TH AVE. (43201)**, to permit habitable space above a detached garage with reduced development standards in the R-4, Residential District (Council Variance #CV22-137).

**WHEREAS**, by application #CV22-137, the owner of the property at **51 E. 4TH AVE. (43201)**, is requesting a Variance to permit habitable space above a detached garage with reduced development standards in the R-4, 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 an existing detached garage that is not connected to habitable space within the single-unit dwelling; and

**WHEREAS**, Section 3332.21, Building lines, requires a minimum building setback line of 25 feet from East 4<sup>th</sup> Avenue, while the applicant proposes to maintain a building setback line of approximately 14 feet for the front dwelling unit; and

**WHEREAS**, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of approximately 21 feet 4.5 inches; and

**WHEREAS**, the Italian 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 **51 E. 4TH AVE. (43201)**, 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; 3332.21, Building lines; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **51 E. 4TH AVE. (43201)**, 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-4, Residential District; with a reduced building setback of 14 feet from East Fourth Avenue; and an increased height of the detached garage from 15 feet to 20 feet 4.5 inches; said property being more particularly described as follows:

**51 E. 4TH AVE. (43201)**, being 0.10± acres located on the south side of East 4th Avenue, 60± feet east of Mt. Pleasant Avenue, and being more particularly described as follows:

Tract 1: Being part of Lot Number 8 of William G. Deshler's Addition to William Phelan's Mt. Pleasant Addition to said

city, as the said lot is designated and delineated on the recorded plat thereof; said Addition in Plat Book No. 1, Page 64 in the Office of the Recorder of Franklin County, Ohio; beginning at a point 30 feet west of the northeast corner of said Lot No. 8 of William G. Deshler's Addition to William Phelan's Mt. Pleasant Addition to the City of Columbus Ohio; thence west 30' parallel with north line of said Lot No. 8; thence south 130 feet parallel with the east line of said Lot No. 8; thence east parallel with the north line of said Lot No. 8; thence north 130 feet to the place of the beginning.

Tract 2: Being a strip of land, three feet wide of the west side of the following described real estate: Beginning at the northeast corner of Lot No. 8 in William G. Deshler's Addition, to William Phelan's Mt. Pleasant Addition, to the City Of Columbus Ohio, as the same is numbered and delineated on the recorded plat thereof, in Plat Book 1, Page 64, Recorder's Office, Franklin County, Ohio; thence on Fourth Avenue west 30 feet; thence south on a line parallel with the east line of said Lot 130 feet; thence on a line parallel with Fourth Avenue 30 feet; thence to a place of beginning 130 feet. Said strip of three feet to be cut off the west side of the above described lot by a line running parallel with the west line of said lot.

Known as 51 E. 4<sup>th</sup> Avenue, Columbus, OH 43201

Parcel #010- 053028

**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 including habitable space above a detached garage, or those uses permitted in the R-4, 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 - 51 E. 4<sup>TH</sup> AVE.**" dated March 6, 2023, and drawn and signed by Juliet Bullock, 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 following: The second floor of the garage will not be converted to, or used as, a separate dwelling unit, which is defined as a single, self-contained unit providing independent living facilities with eating, living, sanitary, sleeping, and a cooking facility for exclusive use by the occupants.

**SECTION 5.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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