



## Legislation Details (With Text)

**File #:** 3017-2021      **Version:** 1

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

**File created:** 11/9/2021      **In control:** Zoning Committee

**On agenda:** 12/6/2021      **Final action:** 12/8/2021

**Title:** To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at 862 MOHAWK ST. (43206), to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV21-097).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3017-2021\_Attachments, 2. ORD3017-2021\_Labels

Date	Ver.	Action By	Action	Result
12/8/2021	1	CITY CLERK	Attest	
12/7/2021	1	MAYOR	Signed	
12/6/2021	1	Zoning Committee	Waive the 2nd Reading	Pass
12/6/2021	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/6/2021	1	Zoning Committee	Approved	Pass
12/6/2021	1	COUNCIL PRESIDENT	Signed	

**Council Variance Application: CV21-097**

**APPLICANT:** Michael Cornelis and Susan Riley; c/o Chad M. Draheim, Atty.; 560 East Town Street; Columbus, OH 43215.

**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 a new 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 building lines, 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; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **862 MOHAWK ST. (43206)**, to permit habitable space above a detached garage with reduced development standards in

the R-2F, Residential District (Council Variance #CV21-097).

**WHEREAS**, by application #CV21-097, the owner of the property at **862 MOHAWK 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 3332.21(D), Building lines, requires buildings to have a minimum setback of 10 feet along Mohawk Street, while the applicant proposes to maintain a building setback of 0 feet for the existing dwelling; and

**WHEREAS**, Section 3332.26, 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 of 2 feet along the south side of the existing single-unit dwelling and a reduced side yard from 3 feet to 2 feet along the north and south property lines of the new detached garage; and

**WHEREAS**, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of 24.6 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 **862 MOHAWK 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; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **862 MOHAWK 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 building line from 10 feet to 0 feet along Mohawk Street for the existing single-unit dwelling; reduced minimum side yard from 3 feet to 2 feet along the south side of the single-unit dwelling and from 3 feet to 2 feet along the north and south property lines of the new detached garage; and an increased height of the detached garage from 15 feet to 24.6 feet; said property being more particularly described as follows:

**862 MOHAWK ST. (43206)**, being 0.11± acres located on the east side of Mohawk Street, 36± feet south of Lansing Street, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and City of Columbus:

Being Lot 112 of C.F. Jaeger's 18th Addition, as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book 2, Page 20, Franklin County Recorder's Office, Franklin County, Ohio, EXCEPTING 37.0 (thirty-seven) feet, in equal width throughout, off the entire north side of said lot 112, and being more particularly described as follows:

Beginning at a spike in the east line of Mohawk Street (82.5 feet wide) and in the west line of said Lot 112, said spike representing the southwest corner of said Lot 112; thence North, along the easterly line of Mohawk Street, and the westerly line of said Lot 112, measure a distance of 23.60 feet (twenty-three and 60/100) to a spike; thence East, parallel to and 37.0 (thirty-seven) feet southerly from the north line of said Lot 112; measure a distance of 187.50 feet (one hundred eighty-seven and 50/100) feet to a spike; thence south parallel to and 187.50 feet (one hundred eighty-seven and 50/100) feet easterly from the west line of said Lot 112, measure a distance of 25.57 (twenty-five and 57/100) to a spike; thence West, along the southerly line of said Lot 112. Measure a distance of 187.50 (one hundred eighty-seven and 50/100) feet to a place of beginning, being further described as house number 862 Mohawk Street, and subject, however, to all easements of public record in respective utility offices.

Parcel Number: 010-022109

Property Address: 862 Mohawk Street, 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 November 12, 2021, and signed by Chad M. Draheim, 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 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.