



Legislation Text

File #: 0346-2023, **Version:** 1

Council Variance Application: CV22-095

APPLICANT: David Maddux; The Arcus Group; 1244 Smith Court; Rocky River, OH 44116.

PROPOSED USE: Habitable space above a detached garage.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling and detached garage in the ARLD, Apartment Residential District. The requested Council variance will allow habitable space above the existing 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 carries over variances previously granted in 1999 by the Board of Zoning Adjustment for lot coverage, side yards, and the size and height of the detached garage. Staff supports the proposed variances as the request is consistent with similar proposals in urban neighborhoods, and will not introduce an incompatible use to the area. Additionally, any exterior alterations of the existing detached garage are subject to review and issuance of a Certificate of Appropriateness by the Victorian Village Commission.

To grant a Variance from the provisions of Sections 3333.35(H), Private garage; 3333.15, Basis of computing area; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.35(F)(G), Private garage, of the Columbus City Codes; for the property located at **937 DENNISON AVE. (43201)**, to permit habitable space above a detached garage with reduced development standards in the ALRD, Apartment Residential District (Council Variance #CV22-095).

WHEREAS, by application #CV22-095, the owner of the property at **937 DENNISON AVE. (43201)**, is requesting a Variance to permit habitable space above a detached garage with reduced development standards in the ARLD, Apartment Residential District; and

WHEREAS, Section 3333.35(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 directly connected to habitable space in the single-unit dwelling; and

WHEREAS, Section 3333.15, Basis of computing area, limits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased maximum lot coverage of 57 percent; and

WHEREAS, Section 3333.22, Maximum side yard required, requires that the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, while the applicant proposes to maintain a maximum side yard of five percent or two feet; and

WHEREAS, Section 3333.23(c), Minimum side yard permitted, requires a side yard of no less than three feet for a detached garage, while the applicant proposes to maintain side yards of one foot along the northern and southern property lines for the existing garage building; and

WHEREAS, Section 3333.35(F)(G), Private garage, requires no portion of the lot area devoted to a private garage or a carport to exceed the greater of 720 square feet, or one-third of the minimum net floor area for living quarters of the principal residence, and restricts the height of a private detached garage to 15 feet, while the applicant proposes to maintain an existing detached garage of 972 square feet, with an increased height of 24 feet; and

WHEREAS, the Victorian 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 urban neighborhoods, and will not add an incompatible use to 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 **937 DENNISON 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 3333.35(H), Private garage; 3333.15, Basis of computing area; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; and 3333.35(F) (G), Private garage, of the Columbus City Codes; for the property located at **937 DENNISON AVE. (43201)**, insofar as said sections prohibit habitable space above a detached garage that is not directly connected with habitable space in a dwelling; with an increase in lot coverage from 50 percent to 57 percent; a reduced maximum side yard from five feet to two feet; reduced minimum side yards from three feet to one foot along the northern and southern property lines of the existing detached garage; increased private garage size from 720 square feet to 972 square feet; and an increased height of the detached garage from 15 feet to 24 feet; said property being more particularly described as follows:

937 DENNISON AVE. (43201), being 0.11± acres located on the west side of Dennison Ave, 75± feet north of Kleiner Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus; being Lot Number Thirty-Five (35) in Stewart and Greener's Addition, to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 78, Recorder's Office, Franklin County, Ohio.

Parcel ID: 010-038185

Known Address: 937 Dennison Ave., Columbus, OH 43201.

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 ARLD, Apartment Residential District.

SECTION 3. 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.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.