



Legislation Text

File #: 0909-2024, Version: 1

Council Variance Application: CV23-154

APPLICANT: Gregory & Robin Howard; c/o Brenda Parker, Agent; 405 North Front Street; Columbus, OH 43215

PROPOSED USE: Habitable space above a detached garage.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling zoned in the R-4, Residential District. The requested Council variance will allow the construction of a detached garage with habitable space located above. A Council variance is required because habitable space above a garage is only allowed when connected directly to habitable space within a dwelling. The request also includes variances to rear yard and garage height. The site is located within the planning boundaries of the *Fifth by Northwest Area Plan* (2009), which recommends "Medium Density Mixed Residential" land uses at this location. The proposed development is consistent with the Plan's land use recommendation. Additionally, *Columbus Citywide Planning Policies* (C2P2) Design Guidelines recommend new development be based on surrounding structures in terms of height, setbacks, lot coverage, and other factors, as well as be oriented to the street. Staff is supportive of the requested height and rear yard variances as the overall design is consistent with those guidelines.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.27, Rear yard; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1633 NORTH STAR AVE. (43212)**, to allow habitable space above a detached garage with reduced development standards in the R-4, Residential District (Council Variance #CV23-154).

WHEREAS, by application #CV23-154, the owner of the property at **1633 NORTH STAR AVE. (43212)**, is requesting a Variance to allow 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 a detached garage that is not connected to habitable space within the existing single-unit dwelling; and

WHEREAS, 3332.27, Rear yard, requires each dwelling, residence or principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain a reduced rear yard of six percent; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes an increased height of 23.59 feet; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because it is consistent with the

land use recommendation of “Medium Density Mixed Residential” in the *Fifth by Northwest Area Plan*, as well as *Columbus Citywide Planning Policies (C2P2) Design Guidelines*; 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 **1633 NORTH STAR AVE. (43212)**, 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; 3332.27, Rear yard; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1633 NORTH STAR AVE. (43212)**, 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 rear yard from 25 percent to six percent; and an increased garage height from 15 feet to 23.59 feet; said property being more particularly described as follows:

1633 NORTH STAR AVE. (43212), being 0.10± acres located on the west side of North Star Avenue, 385± feet south of King Avenue, and being more particularly described as follows:

SITUATED IN THE CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO, AND DESCRIBED AS FOLLOWS:

BEING LOT NUMBER NINETEEN (19), RICKETTS AND MILLERS SUMMIT PLAIN ADDITION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD PLAT BOOK 4, PAGE 344, RECORDERS OFFICE, FRANKLIN COUNTY, OHIO.
PRIOR INSTRUMENT REFERENCE: INSTRUMENT NUMBER 200110040229361 RECORDER’S OFFICE, FRANKLIN COUNTY, OHIO

PARCEL NO. 010-062046-00

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 including habitable space above a detached garage, or those uses allowed 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**", and building elevations titled "**GARAGE PLANS & ELEVATIONS**," both dated March 18, 2024, and drawn and signed by Brenda Parker, Agent for the Applicant. The plans 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 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 upon the applicant obtaining all applicable permits and a

Certificate of Occupancy for the proposed use.

SECTION 5. 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.