Council Variance Application: CV18-100

APPLICANT: Eboni Eiland; 4089 Jonquil Street; Columbus, OH 43224.

PROPOSED USE: Habitable space above a garage.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of a single-unit dwelling under construction zoned in the R-3, Residential District. Board of Zoning Adjustment Application #BZA18-015 was approved for this site to allow the single-unit dwelling and detached three car garage with reduced side yards. The applicant requests a Council variance to allow habitable space above the detached garage. A Council variance is necessary because the current zoning code permits habitable space above a garage only when such space is attached directly to habitable space in a dwelling unit. This garage is attached to its dwelling by a covered breezeway and not connected directly with habitable space in the dwelling. The request also includes a variance to increase the allowable height of the garage to accommodate the habitable space, and is conditioned on the habitable space not being a separate dwelling unit. The site is within the boundaries of the *Near East Area Plan* (2005), which recommends that new housing be compatible in terms of housing types and density. The additional habitable space at this location is appropriate based on the density and size of nearby homes, however, Planning Division staff did not support previous BZA18-015 as the architecture was inconsistent with Plan's recommendations. Planning staff recommends revisions to the building design and site plan in line with the comments previously relayed for the BZA application, but since BZA18-015 was approved by the Board of Zoning Adjustment and the dwelling is almost completed, Zoning staff recognizes that site redesign is not possible.

To grant a Variance from the provisions of Sections 3332.38(H) and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1272 COLE STREET (43205),** to permit habitable space on the second floor of a detached garage with increased height in the R-3, Residential District (Council Variance # CV18-100).

WHEREAS, by application #CV18-100, the owner of the property at **1272 COLE STREET (43205),** is requesting a Variance to permit habitable space on the second floor of a detached garage with increased height in the R-3, 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 3332.38(G), Private garage, limits detached garage height to 15 feet, while the applicant proposes a garage height of 20 feet; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed dwelling with habitable space above the detached garage is appropriate based on the density and size of nearby homes as

referenced in the *Near East Area Plan*; 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 **1272 COLE STREET (43205),** 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) and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1272 COLE STREET (43205),** insofar as said sections prohibit habitable space on the second floor of a detached garage that does not connect directly with habitable space in a single-unit dwelling in the R-3, Residential District, with an increased height from 15 feet to 20 feet; said property being more particularly described as follows:

1272 COLE STREET (43205), being 0.26± acres located on the north side of Cole Street,155± feet east of Linwood Avenue, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and being Lot Numbers Forty-One (41) and Forty-Two (42) of H.H. Kimball's Heirs Second Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 126, Recorder's Office, Franklin County, Ohio.

1272 Cole Street, Columbus, Ohio 43205
Auditor's Parcel Number 010-042789

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 a detached garage with habitable space on the second floor of the garage, or those uses permitted in the R-3, 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. The second floor of the garage will have no cooking facilities.

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