



Legislation Text

File #: 0203-2019, **Version:** 2

Council Variance Application: CV18-099

APPLICANT: Juliet Bullock Architects; 1182 Wyandotte Road; Columbus, OH 43212.

PROPOSED USE: Habitable space above a 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 allow habitable space above a detached garage with access and maneuvering through an adjacent parking lot. A Council variance is necessary because the zoning code permits habitable space above a garage only when such space is connected directly to habitable space in the dwelling. The request also includes variances for driveway, maneuvering, and 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. Board of Zoning Adjustment Application #BZA17-102 was approved for this site to allow the proposed development, but expired on October 26, 2018. Meanwhile, it has been determined that the Council variance is the appropriate venue for relief because unconnected habitable space represents a use restriction rather than a development standard. Staff supports the proposed variance 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; 3312.13, Driveway; 3312.25, Maneuvering; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **113 THURMAN AVENUE (43206)**, to permit habitable space on the second floor of a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV18-099).

WHEREAS, by application #CV18-099, the owner of the property at **113 THURMAN AVENUE (43206)**, is requesting a Variance to permit habitable space on the second floor of 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 3312.13, Driveway, requires driveways that are a minimum of ten feet wide as access corridors on residential lots, while the applicant proposes to access the garage through an adjacent parking lot; and

WHEREAS, Section 3312.25, Maneuvering, requires the maneuvering area for a parking space to occur on its own lot, while the applicant proposes maneuvering on an adjacent parcel; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of ~~23.75~~ **28** 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 **113 THURMAN AVENUE (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; 3312.13, Driveway; 3312.25, Maneuvering; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **113 THURMAN AVENUE (43206)**, 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-2F, Residential District, with access and maneuvering for this garage occurring on an adjacent parcel; and an increased height of the detached garage from 15 feet to ~~23.75~~ **28** feet; said property being more particularly described as follows:

113 THURMAN AVENUE (43206), being 0.11± acres located on the south side of Thurman Avenue, 92± feet west of South Fourth Street, and being more particularly described as follows:

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

Being one hundred fourteen (114) feet off the north end of the Lot Number forty-seven (47) of Lots 47 to 83 inclusive, of Deshler, Thurman and Bennetts Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 158, Records Office, Franklin County, Ohio.

Addressed as 113 E Thurman Avenue; 0.11 acres; effective front 42' and effective depth 114'.

Auditor's Parcel Number 010-012696

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-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan **and elevations** titled "**113 THURMAN AVENUE SHEETS 1 AND 3**," dated January 8 **25**, 2019, and drawn and signed by Juliet Bullock, 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 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.