



## Legislation Text

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**File #:** 1496-2020, **Version:** 1

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### **Council Variance Application: CV20-041**

**APPLICANT:** Mark Ours; Mode Architects; 174 Thurman Avenue; Columbus, OH 43206.

**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 a detached garage with habitable space above. 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 requests also includes variances to building lines, maximum and 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; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **245 LANSING ST. (43206)**, to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV20-041).

**WHEREAS**, by application #CV20-041, the owner of the property at **245 LANSING 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 Lansing Street, while the applicant proposes to maintain a building setback of 1 foot for the existing dwelling; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 6.5 feet for a 33 foot wide lot, while the applicant proposes to maintain a maximum side yard of 5.25 feet for the existing single-unit 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 1 foot 9 inches along the east side of the existing single-unit dwelling; and

**WHEREAS**, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of 23 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 **245 LANSING 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; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **245 LANSING 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 1 foot along Lansing Street for the existing single-unit dwelling; a reduced maximum side yard from 6.5 feet to 5.25 feet for the existing single-unit dwelling; a reduced minimum side yard from 3 feet to 1 foot 9 inches along the east side of the single-unit dwelling; and an increased height of the detached garage from 15 feet to 23 feet; said property being more particularly described as follows:

**245 LANSING ST. (43206)**, being 0.08± acres located on the south side of Lansing Street, 130± feet west of Jaeger Street, 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 Forty-seven (47) of MARIA W. SEBACH SECOND ADDITION to the City of Columbus, Ohio, as same in numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 310, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-020971

Property Address: 245 Lansing 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 June 11, 2020, and drawn and signed by Mark Ours, 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.