



Legislation Text

File #: 0469-2021, **Version:** 1

Council Variance Application: CV20-120

APPLICANT: Molly McCartin; c/o Donald A. Highlander, Agent; Connecting Spaces LLC; 56 Milford Drive, Suite 2; Hudson, OH 44236.

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 and detached garage zoned in the R-2F, Residential District. The requested Council variance will permit the conversion of storage space on the second floor of the existing detached garage to habitable space as a guest suite including sleeping facilities. 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 includes variances to maximum and minimum side yards and garage height to conform existing conditions. 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; 3332.25(B), Maximum side yards required; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1042 JAEGER ST. (43206)**, to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV20-120).

WHEREAS, by application #CV20-120, the owner of the property at **1042 JAEGER 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 an existing detached garage that is not connected to habitable space within the single-unit dwelling; and

WHEREAS, Section 3332.25(B), 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 feet for a 29.8 foot wide lot, while the applicant proposes to maintain a maximum side yard of 3 feet 6.5 inches for the existing detached garage; 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 3.5 inches along the north side and 2 feet 3.25 inches along the south side of the existing detached garage; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes the maintain the existing garage height of approximately 20 feet 10.3 inches; 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 **1042 JAEGER 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; 3332.25(B), Maximum side yards required; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **1042 JAEGER 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 maximum side yard from 6 feet to 3 feet 6.5 inches for the existing garage; a reduced minimum side yard from 3 feet to 1 foot 3.5 inches along the north side and 2 feet 3.25 inches along the south side of the existing garage; and an increased height of the detached garage from 15 feet to 20 feet 10.3 inches; said property being more particularly described as follows:

1042 JAEGER ST. (43206), being 0.12± acres located on the east side of Jaeger Street, 110± feet south of Stewart Avenue, and being more particularly described as follows:

The south ½ of Lt/Un 108 DESHLER AND THURMANS ADDN Pcl# 010-053397 Plt PB 1 PG 157 PT 108.

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 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 "**BONAKDARPOUR HOUSE GUEST BEDROOM**," dated January 26, 2021, and drawn and signed by Donald Highlander, Agent for the 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, which is defined as a single, self-contained unit providing independent living facilities with eating, living, sanitary, sleeping, and a cooking facility for exclusive use by the occupants.

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