



Legislation Text

File #: 2903-2022, **Version:** 1

Council Variance Application: CV22-056

APPLICANT: Janice Wilkins; 460 Stewart Avenue; Columbus, OH 43206.

PROPOSED USE: Habitable space above a detached garage.

COLUMBUS SOUTH SIDE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-2F, Residential District. The requested Council variance will allow habitable space above and next to a newly constructed detached garage. 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 a variance to increase the permitted garage height. Staff supports the proposed variances as the request is consistent with similar proposals in urban neighborhoods, and will not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **460 STEWART AVE. (43206)**, to permit habitable space above a detached garage with reduced development standards in the R-2F, Residential District (Council Variance #CV22-056).

WHEREAS, by application #CV22-056, the owner of the property at **460 STEWART AVE. (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 newly constructed detached garage that is not directly connected to habitable space in the single-unit dwelling; and

WHEREAS, Section 3332.26(E), Minimum side yard permitted, requires a minimum side yard of 3 feet for lots 40 feet wide or less, while the applicant proposes a minimum side yard of 1.1± feet along the western property line for the detached garage; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes a garage height of 20 feet; and

WHEREAS, the Columbus South Side Area 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 urban neighborhoods, and will not add an incompatible use to 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 **460 STEWART AVE. (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; 3332.26(E), Minimum side yard permitted; and 3332.38(G), Private garage of the Columbus City Codes; for the property located at **460 STEWART AVE. (43206)**, insofar as said sections prohibit habitable space above a detached garage that is not directly connected with habitable space in a dwelling; a decreased side yard from 3 feet to 1.1± feet along the western property line of the detached garage; and an increased height of the detached garage from 15 feet to 20 feet; said property being more particularly described as follows:

460 STEWART AVE. (43206), being 0.15± acres on the north side of Stewart Avenue, 210± west of Parsons Avenue, 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 (40) of Lot Numbers 1 to 118 inclusive of Writh, Barth and Huber's Subdivision of out lots Numbers 4, 5, 6, 7, 8, 9, and 10, of Deshler's and Thurman's Addition to Columbus, Ohio and two tracts of 3 06-100 and 3 08-100 acres adjoining, recorded in Plat Book No. 3, page 380, Plat Record of Franklin County, Ohio.

Parcel ID: 010-0110321

Known Address: 460 Stewart Ave., 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 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.