



## Legislation Text

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**File #:** 1263-2023, **Version:** 2

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### **Council Variance Application: CV22-139**

**APPLICANT:** David Hodge; Underhill and Hodge; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**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 requested Council variance will permit the construction of a detached garage with habitable space above. A Council variance is necessary because habitable space above a garage is only permitted when connected directly to habitable space in a dwelling. Included in the request is a variance to increase the garage size and height. Staff supports the proposed use and garage variances as they are consistent with similar proposals that have been approved in the area, and will not add an incompatible use.

To grant a Variance from the provisions of Sections 3332.38(H), Private garage; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **637 S. 3RD ST. (43206)**, to permit habitable space above a detached garage with an increased height in the R-2F, Residential District (Council Variance #CV22-139).

**WHEREAS**, by application #CV22-139, the owner of the property at **637 S. 3RD ST. (43206)**, is requesting a Variance to permit habitable space above a detached garage with an increased height 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 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes an increased garage height of 21 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 **637 S. 3RD 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; and 3332.38 (G), Private garage, of the Columbus City Codes; for the property located at **637 S. 3RD 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; and an increased garage height from 15 feet to 21 feet; said property being more particularly described as follows:

**637 S. 3RD ST. (43206)**, being 0.10± acres located on the west side of South 3<sup>rd</sup> Street, 175± feet north of East Sycamore Street, and being more particularly described as follows:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING A PART OF INLOT 719 OF JOHN MCGOWN'S ADDITION AS IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN DEED BOOK "G", PAGE 70, ALL RECORDS BEING OF THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, UNLESS OTHERWISE NOTED, PART OF LOT 15 OF MATTHEW J. GILBERT'S ADDITION AS IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF OF RECORD IN PLAT BOOK 14, PAGE 370, ALSO BEING A PART OF THE TRACT CONVEYED TO ROBERT E. AND MARYLOU Z. COROTIS IN OFFICIAL RECORD VOLUME 16983, D-03, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A SET IRON PIN IN THE WEST LINE OF SOUTH THIRD STREET, 82.5 FEET WIDE, EAST LINE OF SAID INLOT 719, AND THE EAST LINE OF SAID COROTIS TRACT, SAID POINT BEING NORTH, 54.41 FEET FROM THE SOUTHEAST CORNER OF SAID COROTIS TRACT;

THENCE, ACROSS SAID INLOT 719 AND SAID LOT 15, AND ACROSS SAID COROTIS TRACT, NORTH 89° 23' 44" WEST, 93.75 FEET TO A SET IRON PIN IN THE WEST LINE OF SAID COROTIS TRACT, ALSO BEING THE EAST LINE OF THE TRACT CONVEYED TO TERRANCE J. DUNN IN OFFICIAL RECORD VOLUME 8606, I-10;

THENCE, ACROSS SAID LOT 15 AND SAID INLOT 719, ALONG PART OF THE WEST LINE OF SAID COROTIS TRACT, ALONG PART OF THE EAST LINE OF SAID DUNN TRACT, AND ALONG PART OF THE EAST LINE OF THE TRACT CONVEYED TO MARIAN A. SOUTHARD IN DEED BOOK 3641, PAGE 877, NORTH, 43.95 FEET TO A SET P.K. NAIL AT THE NORTHWEST CORNER OF SAID COROTIS TRACT;

THENCE, ACROSS SAID INLOT 719, ALONG THE NORTH LINE OF SAID COROTIS TRACT, SOUTH 89° 49' 04" EAST, 93.75 FEET TO A SET IRON PIN IN THE EAST LINE OF SAID INLOT 719, WEST LINE OF SOUTH THIRD STREET, AT THE NORTHEAST CORNER OF SAID COROTIS TRACT;

THENCE, ALONG PART OF THE EAST LINES OF SAID INLOT 719 AND SAID COROTIS TRACT, AND THE WEST LINE OF SOUTH THIRD STREET, SOUTH, 44.64 FEET TO THE POINT OF BEGINNING, CONTAINING 0.095 ACRES, SUBJECT HOWEVER TO ALL LEGAL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

IRON PINS SET ARE 30" x 1" O.D. WITH ORANGE PLASTIC CAPS INSCRIBED "P.S. #6579". BASIS OF BEARINGS IS AN ASSUMED BEARING OF NORTH ON THE WEST LINE OF SOUTH THIRD STREET.

**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 with 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 March 2, 2023, and signed by Eric Zartman, Attorney 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 plans shall be subject to review and approval by the Director of the Department 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.