



Legislation Text

File #: 2608-2024, Version: 1

Council Variance Application: CV24-074

APPLICANT: Lawrence Johns; 1569 Greenway Avenue; Columbus, OH 43203

PROPOSED USE: Habitable space above a detached garage.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will allow a detached garage with habitable space located above. A Council variance is required because habitable space above a garage is only allowed when connected directly to habitable space within a dwelling. The request also includes a variance to garage height. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specified land use recommendation at this location. The Plan does state that new constructions should be compatible with the surrounding context in terms of height, massing/scale, materials, porches, roof pitch, setbacks, and window and door proportions, that accessory dwelling units should be architecturally compatible with the primary residence, separate entrances should be directed towards the side or rear yard, and that garages should be detached and located behind the house. The proposal is consistent with these Plan design guidelines.

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 **1569 GREENWAY AVE. (43203)**, to allow habitable space above a detached garage with an increased height in the R-3, Residential District (Council Variance #CV24-074).

WHEREAS, by application #CV24-074, the owner of the property at **1569 GREENWAY AVE. (43203)**, is requesting a Variance to allow habitable space above a detached garage with an increased height in the R-3, 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 existing single-unit dwelling; and

WHEREAS, Section 3332.38(G), Private garage, limits garage height to 15 feet, while the applicant proposes an increased height of 21 feet; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because it is consistent with the design guidelines of the *Near East Area Plan*; 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 **1569 GREENWAY AVE. (43203)**, 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 **1569 GREENWAY AVE. (43203)**, 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-3, Residential District; with an increased garage height from 15 feet to 21 feet; said property being more particularly described as follows:

1569 GREENWAY AVE. (43203), being 0.19± acres located on the south side of Greenway Avenue, 155± feet east of Taylor Avenue, and being more particularly described as follows:

Situated in the City of Columbus, County of Franklin, State of Ohio:

Being Lot Number Sixty-Eight (68) and 23.925 feet off the east side of Lot Number Sixty-Seven (67) in Levi R. and Hugh E. Smith's Woodland Park Addition, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 132 and 133, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-021577-00

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 allowed in the R-3, 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**", and building elevations titled "**GARAGE ELEVATIONS**", both dated September 16, 2024, both signed by Lawrence Johns, 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 plans 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. 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 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.