

## STAFF REPORT

BOARD OF ZONING ADJUSTMENT  
CITY OF COLUMBUS, OHIO  
DECEMBER 20, 2011

2.     **Application No.:**     **11310-00580**  
       **Location:**         **129 KING AVENUE (43201)**, located on the south side of King Ave., 81.25 ft. west of Hunter Ave.  
       **Area Comm./Civic:**   University Area Commission  
       **Existing Zoning:**   R-4, Residential District  
       **Request:**            Variances to Sections:  
                              3332.38, Private garage.  
                              To increase the overall height of a detached garage from 15 ft. to 19 ft.  
                              3309.14, Height district.  
                              To increase the overall height of a structure from 35 ft. to 75 ft. (increase of 40 ft.).  
       **Proposal:**            To construct a 720 sq. ft. detached garage and a 75 ft. tall wind turbine.  
       **Applicant(s):**        David Murchie  
                              129 King Ave.  
                              Columbus, Ohio 43201  
       **Property Owner(s):** Same as applicant.  
       **Case Planner:**     Dave Reiss, 645-7973  
       **E-mail:**             DJReiss@Columbus.gov

### RELEVANT DATA

- The site is developed with a single-family dwelling, constructed in 1880. The surrounding area is developed similarly and apartments are nearby.
- The applicant is requesting two variances: One, to increase the overall height of a garage from 15 ft. to 19 ft.; and the second, to increase the overall height of a structure from 35 ft. to 75 ft. for a wind turbine.
- Section 3332.38 allows the overall height of a detached garage to be up to 15 ft. in height, while the applicant proposes to construct a garage that is 19 ft. in height.
- Section 3309.14 allows the overall height of a structure in a residential district to be 35 ft., while the applicant proposes the construction of a wind turbine that would be 75 ft. in overall height; an increase of 40 ft. from that allowed.
- The University Area Commission recommends approval of the variances requested.

**CITY DEPARTMENTS' RECOMMENDATION: APPROVAL (garage height);  
DISAPPROVAL (wind turbine)**

**SUMMARY OF POSITION AND OUTSTANDING ISSUES, IF ANY:**

The applicant proposes to construct a 720 sq. ft., 19 ft. tall, detached garage and a 75 ft. tall wind turbine.

The detached garage is proposed to provide a greenhouse on the second floor. The applicant states that this is the lowest overall height possible in order to accommodate the garage door height needed and for the proposed greenhouse space to be able to be used effectively.

The 75 ft. tall wind turbine is proposed in order to provide electrical power to the dwelling and garage. The height is needed since not enough wind power could be generated at an overall height of 35 ft., thus making the turbine practically inefficient.

Staff is supportive of the garage height variance, since many garage heights of nearby properties exceed that which is allowable due to their age and architecture. Such are characteristic of the neighborhood and what is allowable by code is more out-of-character in this neighborhood. But for the greenhouse on the second floor of the garage (which is not at all typical), the overall height is not seen as a problem.

Staff does not support the construction of the wind turbine, though we believe it is innovative and ground-breaking for a residential use. Staff believes the turbine is uncharacteristic of the neighborhood and that the height is too tall. (We do acknowledge that an up to 60 ft. tall, non-commercial (HAM) radio tower would be allowed, however, per Section 3309.145, so long as the setback of the tower is separated from all property lines is equal to it's height. If this application were equal in that regard, staff would support the variance, despite being uncharacteristic, since non-commercial radio towers are generally uncharacteristic in any neighborhood, but allowed.)

**CONDITION(S) RECOMMENDED:** None.

**THE DEVELOPMENT PROPOSED IN THIS APPLICATION IS SUBJECT TO COMPLIANCE WITH ALL OTHER CITY CODES.**

**PROPOSED HEARING TIME:** 6:00 p.m. agenda

**STAFF REPRESENTATIVE:** Dave Reiss, 645-7973  
E-mail: DJReiss@Columbus.gov