



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

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**File #:** 1603-2012, **Version:** 2

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### **Council Variance Application: CV12-029**

**APPLICANT:** German Village Holdings, Ltd.; c/o Kristin E. Rosan and Darcy A. Shafer; Attys.; Madison & Rosan LLP; 39 East Whittier Street; Columbus, OH 43206.

**PROPOSED USE:** Mixed-commercial building with apartments above along with a single-unit dwelling on one lot.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The property is zoned R-2F, Residential District, and is developed with a Laundromat and retail wine shop on the first floor, and three second-story apartments. A separate single-unit dwelling is also developed on the rear of the property. The requested Council variance will allow the conversion of 882 square feet of retail space into an eating and drinking establishment to be used by the wine shop for a wine bar/tasting area, and will conform the existing uses and conditions on the property. Variances for setbacks, yard standards, and minimum number of parking spaces are included in the request. Maintaining the site's mixed commercial and residential uses is consistent with the development pattern of the area. The main impact of this development would be on parking in the neighborhood, but because the applicant owns an eighteen-space parking lot on the adjacent parcel to the north for use by commercial patrons, that impact is substantially reduced. The Department of Public Service Division of Planning and Operations supports the parking variance. Staff has expressed our discomfort with the conditions decided by the German Village Commission, noting that it would be unrealistic to expect them to be enforceable, and have discouraged them from being in the ordinance. The applicant instead ~~is pursuing~~ **has attempted to pursue** a Good Neighbor Agreement with the German Village Society.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **767 SOUTH THIRD STREET (43206)**, to permit mixed commercial and residential uses with reduced development standards in the R-2F, Residential District (Council Variance # CV12-029).

**WHEREAS**, by application #CV12-029, the owner of the property at **767 SOUTH THIRD STREET (43206)**, is requesting a Variance to permit an eating and drinking establishment, retail wine shop, laundromat, and three second-story residential units in one building, along with a single-unit dwelling, all on one lot, with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential district, prohibits commercial uses and only permits one single or one two-unit dwelling, while the applicant proposes an eating and drinking establishment in part of a tenant space, while maintaining an existing retail wine shop, Laundromat, and three second-story residential units in one building, along with a single-unit dwelling, all on one lot; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet

for an eating and drinking establishment, 1 parking space per 250 square feet of retail space, and two (2) parking spaces per dwelling unit, for a total requirement of twenty-six (26) parking spaces, while the applicant proposes to maintain two (2) parking spaces for the single-unit dwelling, and has an eighteen-space parking lot on the parcel to the north for use by the commercial patrons; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires that a clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain encroachment into the clear vision triangle at the intersection of South Third Street and East Columbus Street by the existing building; and

**WHEREAS**, Section 3332.14, R-2F area district requirements, requires a lot of no less than 3,000 square feet per dwelling, while the applicant proposes to maintain three second-story apartments and one single-unit dwelling on a 6,585.5± square foot lot (1 dwelling per 1,646.4 square feet); and

**WHEREAS**, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than fifty (50) percent of the lot area, while the applicant proposes to maintain a building lot coverage of approximately 71.4%; and

**WHEREAS**, Section 3332.21, Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain zero (0) foot building lines along South Third Street and East Columbus Street; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires side yards to be no less than five feet (5'), while the applicant proposes to maintain a side yard of zero (0) feet along the north property line; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the applicant proposes to maintain a rear yard of approximately twenty-four percent (24%); and

**WHEREAS**, the German Village Commission recommends disapproval because conditions of their approval have not been met; and

**WHEREAS**, City Departments recommend approval because the requested Council variance to allow the new use of an eating and drinking establishment in an existing mixed-use building is consistent with the development pattern of the area. The main impact of this development would be on parking in the neighborhood, but because the applicant owns an eighteen-space parking lot on the adjacent parcel to the north for use by commercial patrons, that impact is substantially reduced. The Department of Public Service Division of Planning and Operations supports the parking variance; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and 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 **767 SOUTH THIRD STREET (43206)**, in using said property as desired; and

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.037, R-2F, Residential district; 3312.49 Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district

requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **767 SOUTH THIRD STREET (43206)**, insofar as said sections prohibit an eating and drinking establishment, retail wine shop, Laundromat, and three second-story residential units in one building, and a single-unit dwelling, all on one lot, with a parking space reduction from twenty-six required spaces to two spaces, encroachment of the building into the clear vision triangle at the intersection of South Third Street and East Columbus Street, 1 dwelling per 1,646.4 square feet where 3,000 square feet is required, 71.4±% lot coverage, building lines of zero feet (0') along South Third Street and East Columbus Street, a zero foot (0') minimum side yard along the north property line, and a 24±% rear yard; said property being more particularly described as follows:

**767 SOUTH THIRD STREET (43206)**, being 0.15± acres located at the northwest corner of South Third Street and East Columbus Street, and being more particularly described as follows:

Parcel Number: 010-043585

Includes Property Addresses 763-771 South Third Street & 80 East Columbus Street, Columbus Ohio 43206

Situated in the State of Ohio, in the County of Franklin and in the City of Columbus, and bounded and described as follows:

Being a part of Lot Number Twenty-four (24) in C.F. Jaeger's Second Addition to Columbus, Ohio as said lot in numbered and delineated upon the recorded plat thereof, of record in Plat Book 38, page 403, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the Northeast corner of said Lot Twenty-four (24), thence in a Westerly direction along the North line of said Lot, 100 feet to a point; thence in a Southerly direction on a line parallel with the East line of said Lot, 26 feet to a point; thence in a Westerly direction and parallel with the North line of said Lot, 9.2 feet to an iron pin; thence in a Southerly direction and parallel with the East line of said Lot, 36.5 feet to an iron pin in the South line of said Lot; thence in an Easterly direction along the South line of said Lot, 109.2 feet to a point in the East line of said Lot; thence in a Northerly direction along the East line of said Lot, 62.5 feet to the place of beginning.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an eating and drinking establishment; **in conjunction with a** retail wine shop, Laundromat, and three second-story residential units in one building, along with a single-unit dwelling, all on one lot.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled, "**HAUS FRAU HAVEN**," dated May 11, 2012, and signed by Darcy A. Shafer, 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 plan 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 5. That this ordinance is further conditioned upon the following:**

1. **The eating and drinking establishment shall only be open on Thursdays, Fridays, and Saturdays.**
2. **The entire wine shop business including retail and eating and drinking components shall close by 10:00 PM.**

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