

*Michael R. Brown*  
 11/20/06

<p><b>PRELIMINARY, NOT FOR CONSTRUCTION</b></p> <p><b>RESIT ALL PLANT</b>          5411 SOUTH 119TH STREET          COMMERCE, WA          98001-3000</p>		<p>DATE: 11/20/06</p> <p>SCALE: AS SHOWN</p> <p>PROJECT NO: A0.1</p>
<p>NO. 1</p>	<p>NO. 2</p>	<p>NO. 3</p>
<p>NO. 4</p>	<p>NO. 5</p>	<p>NO. 6</p>
<p>NO. 7</p>	<p>NO. 8</p>	<p>NO. 9</p>
<p>NO. 10</p>	<p>NO. 11</p>	<p>NO. 12</p>
<p>NO. 13</p>	<p>NO. 14</p>	<p>NO. 15</p>
<p>NO. 16</p>	<p>NO. 17</p>	<p>NO. 18</p>
<p>NO. 19</p>	<p>NO. 20</p>	<p>NO. 21</p>
<p>NO. 22</p>	<p>NO. 23</p>	<p>NO. 24</p>
<p>NO. 25</p>	<p>NO. 26</p>	<p>NO. 27</p>
<p>NO. 28</p>	<p>NO. 29</p>	<p>NO. 30</p>
<p>NO. 31</p>	<p>NO. 32</p>	<p>NO. 33</p>
<p>NO. 34</p>	<p>NO. 35</p>	<p>NO. 36</p>
<p>NO. 37</p>	<p>NO. 38</p>	<p>NO. 39</p>
<p>NO. 40</p>	<p>NO. 41</p>	<p>NO. 42</p>
<p>NO. 43</p>	<p>NO. 44</p>	<p>NO. 45</p>
<p>NO. 46</p>	<p>NO. 47</p>	<p>NO. 48</p>
<p>NO. 49</p>	<p>NO. 50</p>	<p>NO. 51</p>
<p>NO. 52</p>	<p>NO. 53</p>	<p>NO. 54</p>
<p>NO. 55</p>	<p>NO. 56</p>	<p>NO. 57</p>
<p>NO. 58</p>	<p>NO. 59</p>	<p>NO. 60</p>
<p>NO. 61</p>	<p>NO. 62</p>	<p>NO. 63</p>
<p>NO. 64</p>	<p>NO. 65</p>	<p>NO. 66</p>
<p>NO. 67</p>	<p>NO. 68</p>	<p>NO. 69</p>
<p>NO. 70</p>	<p>NO. 71</p>	<p>NO. 72</p>
<p>NO. 73</p>	<p>NO. 74</p>	<p>NO. 75</p>
<p>NO. 76</p>	<p>NO. 77</p>	<p>NO. 78</p>
<p>NO. 79</p>	<p>NO. 80</p>	<p>NO. 81</p>
<p>NO. 82</p>	<p>NO. 83</p>	<p>NO. 84</p>
<p>NO. 85</p>	<p>NO. 86</p>	<p>NO. 87</p>
<p>NO. 88</p>	<p>NO. 89</p>	<p>NO. 90</p>
<p>NO. 91</p>	<p>NO. 92</p>	<p>NO. 93</p>
<p>NO. 94</p>	<p>NO. 95</p>	<p>NO. 96</p>
<p>NO. 97</p>	<p>NO. 98</p>	<p>NO. 99</p>
<p>NO. 100</p>	<p>NO. 101</p>	<p>NO. 102</p>

STATEMENT IN SUPPORT OF VARIANCES

**541 S. Third Street**

This Statement is filed in support of Applicant's request for a council variance request for the above-referenced property ("Site"), to permit redevelopment of the existing structure as a restaurant under C.C.C. §3355.03 (C-3, Commercial District), on the parcel currently zoned R2F.

The Site lies within German Village, with frontage along South Third Street at Hoster. Although zoned R2F, the site has historically maintained commercial and manufacturing non-conforming uses dating back at least to the 1920's, when it was operated as Reiner's Bakery. Subsequent to that, from approximately 1976, the Site was operated as Tom Thurn's Foods, and later Thurn's Bakery & Deli. The current owner/applicant purchased the property in 2003. At no time during this approximate 70+ year time span has the property been used for residential purposes and, for that reason, the request herein for commercial redevelopment as a restaurant in this already mixed-use neighborhood is appropriate.

The Site consists of four (4) structures, each of which have been added to the Site over the years and are adjoined to provide for one essential structure. First is the two-story, brick former residence, built in the late 1800's and only used as a residence into the 1920's. When the site became Reiner's Bakery, the warehouse-type structure was added on for the bakery/manufacturing use. Later, an additional structure was added to the south of the residential structure and east of the warehouse, as a fill-in between the existing two structures. And then, later still, the fourth structure was added on the west end of the warehouse, which has been used as a walk-in freezer.

The Thurn's operation included not only a bakery, but an eat-in restaurant. In that regard, a future restaurant would be a continuance of an existing use. The proposed restaurant will allow for indoor seating, as well as outdoor seating on the first and second floors.

Applicant is mindful that parking is at a premium within German Village, and has provided for adequate off-site parking. The proposed plans provide for one handicap accessible and three (3) standard parking spaces. In addition, Applicant has purchased a parking lot located directly across Third Street, which consists of 20 parking spaces. This lot was previously used solely for Thurn's parking and, likewise, is now owned by the Owner/Applicant herein and will be used for that same purpose. This alone allows for considerably more spaces than many of the restaurant/retail establishments along South Third Street. However, to further facilitate the predominately evening and weekend dinner crowds, the proposed restaurant will provide a valet parking service for its customers.

**Variations Requested:**

In order to permit redevelopment of the Site, the following variations are requested:

- (1) **§3332.037 (R-2F Residential District)**, to allow a restaurant use otherwise permitted under the C-3 Commercial District (§3355.03).

Applicant requests a use variance to properly permit development of this Site under the C-3 Commercial District, consistent with the well-established historical use of the property. The proposed use of the property is a restaurant, including alcohol service, with both indoor and outdoor seating.

- (2) **§3342.28 (Minimum Number of Parking Spaces Required)**

The proposed 5,877 sq. ft. building requires 79 onsite parking spaces. Applicant requests a variance to permit four (4) onsite parking spaces, with the understanding that 20 spaces under same ownership will be located directly across the street, as well as valet parking services for the customers' convenience and to relieve them of having to locate parking for themselves.

**Standards of Review/Approval:**

Consistent with C.C.C. §3307.10 (Variations by City Council), consideration of the following factors are necessary and appropriate in Council's review of this request:

- (a) Unusual and practical difficulties do exist in the carrying out of the applicable zoning district provisions (in this case R2F), due to the fact that the subject Site has not, in at least 70 years, been used for the residential use allowed by its R2F zoning classification. For that reason above any other, granting this

variance will not seriously affect any adjoining property or the general welfare of the German Village residents. Rather, it will legitimize the long-term commercial use of the property.

(b) Approving the C-3 restaurant use not permitted by the zoning district established on the property will not adversely affect the surrounding property or surrounding neighborhood, and will alleviate a hardship or difficulty which warrants a variance.

More specifically, again, the historic bakery/restaurant use of this Site is well established, and renovation for a restaurant will continue the nature of that established commercial use, thereby not adversely affecting surrounding properties or owners, as the use is consistent not only with previous use of the Site, but with the character of this mixed-use corridor within the Village. Further, a hardship would in fact exist in using this Site's existing structures for residential purposes, as a complete demolition would likely be necessary in order to achieve a residential use of the property. The several additional structures added over time have too intensely altered the character of the Site from its residential origin.

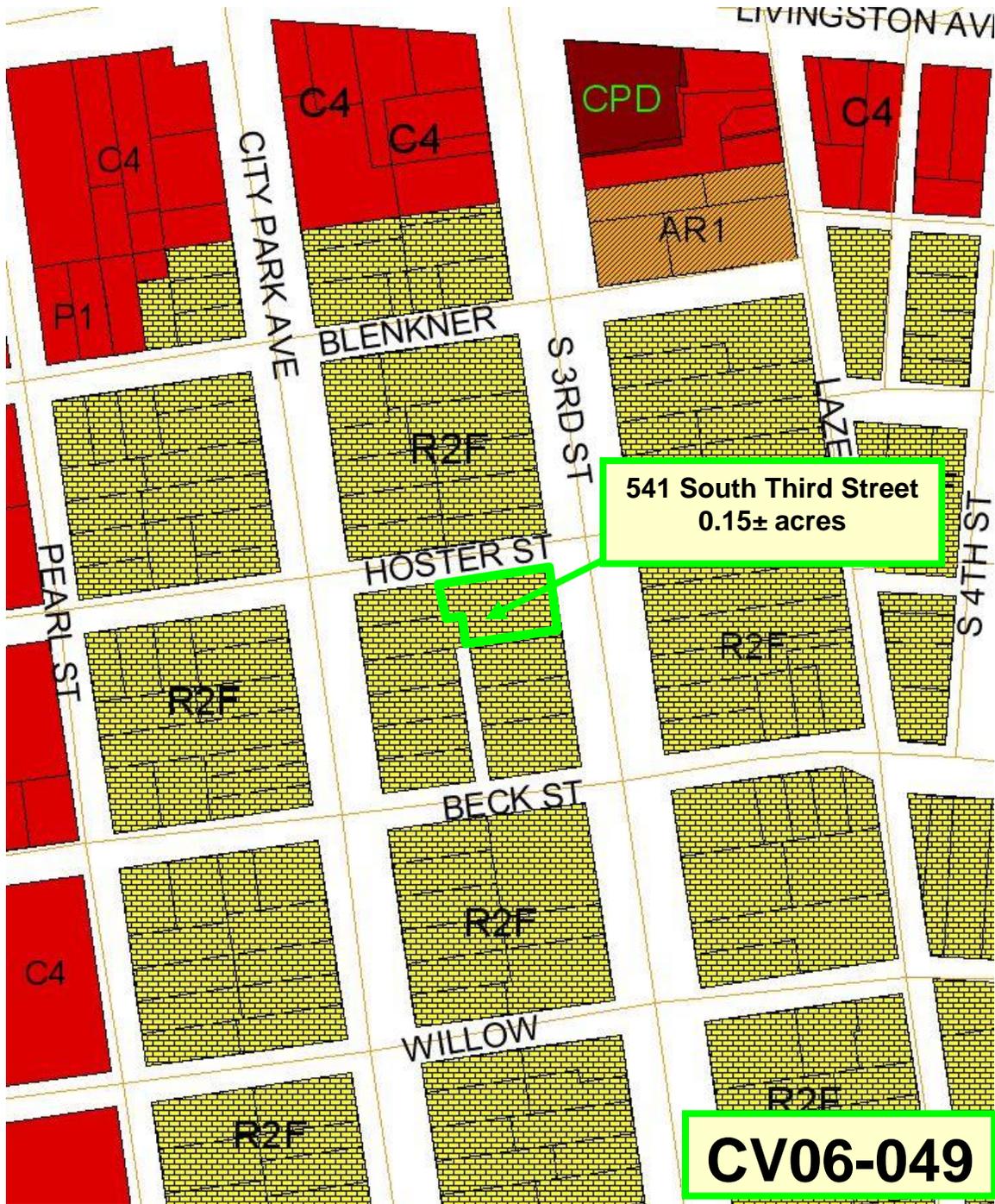
As further contemplated by §3307.10, Applicant assures Council that this variance will not "impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city." Applicant has established through this filing, and will adequately establish for Staff and Council, that this proposal is appropriate, architecturally appealing, and in no way adverse for any of the foregoing reasons. This request provides for improvements consistent with the previous use of the property, which did not adversely affect surrounding properties or owners, and will further legitimize such use which was previously non-conforming.

Finally, consistent with the requirements of the Historic Preservation Office, in connection with the German Village Commission and German Village Society, through this filing the Applicant will meet and work with these interested parties to further insure an appropriate development and use of the Site.

In light of the information as detailed above, Applicant respectfully requests approval of a use variance and related parking variance for redevelopment of this Site as a restaurant with indoor/outdoor seating. Applicant contends that, upon review of the attached site plan, it is evident that this proposal is appropriate and complimentary for the mixed-use German Village neighborhood.

Respectfully submitted,

CRABBE, BROWN & JAMES, LLP  
Michael T. Shannon, Esq. (0021413)  
500 S. Front Street, Suite 1200  
Columbus, Ohio 43215  
Phone: (614) 228-5511; Fax: (614) 229-4559  
[Mshannon@cbjlawyers.com](mailto:Mshannon@cbjlawyers.com)  
Counsel for Owner/Applicant







City of Columbus  
Mayor Michael B. Coleman

Department of Development  
Mark Barbash, Director

### Certificate of Appropriateness

#### GERMAN VILLAGE COMMISSION

*This Certificate of Appropriateness is not a zoning clearance nor a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance (645-7314) and/or building permit (645-7433) from the City of Columbus Building & Development Services Division (757 Carolyn Ave.) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 541 S. Third Street  
**APPLICANT'S NAME:** Michael T. Shannon, Atty./Jonathan Barnes, Arch. 541 Third, LLC (Owner)

**APPLICATION NO.:** 06-9-29c    **HEARING DATE:** November 14, 2006    **EXPIRATION:** November 14, 2007

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119 and the architectural guidelines:

- Approved:** Exterior alterations per APPROVED SPECIFICATIONS
- Recommendation for Approval:** Requested re-zoning/special permit/variance per APPROVED SPECIFICATIONS

**APPROVED SPECIFICATIONS:**

Variances Requested

- 3342.28 Parking: To reduce the required number of parking spaces from 79 to 4.

The German Village Commission recommends approval of the requested variances in Application #06-9-29c, 541 S. Third Street, as presented.

**MOTION:** Rosen/Panzer (6-1-0) [Warner] RECOMMENDATION APPROVED.

*[Note: This application has been recommended for approval by the German Village Commission based on additional information regarding necessary parking accommodations and a per revised site plan reviewed November 14, 2006.]*

**Drawings Required**

This Certificate of Appropriateness is only valid for work performed in accordance with the motion so passed and approved by the Commission, and shall accompany plans submitted for zoning clearance and/or building permits.

Randy F. Black  
Historic Preservation Officer