



# Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

CV15-029

## **STATEMENT OF HARDSHIP**

Chapter 3307 of the Columbus Zoning Code

### **Section 3307.10 Variances by City Council**

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:**

See attached.

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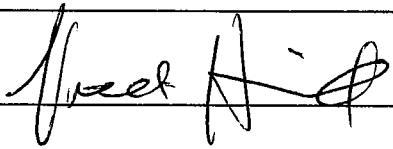
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Signature of Applicant  Date 5/4/15

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
Please make checks payable to the Columbus City Treasurer

CV15-029

**STATEMENT OF HARDSHIP:**

The subject property is currently zoned R-3. Located on the property, at the corner of Oak Street and S. 18<sup>th</sup> Street, is a two-story building, which was constructed in 1930. As originally constructed, the building sits on the lot line along both S. 18th Street and Oak Street. As shown on the attached site plan (Appendix I), there is an approximate three (3) foot side yard when facing the property from Oak Street, and there is an approximate seven (7) foot side yard when facing the property from S. 18th Street. As is typical of a building in a neighborhood of this age, the subject property does not have surface parking spaces, and there is no available space on the subject property for such parking. The first floor of the building has historically been used for retail purposes and the second floor has historically been used for residential purposes.

The applicant is requesting this Council Variance in order to allow for the first floor of the building on the subject property to be used for the operation of a restaurant or a restaurant with a bar, onsite kitchen, onsite consumption of food and beverages (including alcohol), and retail sale of goods and products, including the sale of food and beverages (excluding alcohol) for offsite consumption. The second floor of the subject property will remain residential use (there are currently three living units on the second floor). Except for interior construction work, there will be no new construction on the site. Instead the applicant will maintain the existing structure in the location shown on the site plan.

In order to fulfill the intended use of the property by the applicant, the applicant requests the following variances:

1. Variance from Section 3332.035(A) to permit a restaurant or a restaurant with bar to be operated on the first floor of the subject property, to permit an onsite kitchen, to permit onsite consumption of food and beverages (including alcohol) and also to allow for retail sale of goods and products from the first floor of the subject property, including the sale of food and beverages (excluding alcohol) for offsite consumption.
2. Variance from 3332.05 to reduce the minimum lot width requirement from 50 feet to 43.5 feet.
3. Variance from Section 3321.05(B)(2) to allow the encroachment of the existing building into the clear vision triangle.
4. Variance from Section 3332.13 to allow a principal building to be located on a lot of less than 5,000 square feet in area. The subject property has an area of approximately 3,815 square feet.
5. Variance from Section 3332.18(D) to increase the maximum lot coverage of 50% to a lot coverage of 84%, which is the approximate lot coverage with the existing building.

6. Variance from the setback requirements of Section 3332.20 to allow the current building (ca. 1930) to exist as constructed (i.e., between the current zoning code building setback line and the street property line as established in Section 3332.21).
7. Variance from Section 3332.21, and to the extent applicable for corner lots pursuant to Section 3332.22, to reduce the required building setback line to zero feet to accommodate the existing building, which is located on the subject property lot line (as shown on the attached site plan).
8. Variance from Section 3332.23 to reduce the front yard requirements to zero feet, as the subject building was constructed on the lot line along both S. 18<sup>th</sup> Street and Oak Street.
9. Variance from Section 3332.25 and Section 3332.26 to reduce the minimum side yard requirement to three (3) feet along Oak Street and seven feet (7) feet along S. 18<sup>th</sup> Street to conform to the current building location.
10. Variance from Section 3332.27 to exclude the requirement for a rear yard area. The subject building has minimal space between the rear of the building and the rear boundary line of the property, and as such, the subject property is not able to comply with this requirement.
11. Variance from Section 3332.33, Chapter 3312, and specifically Section 3312.49, requiring a certain number of off-street parking spaces. Given the size of the subject property, including the size and location of the building on the subject property, off-street parking cannot be located on the subject property.

The proposed variances will not have any significant impact on the existing conditions of the site as no construction on the site (other than interior remodeling) will occur with respect to the requested variances. The proposed variances will not be injurious to neighboring properties or contrary to public interest or the intent and purpose of the City of Columbus Zoning Code, nor will the proposed variances impair the supply of light, endanger the public safety, or unreasonably diminish or impair public health, safety, comfort or welfare of City of Columbus residents.



CV15-029  
901-903 Oak Street  
Approximately 0.09 acres



CV15-029  
901-903 Oak Street  
Approximately 0.09 acres

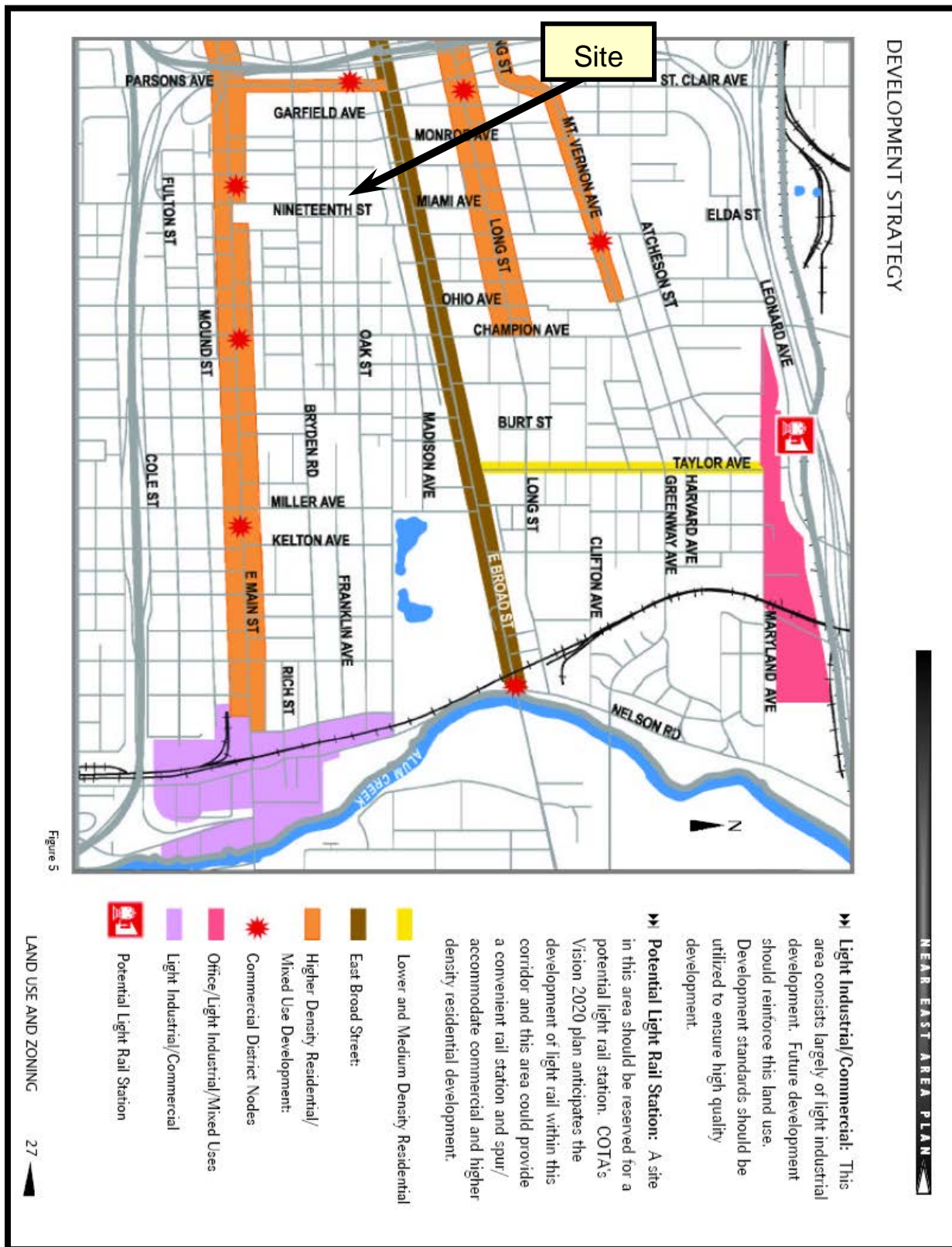


Figure 5

CV15-029  
 901-903 Oak Street  
 Approximately 0.09 acres

**Pine, Shannon L.**

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**From:** Kathleen <kathleendbailey@hotmail.com>  
**Sent:** Thursday, July 09, 2015 11:57 PM  
**To:** Pine, Shannon L.  
**Subject:** CV15-029

The Near East Area Commission voted to support the zoning variance for 901-903 Oak Street to operate a restaurant in a facility zoned residential. The vote was 10-0-1 and took place at the July 2015 General Business meeting.



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## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # CV15-029

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Brian E. Linhart  
of (COMPLETE ADDRESS) 52 E. Gay Street, Columbus, Ohio 43215

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

<p>1.</p> <p>Micha Bitton 209 Dawson Avenue Columbus, Ohio 43209</p>	<p>2.</p> <p>Kevin James 1320 Weisner Place New Albany, Ohio 43054</p>
<p>3.</p> <p>Tim Maly 67 E. Kossuth St., Apt. B Columbus, Ohio 43206</p>	<p>4.</p> <p>Brian E. Linhart 6275 Commonwealth Drive Westerville, Ohio 43082</p>

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT Brian E. Linhart

Sworn to before me and signed in my presence this 4th day of May, in the year 2015

Notary Seal Here

SIGNATURE OF NOTARY Deanna R. Cook



Deanna R. Cook, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

*This Project Disclosure expires six (6) months after the date of notarization.*

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