



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 EXHIBIT B³

Signature of Applicant Donald Plank Date 9/22/03

EXHIBIT B

STATEMENT OF HARDSHIP

**121 Thurman Avenue, Columbus, OH
CV03- _____**

The subject site is developed with the historic Engine House No. 5 and associated on-site and off-site (east side of S. 4th Street) parking areas. All of the property is zoned R-2F from the 1972 German Village area rezoning. Site area is approximately 0.611 acres on the east side of South 4th Street developed with the Engine House No. 5 building and on-site parking. The parking area on the east side of South 4th Street is approximately 0.522 acres.

By City of Columbus Ordinance 572-73 (copy included with application), passed April 16, 1973, Columbus City Council granted a variance from the R-2F, Residential District for the use of Engine House No. 5 as a commercial restaurant and for the construction of off-street parking lots. Subsequent to the variance being approved, the building was changed to use as a restaurant (Engine House No 5) and the parking areas were built.

Applicant has purchased the property and proposes to change the use of the existing Engine House No 5 building for office use and continue to use and provide in conjunction with the office use, all existing off-street parking. The existing building is 12,000 gross square feet. Total on-site off-street parking is 20 spaces and total off-site, off-street parking (parking lot on the south side of Thurman, east side of South 4th Street) is 60 spaces. A total of 80 existing parking spaces will be provided for the proposed office use of the existing Engine House No. 5 building. A total of 48 parking spaces would be required under current code (Section 3342.28, Columbus Zoning Code) for the new construction of a 12,000 square foot office building.

Applicant requests the following variances:

1. 3332.037, R-2F, Residential District Use, which Section does not permit office use and parking lot use as primary uses, while applicant proposes to permit the change of use of the existing Engine House No. 5 building for general office use with accessory on-site parking and to permit a parking lot (east side of South 4th Street) as a primary use in the R-2F, Residential District.
2. 3342.28, Minimum Number of Parking Spaces Required, which Section requires 48 parking spaces for a 12,000 square foot office building, while applicant proposes to provide 20 off-street parking spaces on-site of the Engine House No. 5 building, thereby reducing on-site parking from 48 to 20, subject to, applicant providing 60 additional parking spaces on the east side of South 4th Street in an existing parking lot located directly across South 4th Street from the Engine House No. 5 building.

A council variance is appropriate as a process for the proposed land use because the area is zoned residentially, but is an urban area with both residential and non-residential uses. Preserving the residential zoning and addressing proposed non-residential uses on a case by case basis is protective of the neighborhood and sensitive to the zoning pattern and to historical policies of land use in German Village. The proposed office use is compatible with residential use and parking exceeding that required by the Zoning Code is provided. Office use is a substantially less intensive commercial use than restaurant use as presently permitted.

9/23/03

ENGINE HOUSE # 5

121 Thurman Avenue
Columbus, Ohio 43215

SITE DEVELOPMENT DATA

OWNERS ZONE: R-7F, RESIDENTIAL

EXISTING ZONE: ORDINANCE 572-21, PERMITS USE OF

PROPOSED ZONE: RESTAURANT AND HOTEL USE

PROPOSED: RESTAURANT AND HOTEL USE

PERMITTED: RESTAURANT AND HOTEL USE

RESTAURANT: RESTAURANT AND HOTEL USE

HOTEL USE: RESTAURANT AND HOTEL USE

REMANUFACTURING: RESTAURANT AND HOTEL USE

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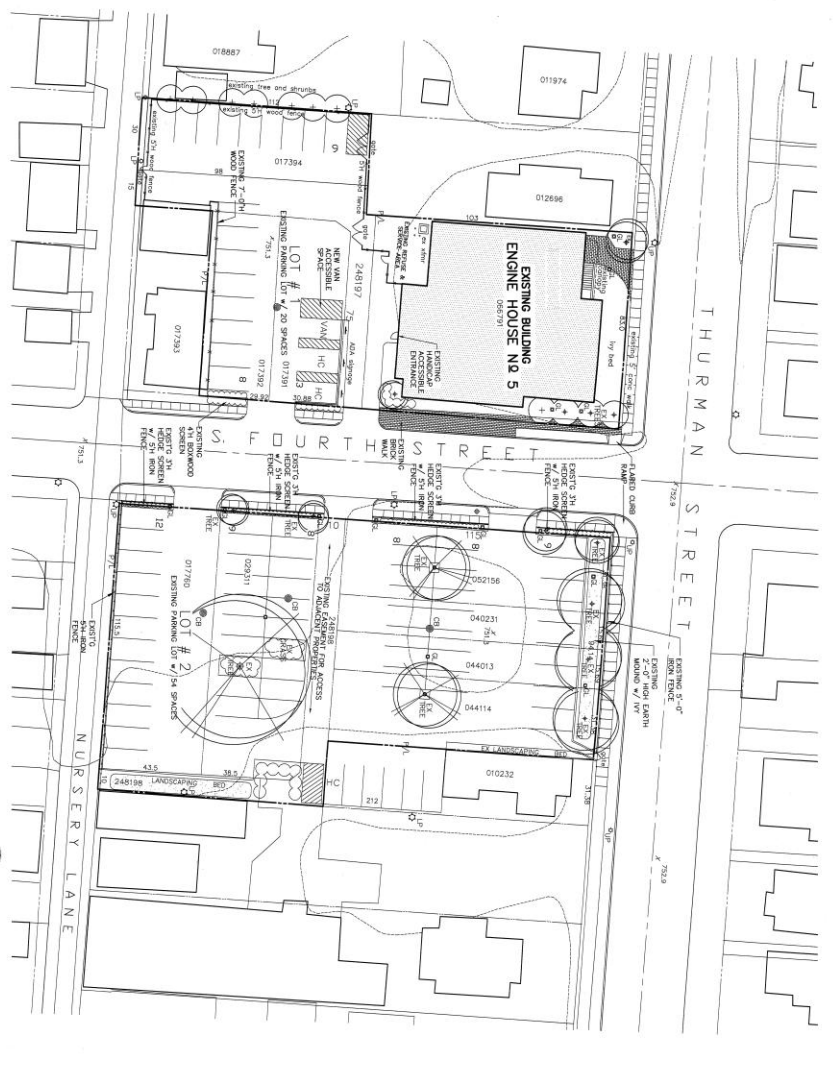
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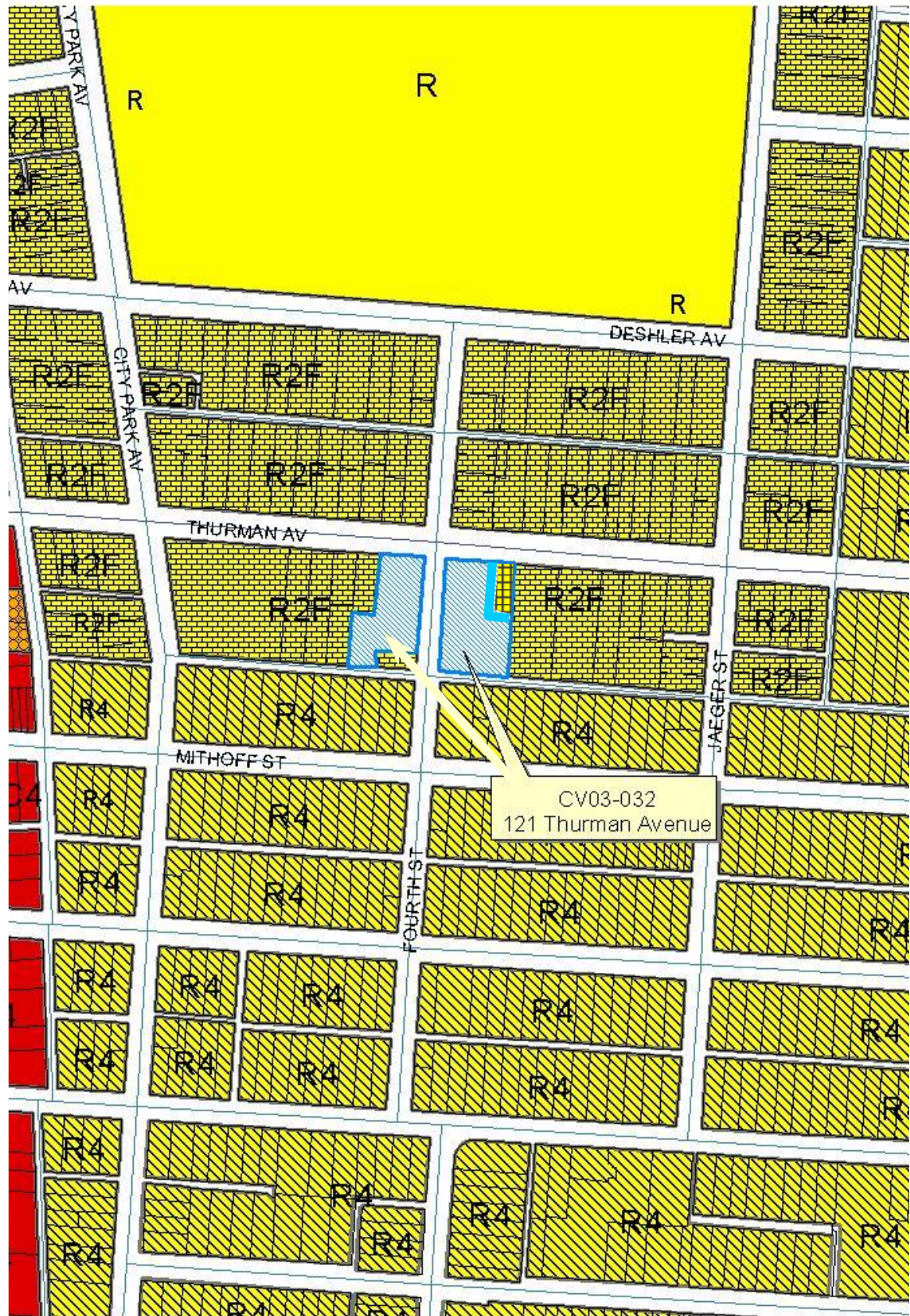
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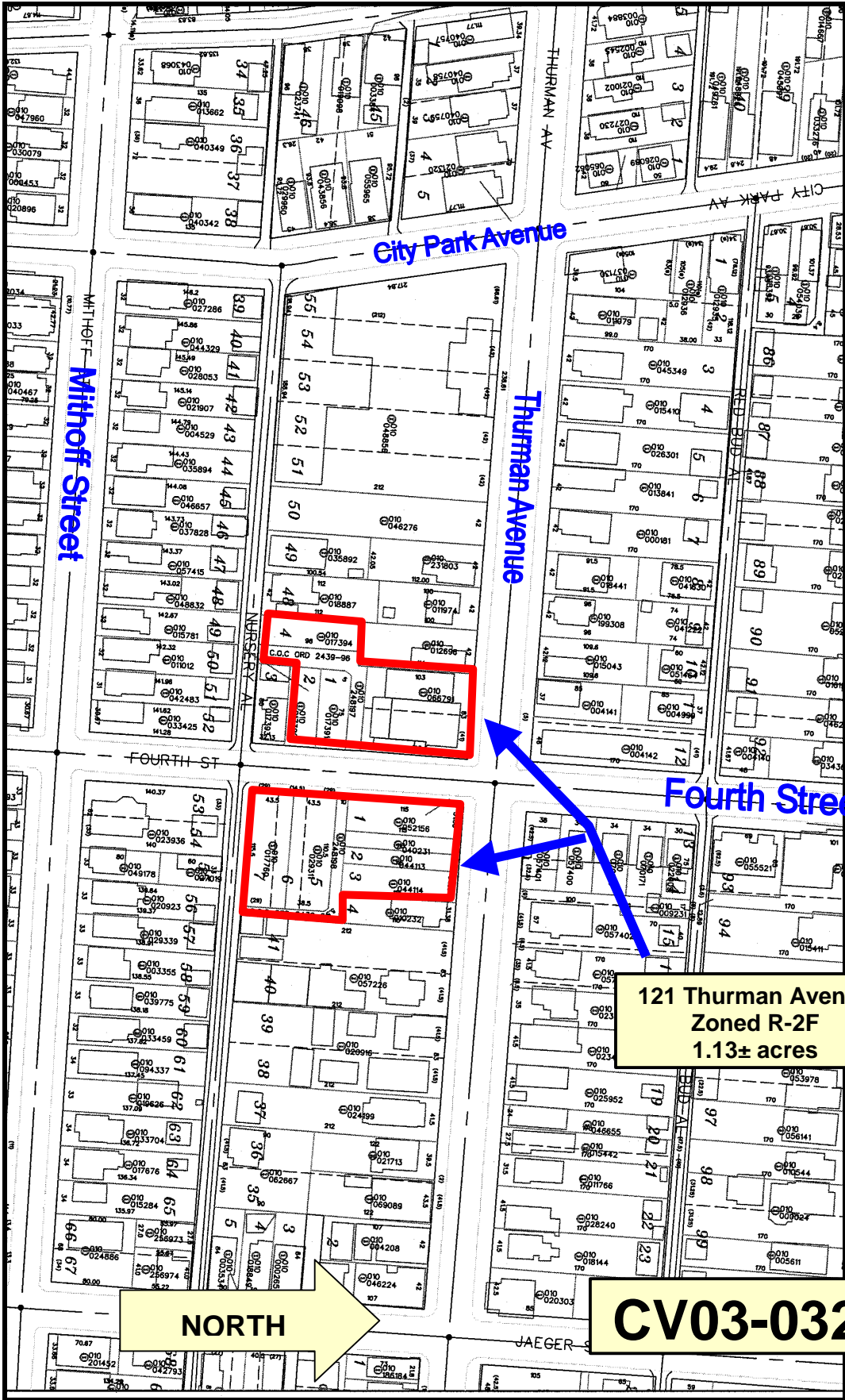
Donald T. Plank
DONALD T. PLANK, ATTORNEY FOR APPLICANT

(A) SITE PLAN 1" = 20'

THIS PLAN DEPICTS THE EXISTING ENGINE HOUSE NO. 5
AND THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT
IS SUBJECT TO APPROVAL BY THE COLUMBIAN
UNIVERSITY. THIS PLAN IS PROVIDED AS A GUIDE ONLY.
ALL DIMENSIONS SHALL BE INTERPRETED AS PER THE APPLICANT'S
CONSTRUCTION DOCUMENTS. THE APPLICANT'S
CONSTRUCTION DOCUMENTS SHALL BE REFERRED TO FOR
ALL DETAILS. THE APPLICANT SHALL BE RESPONSIBLE FOR
COMPLIANCE WITH ALL APPLICABLE REGULATIONS.
THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING
ALL NECESSARY PERMITS AND APPROVALS.
THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING
ALL UTILITIES AND SERVICES. THE APPLICANT SHALL
BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES
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ALL EXISTING UTILITIES AND SERVICES.

- NON-ACCESSORY COMMISSION 74 SPACES
 - PROPOSED NON-ACCESSORY COMMISSION 14 SPACES
 - GENERAL OFFICE 34 SPACES(10)
 - OTHER OFFICE 20 SPACES(5)
 - OTHER OFFICE 9 SPACES
 - NOTES:
 - 1. ALL LOT SPACES WILL BE IN LOT #1 EAST SIDE OF 4, 7 & 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
 - 2. THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO APPROVAL BY THE COLUMBIAN UNIVERSITY.
 - 3. ALL DIMENSIONS SHALL BE INTERPRETED AS PER THE APPLICANT'S CONSTRUCTION DOCUMENTS.
 - 4. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 - 5. THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING ALL UTILITIES AND SERVICES.
 - 6. THE APPLICANT SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND SERVICES.
 - 7. THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING ALL EXISTING UTILITIES AND SERVICES.
- LOADING SPACES (TOTAL 2400)
- EXISTING 0 SPACES
 - PROPOSED 0 SPACES
- STAMPS
- ◻ EXISTING UTILITY ON LIGHT POLE
 - ⬢ EXISTING UTILITY ON LIGHT POLE
 - EXISTING LIGHT POLE
 - EXISTING LIGHT POLE
 - EXISTING OTHER MARK





City Park Avenue

Mithoff Street

Thurman Avenue

Fourth Street

NORTH

121 Thurman Avenue
Zoned R-2F
1.13± acres

CV03-032

The following information is taken from the unapproved October 7, 2003 German Village Commission minutes:

03-10-1

121 Thurman Avenue

TTG Properties LLC (Owner)

Council Variance

- The property is developed with the Engine House No. 5 building and associated parking both on site and the existing parking lot on the east side of South Fourth Street.
- The property is currently zoned R-2F residential.
- A 1973 variance permits the use of the building as a restaurant.
- Applicant has purchased the property and proposes to change the use of the building to office use requiring a new variance.
- All existing parking will be provided to the office use.
- Parking exceeds code required parking (See Statement of Hardship included in the council variance application).
- There are no changes to the existing site (building, footprint, parking areas) planned.
- Variance application CV03-032 has been submitted to the City of Columbus.

Chairman Hacker called all those wishing to speak in order of speaker slip received.

Name, address, affiliation:	Comments:
Connie Swain, 664 South Grant Avenue	<ul style="list-style-type: none"> • Has concerns regarding possible changes to existing parking easements.

Recommend to City Council the approval of proposed variance as submitted with the following clarifications:

- All existing access easements to other properties to be maintained.
- The number of parking spaces as listed in the Statement of Hardship to be changed from sixty (60) to fifty-four (54).
- The zoning should allow both office and restaurant use.
- To allow any parking spaces above the number required by current usage to be released to other businesses.

Commissioner Comments:

- The parking impact is found to be none.
- The R2F zoning that was placed on the property is an oversimplification.
- The property has proved to be a viable restaurant in the past; the zoning should allow the building to revert to a restaurant for a possible future owner so as to not create a future hardship.

MOTION: Shinn/Rosen (6-0) RECOMMENDED.

