

CV15-028



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

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 EXHIBIT B

Signature of Applicant

Date

4/30/15

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

For all questions regarding this form and fees please call: 614-645-4522

Please make all checks payable to the Columbus City Treasurer

Exhibit B – Statement of Hardship – 3333 N. High St.

The Applicant seeks to aid Tenant in converting the use of a portion of this property, which was built prior to enactment of the current Zoning code. As the nature of retail and shopping patterns have changed due to big-box stores and internet shopping, it is increasingly difficult to find traditional retail uses in our city's older, traditional "town center" retail buildings. Without a variance to permit a change in use, many older properties simply cannot be rented, as the supply of older small retail exceeds the demand for small, strictly retail space.

Applicant is requesting a limited variance which will enable these 2 retail units to be used for a purpose other than retail, but at the same time preserve the size and scale walk-up nature of the business (café) and also provide for wholesale revenue (the bakery) to supplement the income from the café itself. The square footage of both units subject to the variance request are quite small (678 sf for the café and 579 sf for the bakery). This will prevent the change in use from creating any major change to the relationship between the parcel and the neighbors. And in fact, under the request, the majority of this parcel remains as retail. The use variance would be limited to a Bakery, which the Code lists as **Food and beverage products—less objectionable uses of manufacturing districts**.

The property is located in Clintonville and near the major crossroads of the neighborhood, High Street and North Broadway. The lot was platted and the existing structure was built prior to implementation of the Zoning Code. The designation of this property as retail use was not the result of any action by Owner and granting the variance as to allow more mixed use on the parcel will enable this lot to be used in a manner consistent with the character of the neighborhood and also be in a manner similar to other properties in the Clintonville and other traditional/older districts.

In addition to the use variance, the permitting of the café use would create the need for a variance with respect to the number of parking spaces (3312.49 – Minimum number of required parking spaces.) As a building in a traditional, street-fronting retail center, most of the parcels in the area do not conform to the zoning requirements with respect to parking. This property is a relative rarity in the area, as it actually does have some off-street parking. However, the 6 parking spots fall short of the 15 required for the proposed uses under the zoning code. As a walkable neighborhood in which many of the customers of the café are expected to walk or ride bicycles, combined with the parking which it does have, mitigates the impact of the shortfall.

Finally, the Applicant seeks variances recognizing the existing non-conforming features of the parcel, which include: 3312.13(B) – Commercial Driveway Width. There exists a single 11' wide driveway to access the back parking area. This driveway is bordered on each side by existing structures on separate parcels. To comply with Zoning code, the driveway should be 20' wide. Applicant asks for a variance to allow the continued use of the pre-existing 11' wide driveway, and; 3312.43 – Required Surface for Parking. Per city code, parking areas are required to be "... improved with Portland cement, asphaltic concrete or other approved hard surface other than gravel or loose fill." In this instance, the existing lot is compacted light beige and gray gravel/sand which has existed in this state for at least 50 years. The gravel is not loose and does not spill out of the parking area onto neighboring properties or rights-of-way. No construction or improvements are being made to the parking area and permitting the parking surface to remain undisturbed helps achieve the alternate goals identified in section 3312.43 which states "Applicants are encouraged to consider use of permeable surfaces as a means of reducing storm water runoff. Applicants may also consider lighter color finishes for surface materials, which reflect solar energy and minimize heat islands." Both of these are existing conditions which pre-date the Zoning Code and which would be prohibitively expensive to ask Applicant to seek to change.

Many other property owners in the same zoning district and in particular in the Clintonville have parcels with non-conforming uses and/or parking options. Granting Applicant's request will preserve a substantial property right- the right to preserve the physical structure and at the same time utilize it in a manner which recognizes the changes to traditional retail as well as enjoy the benefits which other property owners have been granted variances for in the same zoning district.

The requested variance will not interfere with any neighboring property owners' use of his/her property or otherwise prevent the further development of any neighboring property. Additionally, granting applicant's request will not be contrary to the public interest or the purpose of the Zoning Code as the requested variance will increase the value of the applicant's property and the value of neighboring properties; still provide for adequate light, air and open space; reinforce the small-scale mixed-use commercial nature of the district and enhance the historical nature of the neighborhood by operating in a style, manner and location consistent with the location, and; would not prove a fire hazard as there is no modification to the existing building dimensions so therefore no encroaching or approaching any property boundary or neighboring structure.

Exhibit A – Zoning Code Sections. 3333 N. High St. See attached Site Plan

Summary: conversion of 2 retail units in a 3 retail unit parcel – unit 3335 to a wholesale bakery (manufacturing use) and unit 3333 to a café (eating and drinking establishment). Unit 3337 N. High St. to remain retail.

Zoning variances for this project and to make the existing structure conforming include the following:

3356.03 – Use Variance to allow 3335 N. High St. (which is 559 square feet) to be used as a wholesale/commercial bakery. Such a use would be considered manufacturing under current Zoning of the parcel. (3363.07 Manufacturing District – Bakery products, wholesale (manufacturing permitted))

3312.49 – Minimum number of required parking spaces. The current parcel has 3 retail units which total 2,826 square feet. Under zoning, retail of this nature requires 1 parking space for every 250 square feet. As 3 retail units totaling 2,826 square feet, the gross parking requirement would be 12 parking spaces (rounded up from 11.304 spaces). This property is subject to the Urban Commercial Overlay, which provides a 50% reduction in the gross parking requirement for this type of retail. Accordingly, as it exists now, the parcel is required to have 6 off-street parking spaces to comply with code.

Under the proposed changes in use, the parking requirements would be as follows:

Converting 3333 N. High St. (678 square feet) to eating/drinking establishment with a ratio of 1 parking spot per 75 sf of area) plus the addition of 128 sf of patio space (with a ratio of 1 parking space per 150 sf after including patio discount of 50%) would require a gross of 11 parking spaces. (9.04 for the building rounded to 10 plus .854 for the patio space rounded to 1 = 11 parking spaces). Once the Urban Commercial Overlay discount of 25% for eating/drinking establishments is applied, the total required parking for unit 3333 N. High St. would be 9 parking spaces ($11 * .75 = 8.25$, or 9 rounded up from 8.25 spaces).

Converting 3335 N. High St. (579 sf) to a wholesale/industrial kitchen would require 1 parking spot per vehicle used in the business (a single delivery vehicle) plus 1 parking spot for every 750 sf of area. This would equal 1 additional parking spot (rounded up from .772) for a total of 2 spots. There is no Urban Commercial Overlay discount for manufacturing/industrial use.

Keeping 3337 N. High Street as retail (1,569 sf) at the retail ratio of 1 parking spot per 250 sf equals a gross parking requirement of 7 spaces (rounded up from 6.276). After applying the UCO discount of 50%, the net parking for 3337 N. High St. is 4 parking spaces (rounded up from 3.5)

Total of 3 units=

3333 3335 3337

9 + 2 + 4 = 15 off street parking spaces based on proposed use changes.

Current number of parking spaces totals 6.

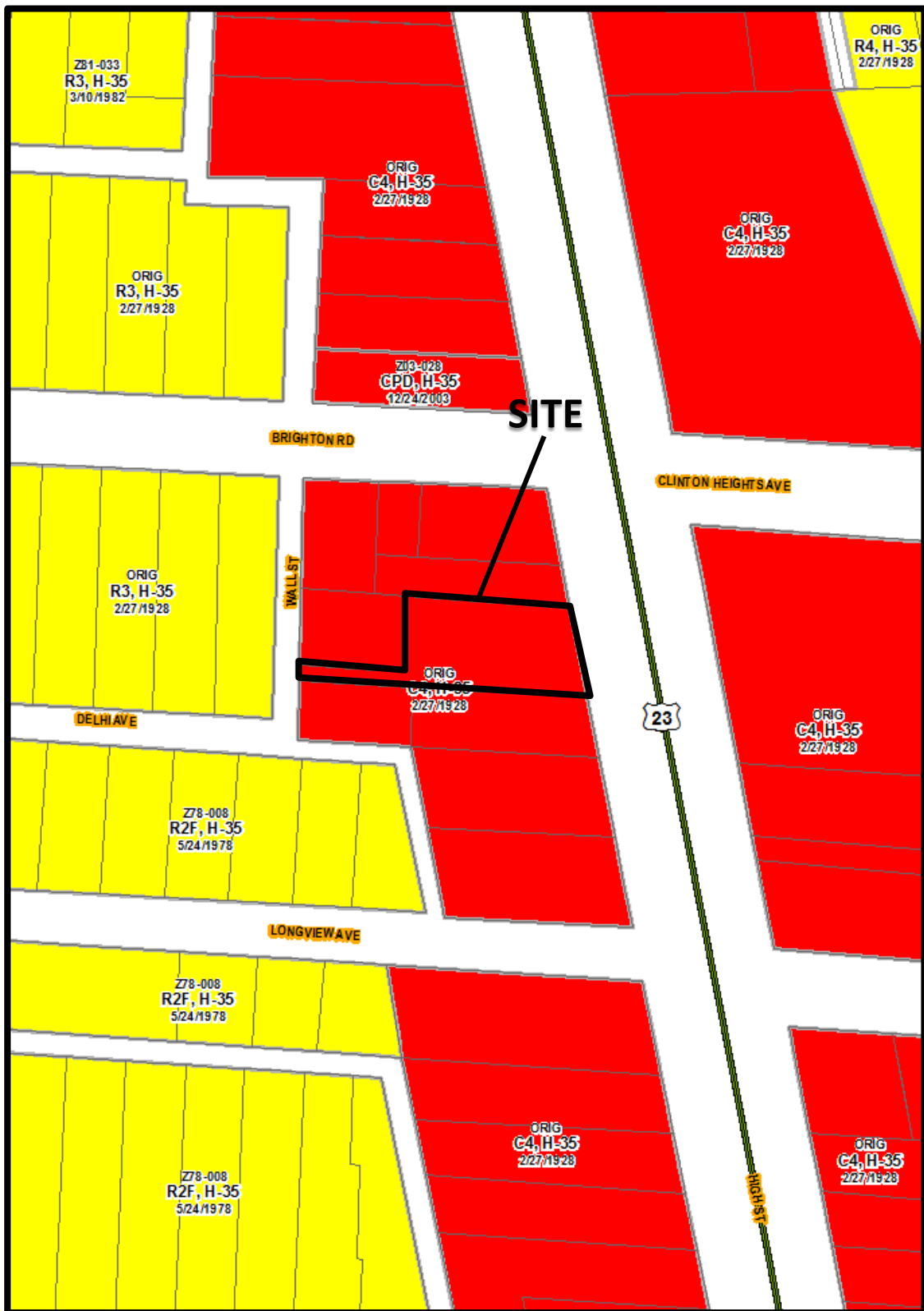
Applicant requests a variance to reduce the number of required parking spaces from 15 to 6.

Finally, the below conditions are existing conditions which applicant asks a variance to be granted to recognize them as pre-existing.

3312.13(B) – Commercial Driveway Width. There exists a single 11’ wide driveway to access the back parking area. This driveway is bordered on each side by existing structures. To comply with Zoning code, the driveway should be 20’ wide. Applicant asks for a variance to allow the continued use of the pre-existing 11’ wide driveway.

3312.39 – Striping and Marking. Because the lot is gravel, it is not marked.

3312.43 – Required Surface for Parking. Per city code, parking areas are required to be “... improved with Portland cement, asphaltic concrete or other approved hard surface other than gravel or loose fill.” In this instance, the existing lot is compacted light beige and gray gravel/sand which has existed in this state for at least 50 years. The gravel is not loose and does not spill out of the parking area onto neighboring properties or rights-of-way. No construction is planned for the parking area at this time and permitting the parking surface to remain undisturbed until such time as constructions in or improvements to the parking area are sought helps achieve the alternate goals identified in section 3312.43 which states “Applicants are encouraged to consider use of permeable surfaces as a means of reducing storm water runoff. Applicants may also consider lighter color finishes for surface materials, which reflect solar energy and minimize heat islands.”



CV15-028
3333 N. High Street
Approximately 0.177 acres

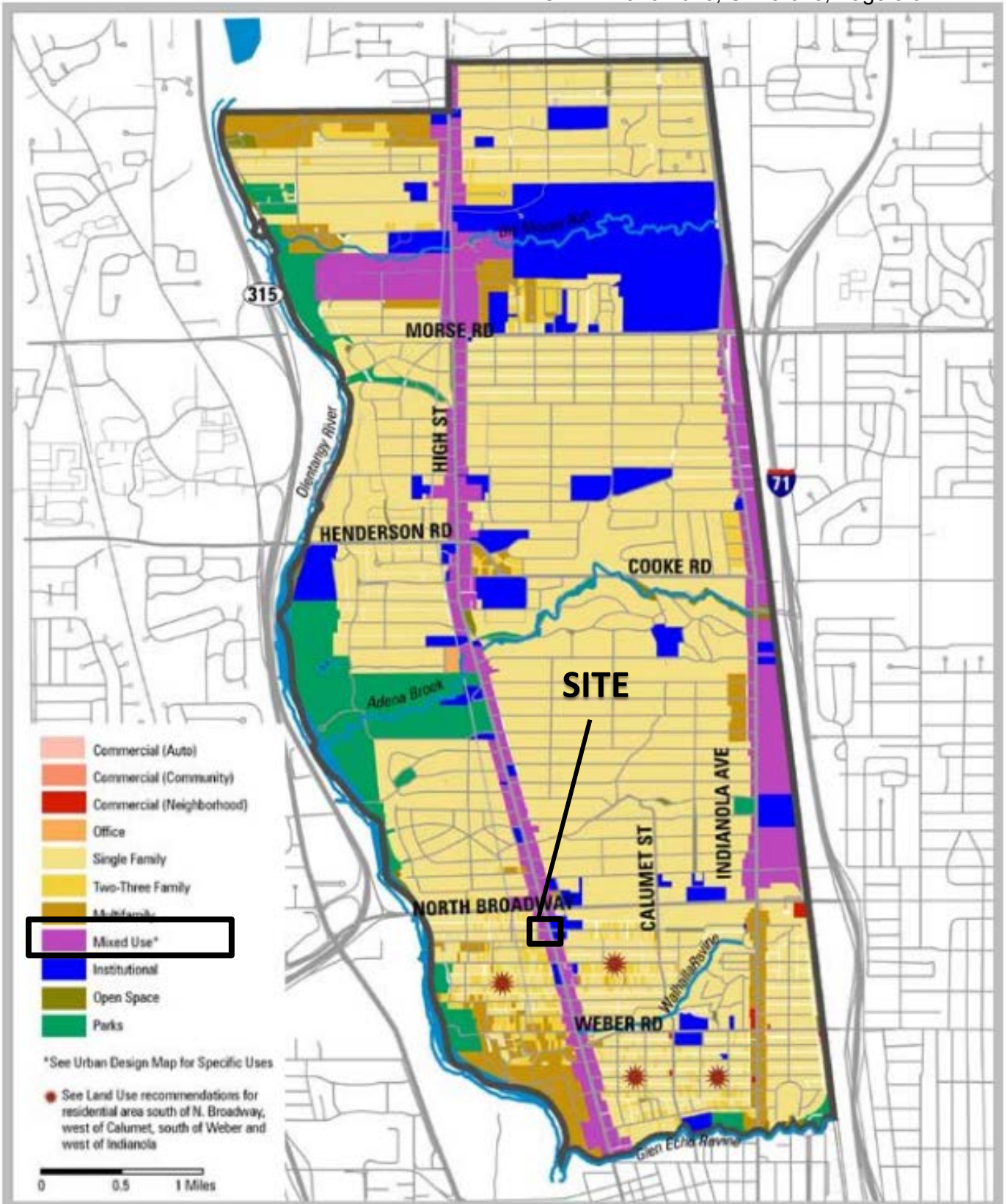


Figure 10 : Land Use Plan



CV15-028
3333 N. High Street
Approximately 0.177 acres
Clintonville Area Plan (2009)



CV15-028
3333 N. High Street
Approximately 0.177 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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Phone: 614-645-7433 • www.bzs.columbus.gov

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number CV15-028

Address 3333 N. High Street

Group Name Clintonville Area Commission

Meeting Date June 4, 2015

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

NOTES:

Vote 7 in favor, 1 against, 1 abstention

Signature of Authorized Representative Daniel B. Miller

Recommending Group Title Daniel B. Miller, Chairperson

Daytime Phone Number (614) 227-2101

Please e-mail this form to the assigned planner within forty-eight (48) hours of your meeting day; or FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

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Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer



Mayor Michael B. Coleman

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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 # CV15-028

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] ERIC D. MARTINEAU

Of [COMPLETE ADDRESS] 22 E 4th Ave Suite 1A, Columbus OH 43201
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 formats

- 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. DOUGH MAMA'S KITCHEN, LTD. PERRIE WIKOF MANAGING MEMBER CONNIE GRAPPO, MEMBER 2770 INDIANOLA AVE, UNIT A COLUMBUS OH 43202 917/292-8704</p>	<p>2. RICO SUCARA, LLC OWEN M. RUECKEL JR., managing member 4895 DELKER AVE TOWNVILLE OH 43076</p>
<p>3. _____</p>	<p>4. _____</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 1st day of May, in the year 2015

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here



RENEE M SUNDBERG
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
April 22, 2017

This Project Disclosure Statement expires six months after date of notarization.

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