

# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

## STATEMENT OF HARDSHIP

### **Columbus City Code Section 3307.10 - Variances by City Council.**

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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.

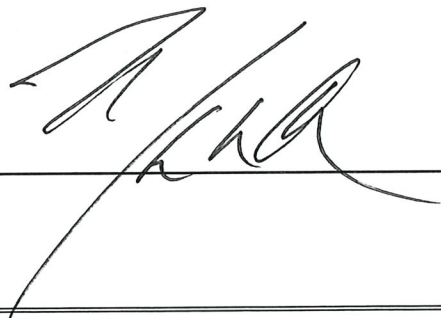
**List all sections of Code to be varied and explain your reasoning as to why this request should be granted.**

**PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.**

**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(s) requested as detailed below (use separate page if needed or desired):**

Please see Exhibit A, attached.

Signature of Applicant \_\_\_\_\_



Date \_\_\_\_\_

5.24.21

Text Revised: June 28, 2021

**EXHIBIT A****Council Variance Application – 79 Thurman Avenue & 1108 City Park Ave****Section I. Property Information**

1. Land:
  - a. PID 010-046276-00 (95 Thurman Ave): 0.21 Acres
  - b. PID 010-048856-00 (1108 City Park Ave): 1.06 acres
2. Structures:
  - a. Columbus Watch Building (North Building)
    - Address: 79 Thurman Ave
    - Size: Two-Story, 5,050 SF
  - b. Godman Shoe Building (South Building)
    - Address: 1108 City Park Ave
    - Size: Four-Story, 44,208 SF

**Section II. Background and Hardship Statement**

The Property, which had used as an office storage facility for 40+/- years, was completely restored and renovated in the late 1990s after a Council Variance was approved for the Property on December 15, 1997 (CV97-026A), which allowed the Property to be turned into a commercial center with office uses as well as limited retail and restaurant uses permitted. The Property has thrived since then and become an integral and valued part of the neighborhood. At present, the Property is home to tenants such as the ACLU, Legal Aid Society-Franklin County, and doctors' offices.

With this Council Variance application, Applicant is proposing what amounts to a modification to CV97-026A (through full restatement), primarily to allow the 2<sup>nd</sup> Floor of the Columbus Watch Building to be used as a combination photography studio and event space. The requested variances, if approved, will not seriously affect, nor negatively impact any adjoining property or the general welfare of the area, as the vast majority of them were already approved in CV97-026A. Further, where CV97-026A was opposed by the German Village Commission (Disapproval was recommended on July 1, 1997), the proposed change in permitted uses on the 2<sup>nd</sup> floor of the Columbus Watch Building has already received a recommendation of approval from the German Village Commission (See Attachment 1). Where applicant is proposing other modifications to CV97-026A, it is primarily to remove restrictions that the operation of the Property over the last 24 years have shown to be unnecessary.

**Section III. Requested Variances with Corresponding Code Text:**

1. 3332.037, R-2F Residential District Use:
  - **Request variance to allow uses as provided for in Section IV below.**
2. 3312.49 C - Minimum Number of Parking Spaces Required:
  - **Request variance to 120 parking spaces (from required 250 spaces)**
3. 3312.25 – Maneuvering:
  - **Request variance to requirements of 3312.25 and 3312.29 (below) to allow 22 parking spaces to be stacked; provided, however, approval of this variance is conditioned on each pair of stacked parking spaces shall at all times be assigned to the same tenant of the property.**
4. 3312.29 - Parking space:

- Request variance to requirements of 3312.25 (above) and 3312.29 to allow 22 parking spaces to be stacked; provided, however, approval of this variance is conditioned on each pair of stacked parking spaces shall at all times be assigned to the same tenant of the property.
5. 3312.53 - Minimum Number of Loading Spaces Required:
- Request variance to zero (0) loading spaces (from required 1 space)

The following are conditions of the ordinance:

**Section IV. Permitted Uses**

1. Columbus Watch Building (North Building)
  - a. First Floor (2,525sf): The following are permitted uses on the first (1<sup>st</sup>) floor of the Columbus Watch Building:
    - i. Office Uses as permitted under the C-2 District; 3353.03(A)-(E)
    - ii. The following listed Retail and Commercial Uses
      1. Antique Store
      2. Art Store - Supplies, Sale/display of art, classes incidental to business
      3. Bakery (Retail)
      4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
      5. Barber Shop
      6. Beauty Salon
      7. Bicycle Shop (Sales and Repair)
      8. Book Store
      9. Clothes Pressing & Cleaning
      10. Custom Shop
      11. Custom Tailor
      12. Delicatessen
      13. Dry Goods - Notions
      14. Florist Shop
      15. Gift Shop
      16. Ice Cream Sales
      17. Hardware or Jewelry Store
      18. Job Printing
      19. Laundry
      20. Men's, Women's or Children's Ready to Wear
      21. Music Store
      22. Paint Store
      23. Photography Supplies
      24. Radio Transmitting or Television Station and Appurtenances (Commercial)
      25. Shoe Store (Including Repair)
      26. Market/Grocery Store
  - b. Second Floor (2,525sf): The following are permitted uses on the second (2<sup>nd</sup>) floor of the Columbus Watch Building:
    - i. Office Uses permitted under C-2 District; 3353.03(A)-(E);
    - ii. Photography Studio, Commercial and Portrait;
    - iii. Event Space; and

- iv. The following listed Retail and Commercial Uses:
  - 1. Antique Store
  - 2. Art Store - Supplies, Sale/display of art, classes incidental to business
  - 3. Bakery (Retail)
  - 4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
  - 5. Barber Shop
  - 6. Beauty Salon
  - 7. Bicycle Shop (Sales and Repair)
  - 8. Book Store
  - 9. Clothes Pressing & Cleaning
  - 10. Custom Shop
  - 11. Custom Tailor
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  - 14. Florist Shop
  - 15. Gift Shop
  - 16. Ice Cream Sales
  - 17. Hardware or Jewelry Store
  - 18. Job Printing
  - 19. Laundry
  - 20. Men's, Women's or Children's Ready to Wear
  - 21. Music Store
  - 22. Paint Store
  - 23. Photography Supplies
  - 24. Radio Transmitting or Television Station and Appurtenances (Commercial)
  - 25. Shoe Store (Including Repair)
  - 26. Market/Grocery Store

2. Godman Shoe Building (South Building)

- a. First Floor (11,052sf): The following are permitted uses on the first (1<sup>st</sup>) floor of the Godman Shoe Building:

- i. Restaurant (subject to restrictions contained herein)
- ii. Office Uses as permitted under the C-2 District; 3353.03(A)-(E)
- iii. The following listed Retail and Commercial Uses:
  - 1. Antique Store
  - 2. Art Store - Supplies, Sale/display of art, classes incidental to business
  - 3. Bakery (Retail)
  - 4. Bank (Without drive-thru facilities. Any Automated Teller Machine (ATM) shall be located within the bank floor space area or within an enclosed lobby.)
  - 5. Barber Shop
  - 6. Beauty Salon
  - 7. Bicycle Shop (Sales and Repair)
  - 8. Book Store
  - 9. Clothes Pressing & Cleaning
  - 10. Custom Shop
  - 11. Custom Tailor

12. Delicatessen
13. Dry Goods - Notions
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18. Job Printing
19. Laundry
20. Men's, Women's or Children's Ready to Wear
21. Music Store
22. Paint Store
23. Photography Supplies
24. Radio Transmitting or Television Station and Appurtenances  
(Commercial)
25. Shoe Store (Including Repair)
26. Market/Grocery Store

- b. Second Floor (11,052sf): The following are permitted uses on the second (2<sup>nd</sup>) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A)-(E).
- c. Third Floor (11,052sf): The following are permitted uses on the third (3<sup>rd</sup>) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A), (C), (D) & (E) only (for the purpose of clarity, medical-type offices as listed under C-2 District; 3353.03(B) are not a permitted use).
- d. Fourth Floor (11,052sf): The following are permitted uses on the fourth (4<sup>th</sup>) floor of the Godman Shoe Building: Office Uses as permitted under C-2 District; 3353.03(A), (C), (D) & (E) only (for the purpose of clarity, medical-type offices as listed under C-2 District; 3353.03(B) are not a permitted use).

**Section V. Floor Space Restrictions**

1. Restaurants:
  - a. The maximum area of Restaurant use on the Property is 5,000 square feet.
  - b. No more than twenty percent (20%) of the gross floor area of a restaurant, regardless of size, may be used for a bar area within the restaurant. Calculation of the bar area will include a bar's seating area.
2. Retail: The maximum area of retail use on the Property (inclusive of both the Godman Shoe Building and Columbus Watch Building) is 13,000 square feet.
3. Combined Restaurant & Retail: The maximum area of combined restaurant use and retail use on the Property (inclusive of both the Godman Shoe Building and Columbus Watch Building) is 13,000 square feet.

**Section VI. Prohibitions**

1. Access to Nursery Alley: Vehicle access from the Property to Nursery Alley is prohibited. A seven foot (7') opaque fence must be installed/maintained along the Property's boundary with Nursery Alley between the southeast corner of the Godman Shoe Building and the southeast corner of the Property to prevent vehicle access.
2. Excessive Sound:
  - a. No amplified sound may be audible at the external boundaries of the Property.
  - b. Amplified live music is prohibited on the Property.

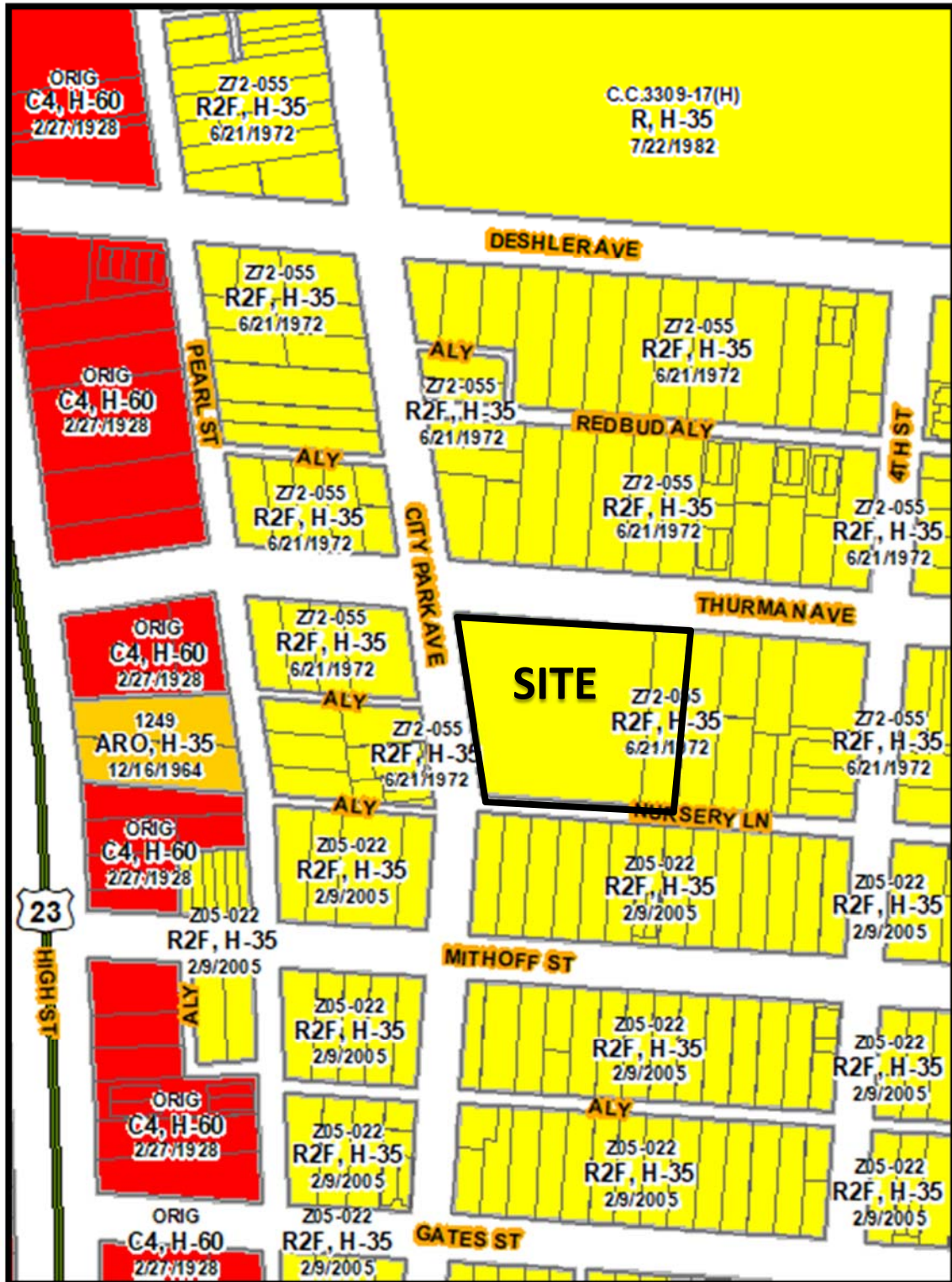
3. Stages/Dance Floors: Permanently installed stages and dance floors are prohibited on the Property.
4. Outdoor Food/Beverage Service: Restaurants on the Property, if any, are prohibited from having outdoor patio seating or service in connection with such use.

**Section VII. Additional Requirements**

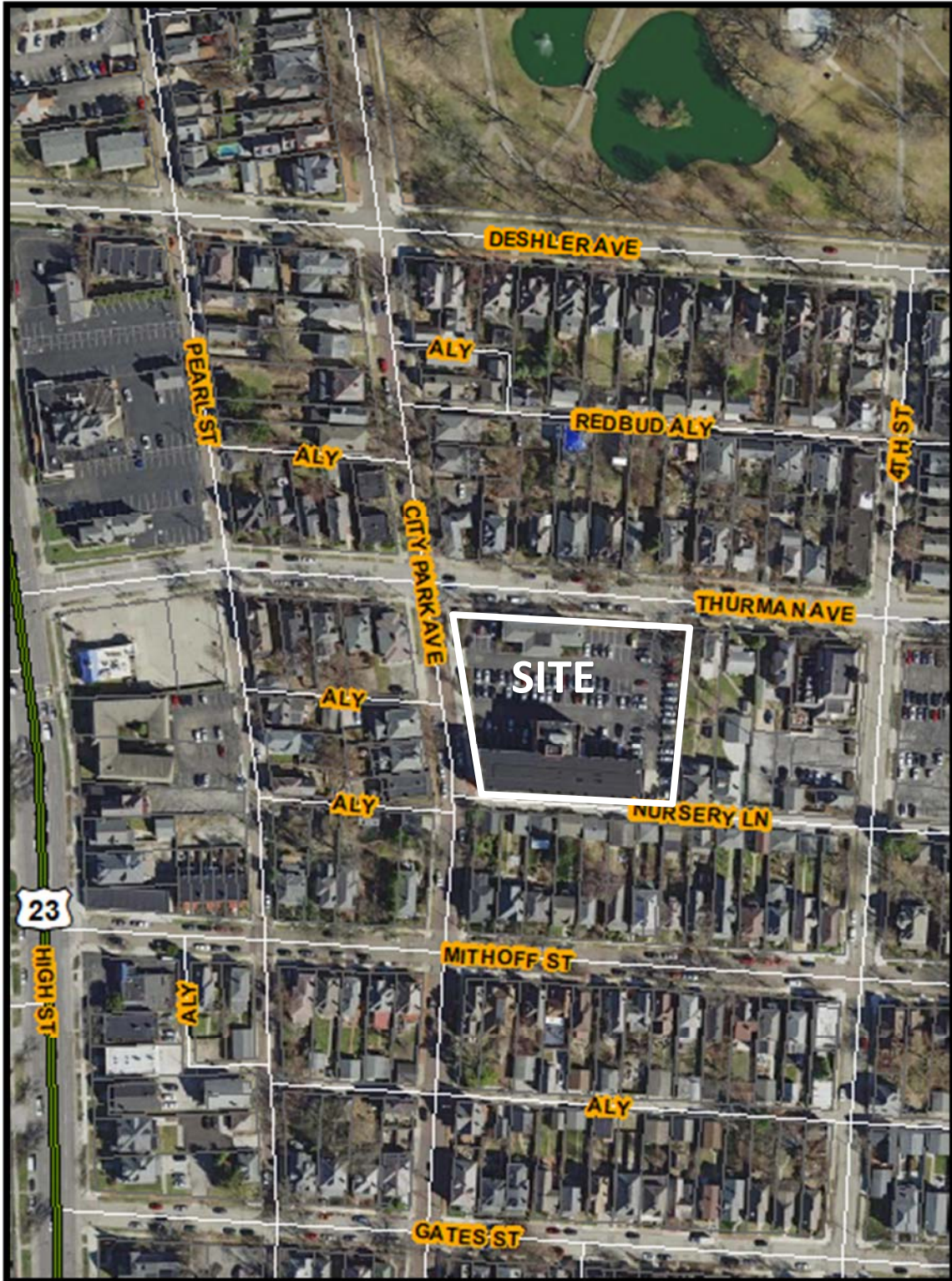
1. Dumpsters: Dumpsters shall be located adjacent to the southeast corner of the Godman Shoe Building and screened to a height of seven feet (7') on all 4 sides. All dumpster/trash pick-up shall be accomplished from the north side of the dumpster area. Dumpsters may not be emptied earlier than 8:00am nor later than 9:00pm. The Property owner or manager shall notify the trash collection service provider of such time restrictions in writing.
2. Parking Lot
  - a. Screening: In addition to meeting all requirements of Columbus City Code Section 333, a six foot (6') opaque fence must be installed/maintained along the Property's entire east boundary.
3. Restaurant Use & Parking: If there is any restaurant use on the Property at any time:
  - a. Valet Service: The restaurant shall provide valet parking services for customers off-street and off-site of the Property, if the existing on-site parking lot is at full capacity.
4. Combinations of Tax Parcels: Prior to December 31, 2021, Property Owner shall complete and submit the necessary forms to the Franklin County Auditor such that PID 010-046276-00 and PID 010-048856-00 are combined into one tax parcel.

**Section VIII. Lighting & Graphics**

1. Lighting: All external lighting on the Property must be down lighting and utilize cut-off fixtures. Fixtures, reflectors, shields, bulbs, poles and pole heights must be selected, arranged and placed so there is no glare off site of the Property and light is directed/reflected away from any adjacent property.
2. Graphics:
  - a. A ground sign, if any, may only be monument style and illuminated externally, with final approval, if any, to be granted by the German Village Commission.
  - b. All wall signs must be externally illuminated.
  - c. No graphics of any kind are permitted on the south wall of the Godman Shoe Building.
  - d. Neon lighting or graphics, whether internal or external to a building, are prohibited from if visible beyond the external boundaries of the Property.



CV21-063  
79 Thurman Ave.  
Approximately 1.27 acres



CV21-063  
79 Thurman Ave.  
Approximately 1.27 acres



**Certificate of Appropriateness**  
German Village Commission

DEPARTMENT OF  
DEVELOPMENT

*This Certificate of Appropriateness is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 111 N. Front Street) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 79 Thurman Avenue

**APPLICANT'S NAME:** Flat 51 LLC (Applicant) Weiler-Bowen LTD (Owner)

**APPLICATION NO.:** GV-21-07-036

**MEETING OR STAFF APPROVED DATE:** 07-06-21

**EXPIRATION:** 07-06-22

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 & 3319 and the architectural guidelines:

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

**APPROVED SPECIFICATIONS:**

Recommend application #GV-21-07-036, 79 Thurman Ave., as submitted with the following conditions:


Variance Recommendation

- (1). 3332.037, R-2F Residential District Use; request variance to allow uses as provided in Section IV.
- (2). 3312.49 C – Minimum Number of Parking Spaces Required; request variance to 120 parking spaces (from required 250 spaces).
- (3). 3312.25 Maneuvering; request variance to allow 22 parking spaces to be stacked; provided however approval of this variance is conditioned on each pair of stacking parking spaces shall at all times be assigned to the same tenant of the property.
- (4). 3312.29 Parking Space; request variance to requirements of 3312.25 (above) and 3312.29 to allow 22 parking spaces to be stacked; provided however approval of this variance is conditioned on each pair of stacking parking spaces shall at all times be assigned to the same tenant of the property.
- (5) 3312.53 – Minimum Number of Loading Spaces Required; request variance to zero (0) loading spaces from required 1 space.

MOTION: Foley/Durst (5-0-1) RECOMMENDED.

**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.

  
James A. Goodman, M.S.  
Historic Preservation Officer

**Staff Notes:**

Date Issued: 07/09/2021



# Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

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Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-063

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.

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Matthew T. Cull  
of (COMPLETE ADDRESS) c/o Kephart Fisher LLC, 207 N. Fourth 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 (including contact name and number)  
Business or individual's address; City, State, Zip Code  
Number of Columbus-based employees  
(Limited to 3 lines per box)

1. Weiler-Bowen, Ltd. 10 N. High Street, Suite 401, Columbus, Ohio 43215 Columbus Based Employees: 0	2. Robert J. Weiler Jr. 10 N. High Street, Suite 401, Columbus, Ohio 43215
3. Kent Bowen 3700 Fishinger Boulevard Columbus, OH 43026	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT [Handwritten Signature]

Sworn to before me and signed in my presence this 25 day of May, in the year 2021

[Handwritten Signature]  
SIGNATURE OF NOTARY PUBLIC



Notary Seal Here  
Commission Expires

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