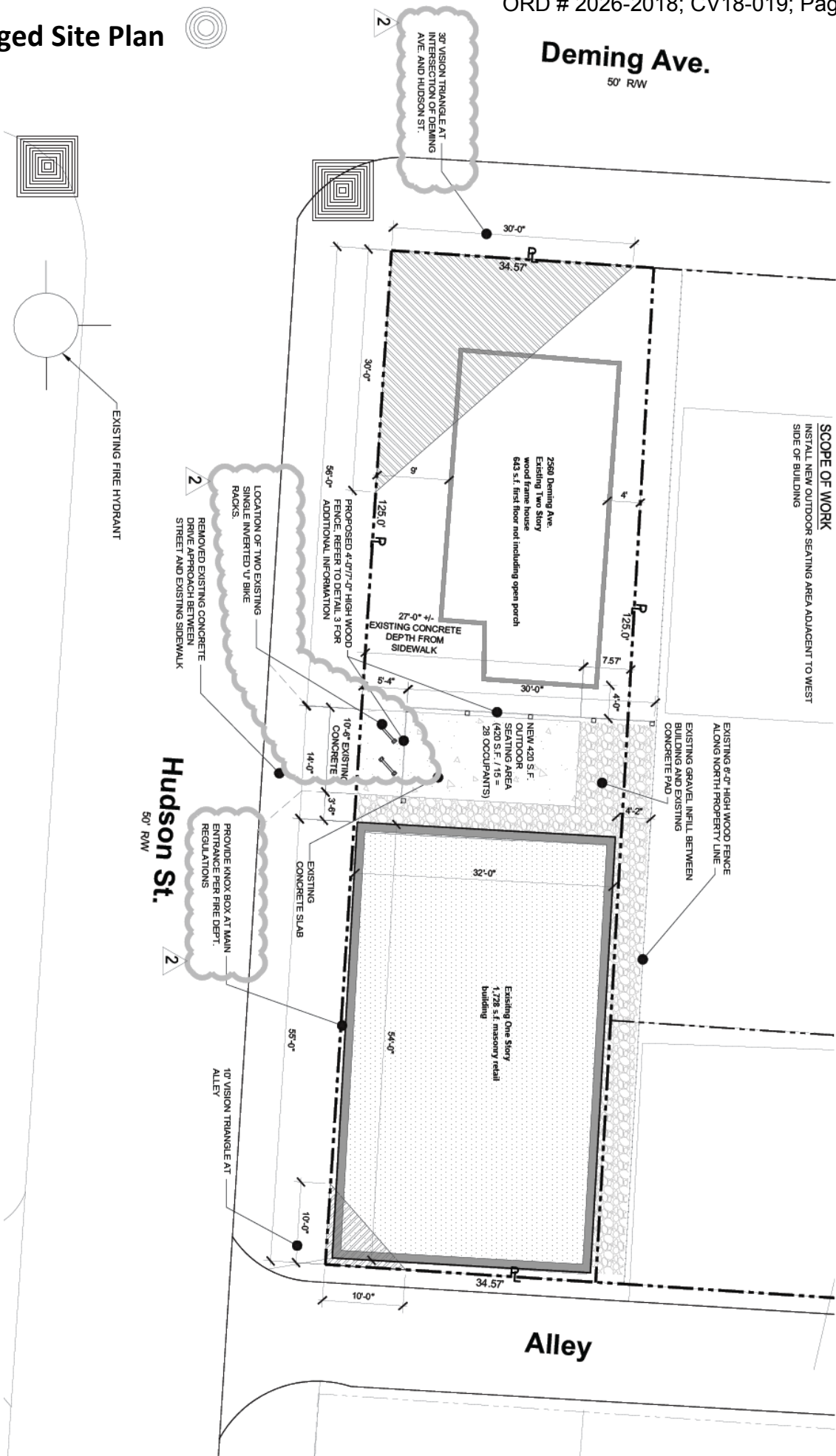




Enlarged Site Plan





**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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

**STATEMENT OF HARDSHIP**

Application Number: CV18-019

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

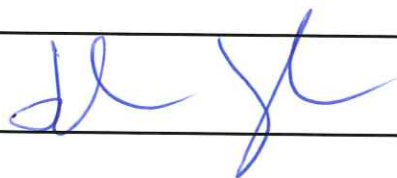
**List all sections of Code to be varied and explain your reasoning as to why this request should be granted.**

**PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application 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):**

SEE ATTACHED STATEMENT OF HARDSHIP

Signature of Applicant



Date

3/26/18

## **STATEMENT OF HARDSHIP**

February 8, 2018

RE: 310 Hudson St.

The owner of this property would like to request a council variance to allow the existing commercial building, where the owner operates Rambling House Soda, install an outdoor bar area in the existing rear yard.

This change, within the current use, will not adversely affect the surrounding properties. The renovation and changes shall not impair an adequate amount of light and air to the adjacent properties, unreasonably increase the congestion of public streets, increase the danger of fire, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals and welfare of the inhabitants of the City of Columbus.

It is felt that the variance to allow this owner to enhance this existing non-compliant building would be an asset to this neighborhood.

Below is the list of variances we are applying for at this time:

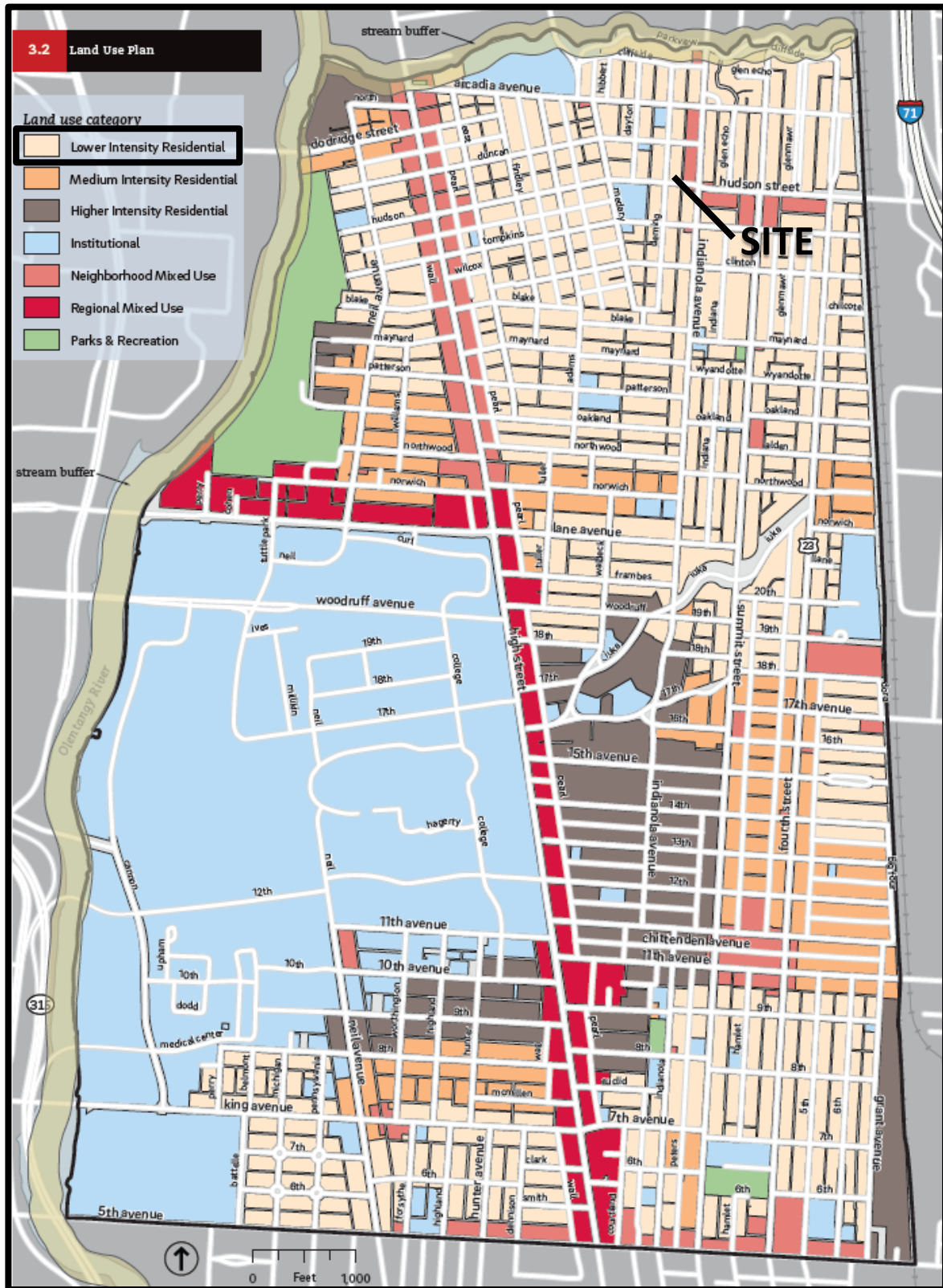
1. **3332.037 R-2F PERMITTED USES** The R-2F does not permit a house and a bar on a lot.
2. **3325.801 LOT COVERAGE** The existing building exceeds the 25 percent allowable lot coverage.
3. **3325.805 MAX. FLOOR AREA** The max. floor area as calculated for the existing building, 0.76, exceeds the .4 allowed.
4. **3332.27 REAR YARD** Rear yard of the lot (existing) does not meet the minimum 25% requirement for the lot.
5. **3332.25 SIDE YARDS** The total side yards (existing) do not meet the minimum 20% width of the lot. The commercial property has zero side yard.
6. **3332.26 MINIMUM SIDE YARD REQUIRED** The east side of the bar does not meet the minimum required width of 5'. The commercial property has zero side yard.
7. **3312.49 MINIMUM PARKING REQUIRED** A variance is needed for 26 commercial spaces and 2 residential spaces.
8. **3321.05(B)(1) (B)(2)** There is no 10-Foot Clear Vision triangle at the southeast corner and 30-Foot Clear Vision triangle at the southwest corner.

9. **3325.809 LANDSCAPE AREA AND TREATMENT** The landscape and vegetative area does not meet the 10% of the lot area required.
10. **3332.05 LOT WIDTH REQUIREMENTS** The existing lot is approximately 36' wide and does not meet the minimum 50' width required. (as measured at the front of the structure facing Deming St.).
11. **3332.14 MINIMUM LOT AREA** While 5,000 square feet per dwelling unit is required, the applicant proposes to maintain one single dwelling unit and one commercial property on the same 4,321 square foot lot.



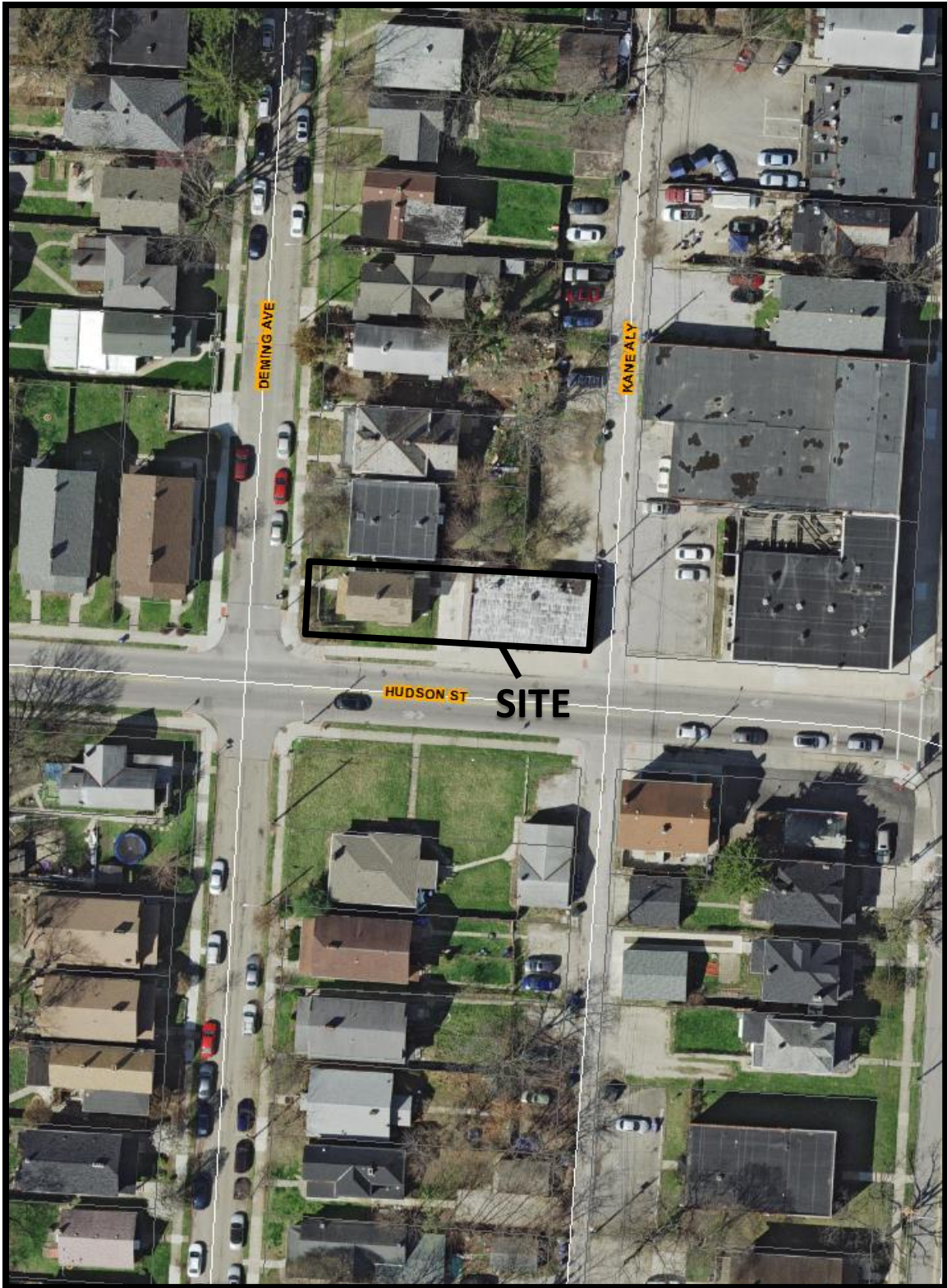
CV18-019  
310-312 East Hudson Street  
Approximately 0.10 acres

University District Plan (2015)



CV18-019  
310-312 East Hudson Street  
Approximately 0.10 acres





CV18-019  
310-312 East Hudson Street  
Approximately 0.10 acres





City of Columbus  
Mayor Andrew J. Ginther

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## University Area Commission

Northwood High Building  
2231 North High Street  
Columbus, Ohio 43201  
(614) 441-8174  
[www.universityareacommission.org](http://www.universityareacommission.org)

*Serving the University Community for over 30 Years*

Doreen Uhas-Sauer  
President

Susan Keeny  
1<sup>st</sup> Vice President

David Hegley  
2<sup>nd</sup> Vice President

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Pasquale Grado

Abby Kravitz

Rory Krupp

Michael Sharvin

Lauren Squires

Steve Volkmann

Tom Wildman

TO: Kelsey Priebe  
111 N. Front Street  
Columbus, OH 432215  
Ph: 614-645-2749  
[krpriebe@columbus.gov](mailto:krpriebe@columbus.gov)

May 16, 2018

RE: CV18-019: New Outdoor Patio; Change of Use  
Kelsey:

This letter is to inform you that on May 16, 2018, the University Area Commission voted to approve the council variances for the properties located at 310-312 E. Hudson Street. The vote was extremely close and did not reflect either strong support or strong disapproval. The project proposes to create an outdoor patio. This requires a change of use to have a commercial business in an R2 residential zone. Required variances as listed involve setbacks, floor area, & parking due to the existing condition:

1. 3332.037 R-2F PERMITTED USES: The R-2F does not permit a house and a bar on a lot.
2. 3325.801 LOT COVERAGE: The existing building exceeds the 25 percent allowable lot coverage.
3. 3325.805 MAX. FLOOR AREA: The max. floor area as calculated for the existing building exceeds the .4 allowed.
4. 3332.27 REAR YARD: Rear yard of the lot (existing) does not meet the minimum 25% requirement for the lot.
5. 3332.25 SIDE YARDS: The total side yards (existing) do not meet the minimum 20% width of the lot.
6. 3332.26 MINIMUM SIDE YARD REQUIRED: The east side of the bar does not meet the Min. required width of 5'.
7. 3312.49(c) MINIMUM PARKING REQUIRED: Using 3312.03(C)(2)(d) the existing commercial building is credited with 7 spaces and the residential building is credited with 1 space. A variance is needed for 19 commercial spaces and 1 residential space.
8. 3321.05(B)(1): There is no 10-Foot Clear Vision triangle at the southeast corner.
9. 3325.809 LANDSCAPE AREA AND TREATMENT: The landscape and vegetative area does not meet the 10% of the lot area required.
10. 3332.05 LOT WIDTH REQUIREMENTS: The existing lot is approximately 36' wide and does not meet the minimum 50' width required. (as measured at the front of the structure facing Deming St.).
11. 3332.14 MINIMUM LOT AREA: The existing lot and structures do not meet the required 3,600 SF lot size per dwelling unit.

The UAC had a very open discussion about the pros & cons of this variance request.

**Cons:** *Patio is too close to neighbors, noise will be invasive, variance stays with property & future owner might not be respectful of neighborhood, concern on overcrowding of patio, sets a precedent for other bars in residential neighborhoods, current patio fence is not attractive & taller than code max., no design review in this area, patio should move closer to Hudson.*

**Pros:** *Owner is respectful of neighborhood, owner fundraises for community, residents should support local business owners, Hudson is very busy, noisy traffic corridor already, adjacent renters are aware that their apartment is next to a bar & a busy street.*

In the end, the Commission voted, in good faith, to support a generous business owner that gives back to the community. While there is approval of this project, there are still ample concerns about the proximity of the patio to the residential properties.

**The vote to approve the above variance request, with the condition that there be no outdoor amplification, televisions or equipment that will generate noise was: For – 9; Against – 7; Abstentions – 0.**

Respectfully Submitted,  
Susan LM Keeny, UAC Zoning Committee Chair  
c: 937-479-0201

**Priebe, Kelsey R.**

---

**Subject:** RE: letter - CV18-019

**From:** Susan Keeny [<mailto:skeeney@columbuslandmarks.org>]  
**Sent:** Tuesday, June 26, 2018 3:37 PM  
**To:** Priebe, Kelsey R.  
**Cc:** susan keeny; John Lynch; David Hegley; Doreen Uhas Sauer  
**Subject:** Re: letter - CV18-019

Kelsey,

Our governance chair confirmed our bylaws, that once an application reaches the area commission and it is voted upon, the commission cannot re-vote that variance application. The only option right now is for the applicant to file a new variance application and go through the entire process again. The city could waive the fee, since the change in variances appears to be not the fault of the applicant. But I assume that will not happen.

I want to let you know that our commission has committed to drafting a brief description of the variance process to provide our applicants, for their information and use. We want to help our applicants in what is often a confusing process for them. We will keep you posted. In the meantime, I would be happy to discuss this further with you and answer any other questions.

Thank you,  
Susan Keeny  
c: 937-479-0201

**Priebe, Kelsey R.**

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**Subject:** Re: letter

**From:** susan keeny [<mailto:slmkeeney@hotmail.com>]  
**Sent:** Wednesday, June 13, 2018 6:29 AM  
**To:** John Lynch  
**Cc:** Priebe, Kelsey R.; David Hegley; [skeeney@columbuslandmarks.org](mailto:skeeney@columbuslandmarks.org)  
**Subject:** Re: letter

John,

I am writing this so that both you and Kelsey understand the University Area Commission's bylaws, which are also on our website.

We can neither write a new letter nor get your variance application on the agenda for our June commission meeting because, according to our bylaws, we cannot vote again on the same variance application. We can reconsider it in committee, but once the full commission has voted, we cannot reconsider and revote the same case. This is why we strongly encourage applicants not to rush the variance process & to be very sure about the exact variances being presented along with a specific site plan. The variances are the only things on which we can vote.

I am curious if the parking variance was thoroughly vetted with zoning clearance before you came to the zoning committee, or if zoning staff recently revised their thinking on this. In any case, the UAC vote and letter must remain, unless you file a new variance application which I am sure you do not want to do.

I have copied David Hegley, our governance chair, on this matter to make certain that I have provided you with the correct information.

Please call anytime with questions.

Thank you,  
Susan Keeny  
c: 937-479-0201

---

**From:** John Lynch <[ohiojohn@gmail.com](mailto:ohiojohn@gmail.com)>  
**Sent:** Tuesday, June 12, 2018 4:05:18 PM  
**To:** susan keeny  
**Cc:** [krpriebe@columbus.gov](mailto:krpriebe@columbus.gov)  
**Subject:** Re: letter

If it helps at all I've attached the UAC letter, the updated list of variance needs, and the final site plan. The biggest issue we had was the city not recognizing the seven parking spaces we own on the lot immediately to the north of the bar. Because it is a separate parcel our parking need technically went from 19 to 26.

Thanks again.

Sincerely,  
John Lynch



On Jun 12, 2018, at 3:45 PM, John Lynch <[ohiojohn@gmail.com](mailto:ohiojohn@gmail.com)> wrote:

Hello Susan,

I'm reaching out because unfortunately my list of variance needs has changed slightly. Kelsey has explained that I have two options. One, the UAC could draft a letter allowing the changes, or two I go before the UAC again to get the new variance language approved.

I'm assuming the letter is a long shot. Am I too late to get on the Agenda for June 20? I could send you all materials today. Additionally there are more neighbors who have come out strongly in favor of the project and could attend.

Thanks for your consideration. Council is going on break in August so this is my last chance to get on their schedule until September.

Sincerely,

John Lynch

**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 Number: CV18-019

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) JOHN LYNCH  
of (COMPLETE ADDRESS) 213 W. Como AVE COLUMBUS OH 43202  
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

1. <u>MJMS Prop. Ltd.</u> <u>213 W. Como AVE.</u> <u>COLUMBUS, OH 43202</u> <u>JOHN LYNCH (614) 301-5211</u>	2.
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 27<sup>th</sup> day of March, in the year 2018

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



**TYLER SMITH**  
Notary Public, State of Ohio  
My Commission Expires  
November 20, 2022

**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**