

THE CITY OF  
**COLUMBUS**

ANDREW J. GINTER, MAYOR

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

**STATEMENT OF HARDSHIP**

Application #: CV19-056

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):

THE PROPERTY IS CURRENTLY ZONED R-24 WITH AN OFFICE USE  
VARIANCE GRANTED 12/19/1983. (COPY ATTACHED)

PURSUANT TO CODE 3332.037 (R-24 RESIDENTIAL DISTRICT) AND  
3312.49 (MINIMUM PARKING SPACES), WE ARE SEEKING A USE  
VARIANCE TO INCLUDE 1,000 SQ. FT. OF RETAIL SPACE, OR UP TO  
1,800 SQ. FT. OFFICE SPACE, AND THE BALANCE OF THE PROPERTY  
SQ. FT. WOULD BE USED AS A ONE DWELLING UNIT. WE ONLY  
HAVE ON STREET PARKING AS WELL AS ZONING FOR LAW OFFICE USE.  
TO RUN OUR RETAIL OPERATION AS OUR PRIMARY SOURCE OF  
INCOME, WE ARE SEEKING BOTH THE USE AND PARKING VARIANCES.

Signature of Applicant [Signature]

Date 5/13/19

SEE ADDENDUM ATTACHED FOR ADDITIONAL HARDSHIP INFORMATION.

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

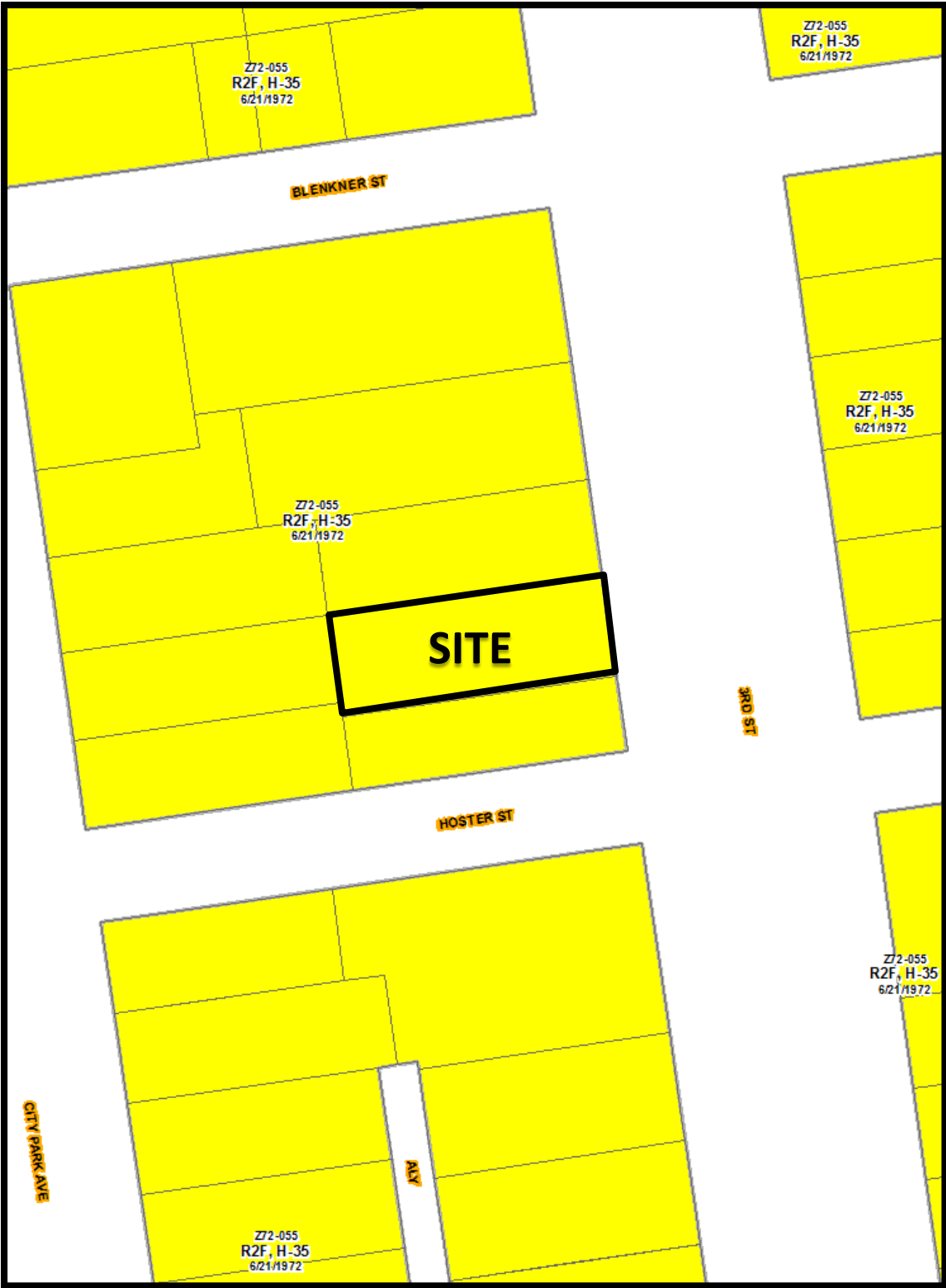
529 S. 3<sup>rd</sup> St., Columbus, OH 43215 (Addendum to Statement of Hardship)

I purchased the subject property, 529 S. 3<sup>rd</sup> St., Columbus OH 43215, in the summer of 2016. At that time, and currently, the property is zoned R-2F with a use and parking variance allowing for Law Office use as well as 8 parking spaces, which was granted in late 1983.

Upon purchase of the property, I was, currently am, and will continue in the future, to utilize this property as my primary residence. Due to a change in employment status in early February of 2019, I deemed it necessary to start a home business to avoid relocation of my family and to provide for our financial future. In doing so, I determined that a portion of the ground floor of the property could be utilized as a retail space from which I could sell handmade luxury bath, body and hair care products. I do not anticipate being a destination retail location, I intend to capitalize on the street traffic and walk by business that the other retailers, restaurants and drinking establishments in the North German Village Corridor generate. Many of the aforementioned mixed-use establishments have been granted use and parking variances from the City and I am seeking the same so that I can establish and operate a small, tasteful, retail boutique that would enhance the north end of Third Street in German Village. I am making no changes to the exterior of the property or proposing any signage variances at present, only the use variance, based on up to 1,000 sq. feet of retail or up to 1,800 sq. ft of office space, as well as the parking variances applicable to the square footages noted and use of the property as a primary residence, based on these proposed uses. Due to the nature of our business we anticipate most of our customers being in our location for much briefer periods of time than would be needed when patronizing other nearby retail, dining, or drinking establishments.

I do not feel the request for these variances would impact or impair the adjacent properties and many of the properties in the general vicinity could benefit from any increased foot traffic in the North Third Street corridor that our variance request, if granted, could generate. The proposed variance would not impair supply of light or air or increase hazards to the properties adjacent to mine. I feel this variance will also not impair public safety, comfort, morals or the general welfare of the North Third Street area of German Village, nor will it diminish property values in the area, create increase traffic, congestion or parking issues, create any nuisances or cause any increased public expenditures

CV19-056



CV19-056  
529 S 3<sup>rd</sup> St  
Approximately 0.10 acres



CV19-056  
529 S 3<sup>rd</sup> St  
Approximately 0.10 acres

## HISTORIC DISTRICT COMMISSION RECOMMENDATION

### GERMAN VILLAGE COMMISSION

*This is a recommendation to the appropriate regulatory body as identified per City Code. It 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 (614-645-6090 / 111 N. Front St., First Floor) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 529 South Third Street

**APPLICANT'S NAME:** James Thieken (Owner)

**APPLICATION NO.:** 19-7-40

**COMMISSION HEARING DATE:** 7-2-19

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation 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 & 3119.

☒ **Variance or Zoning Change Request**

- |  |   |
|--|---|
| <input type="checkbox"/> Rezoning                    | <input type="checkbox"/> Special Permit |
| <input checked="" type="checkbox"/> Parking Variance | <input type="checkbox"/> Setbacks       |
| <input checked="" type="checkbox"/> Change of Use    | <input type="checkbox"/> Other          |
| <input type="checkbox"/> Lot Split                   |   |

**TYPE(S) OF ACTION(S) REQUESTED:**

Recommend approval of Application #19-7-40, 529 South Third Street, as submitted:

- Convert a portion of the main floor office space to retail space. Upper floors to continue to function as a single dwelling unit. No exterior alterations.
- Previously granted Council Variance includes a parking reduction from 9 spaces to 0 spaces. No existing off-street parking and no changes proposed.

**Variance Recommendation Requests: OPTION 1**

- 3332.037 – To allow a combination of retail and office space that requires 6 parking spaces or less and use the balance of the property as a single dwelling unit. Total retail space is not to exceed 1,000 square feet and total office space is not to exceed 1,800 square feet.
- 3312.49 – Minimum number of parking spaces required. To allow 0 off-street parking spaces, where 8 spaces are required for the proposed uses.

**Variance Recommendation Requests: OPTION 2**

- 3332.037 – R-2F residential district. To allow up to 1,500 square feet of retail space and the balance of the property to be used as a single dwelling unit.
- 3312.49 – Minimum number of parking spaces required. To allow 0 off-street parking spaces, where 8 spaces are required for the proposed uses.



**MOTION:** Thiell/Panzer (6-0-0) RECOMMENDED.

*NOTE: The Commission recommended approval of Variance Request Option 1 and Option 2 (leaving it to the applicant to pursue their preferred option), noting the previously approved parking variance and that neither option increases the burden on the surrounding neighborhood.*

**RECOMMENDATION:**

☒ RECOMMEND APPROVAL      ☐ RECOMMEND DENIAL      ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.

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

## PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.  
**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION #: CV19-056

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) JAMES M. THIEKEN  
of (COMPLETE ADDRESS) 529 S. 3RD ST. COLUMBUS OH 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

1. <u>JAMES M. THIEKEN</u> <u>529 S. 3RD ST.</u> <u>Columbus, OH 43215</u>	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 22 day of May, in the year 2019

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Candyce Ann Thieken  
4-10-23

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



**CANDYCE ANN THIEKEN**  
Notary Public, State of Ohio  
My Commission Expires 04-10-2023

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