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**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):**

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



Date 3.23.21

CV21-035

## STATEMENT OF HARDSHIP

**Application:** CV21-035

**Address:** 650 South 3<sup>rd</sup> Street

**Parcel(s):** 010-026965

**Property Size:** +/- 0.06 Acres

**Current District:** R2F, H-35

**Area Commission:** German Village Commission

**Property Owner(s):** 650 Et al South Third LLC c/o Jared Schiff

**Applicant(s):** Tiki Botanicals, LLC c/o Jim Thieken

**Attorney:** Michael Shannon, Underhill & Hodge LLC

**Date:** March 22, 2021

The Applicant submits this statement in support of its companion council variance. The subject property ("Site") is approximately +/- 0.6 acres and located south-east of the intersection of South 3<sup>rd</sup> Street and East Sycamore Street. The Site is zoned R2F. Adjacent properties on the east and south are zoned R2F. Adjacent properties on all sides are zoned R2F. This area of the 3<sup>rd</sup> Street corridor sees a mix of residential and commercial uses.

The site is not located within a commercial overlay, planning overlay, and is not specifically a historic property. The site is situated within the boundary of the German Village Historic District and the German Village Commission. The German Village Guidelines do not recommend a specific use for this site.

The site most recently operated as a coffee shop. The Applicant proposes changing the use from restaurant to retail for the sale of bath and body care products. The Applicant does not propose any demolition, remodeling, or additions. Accordingly, the Applicant requests the following council variance to permit the use as proposed.

Section 3332.037 – R2F residential district permitted uses. The Applicant requests a council variance to permit 3351.03 – C-1 commercial uses in the R2F zoning district.

The requested council variance to permit C-1 commercial uses will not adversely affect the surround properties or surrounding neighborhood and is warranted to alleviate a difficulty. Nor will the council variance impair adequate supply of light and air to the adjacent properties, 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.

As described by the German Village Guidelines, the neighborhood's character and charm make it an ideal location for restaurant and retail uses. This factor has led to the conversion of residential buildings to commercial uses. This site is one of those properties which has operated a commercial use and blended with the residential fabric of the neighborhood.

The site most recently operated as a coffee shop. The Applicant proposes changing the use from restaurant to retail. The retail use is less intense than the former restaurant use, therefore this

proposal will not increase congestion on public streets or increase the danger of fire. The retail use will actually decrease those factors compared to a non-conforming restaurant which could operate on the site today.

The Applicant submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variance. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system to allow developments which fit within the spirit and intent of the zoning district but do not exactly fit under the strict letter of the zoning code. In this case, Applicant proposes a development which falls within the spirit and intent of the zoning code and the German Village Guidelines.

The Applicant respectfully requests that the Columbus City Council weigh these factors in its consideration and find that the variance is warranted to alleviate a difficulty.

Respectfully submitted,

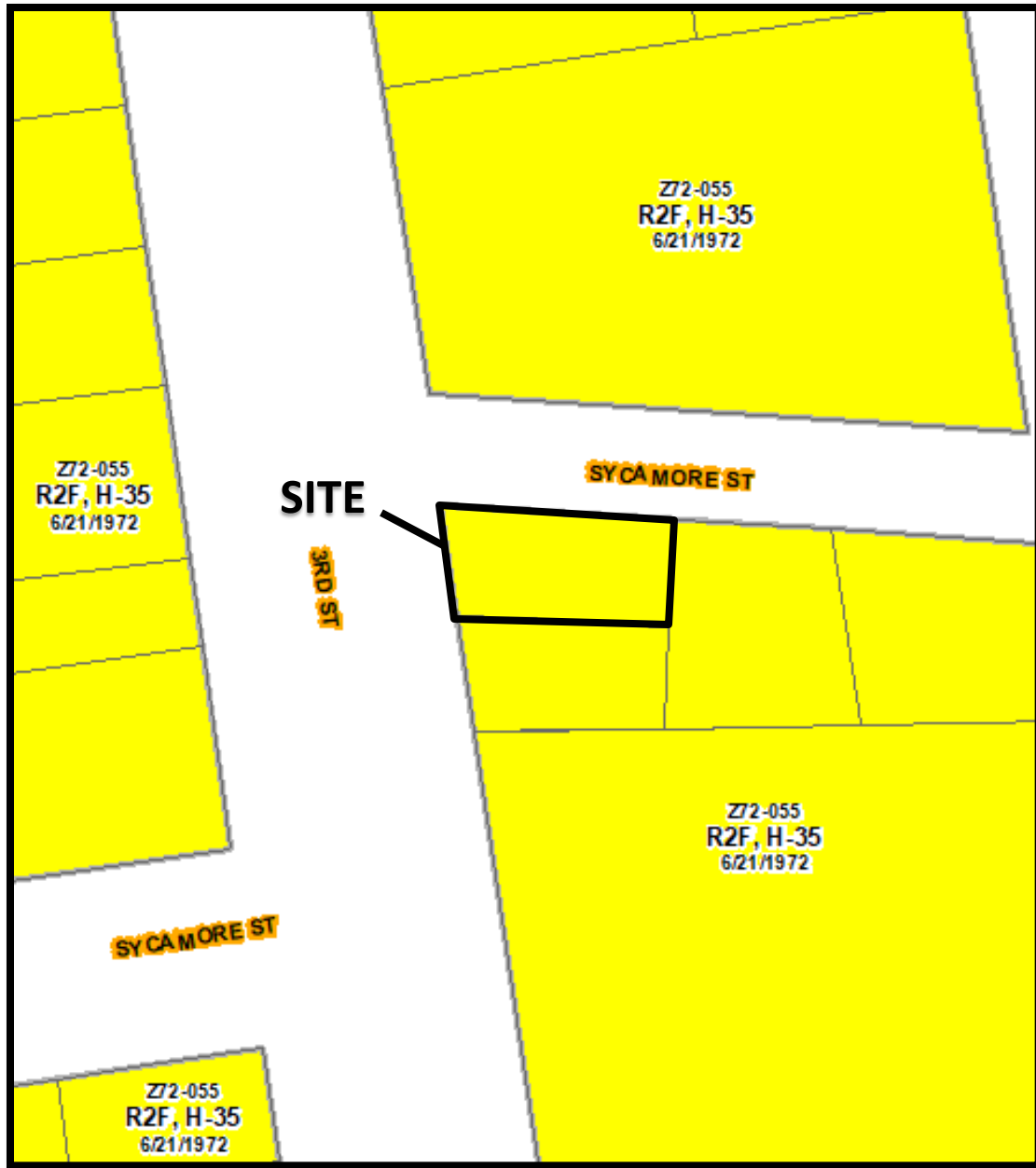
A handwritten signature in blue ink, appearing to read "Michael Shannon", with a long horizontal flourish extending to the right.

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Michael Shannon, Esq.  
Attorney for Applicant



CV21-035  
650 S. 3<sup>rd</sup> St.  
Approximately 0.06 acres



CV21-035  
650 S. 3<sup>rd</sup> St.  
Approximately 0.06 acres

**Certificate of Appropriateness**  
German Village Commission

*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:** 650 South Third Street

**APPLICANT'S NAME:** Tiki Botanicals, LLC c/o Jim Thieken (Applicant) 605 Et al South Third LLC c/o Jared Schiff (Owner)

**APPLICATION NO.:** GV-21-05-026

**MEETING OR STAFF APPROVED DATE:** 05-04-21

**EXPIRATION:** 05-04-22

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:**


Approve application #GV-21-05-026, 650 S. Third St., as submitted with the following conditions:

Variance Recommendation

- Proposed change of use from restaurant to retail. Property is currently zoned R2F. Council Variance is requested to permit C-1 commercial uses within the R2F district.
- Property most recently operated as a coffee shop and would now be used as retail for the sale of bath and body care products.
- No demolition, exterior remodeling, or additions proposed.
- MOTION: Thiell/Durst (5-0-1) APPROVED [Foley Recuse].

☒ **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:**

## 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

### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-035

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) Eric Zartman

of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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.<br>Tiki Botanicals, LLC<br>529 South 3rd Street<br>Columbus, Ohio, 43215 | 2.<br>650 Et al South Third LLC<br>115 West Main Street, Suite 100<br>Columbus, Ohio, 43215 |
| 3.  | 4.  |

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 23rd day of March, in the year 2021

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON  
Notary Public, State of Ohio  
My Commission Expires  
01-11-2026

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