



## Legislation Text

---

**File #:** 2531-2022, **Version:** 1

---

**Council Variance Application: CV22-040**

**APPLICANT:** Cameron Mitchell Restaurants; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

**PROPOSED USE:** Eating and drinking establishment with outdoor patio.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a commercial building containing office, eating and drinking establishment, and outdoor patio uses in the R-2F, Residential District, as permitted by Ordinance #1844-98 (CV98-028), passed on July 27, 1998. The requested Council variance permits a maximum of 4,050 square feet of office space, 4,125 square feet of eating and drinking establishment space, and 1,871 square feet of outdoor dining space, and is required because the square footage of permitted outdoor dining space granted by CV98-028 is being increased. Variances to dumpster area, lot coverage, building lines, side yards, and a parking reduction from 77 required parking spaces to zero provided spaces are also included in this request. In response to the parking space reduction, a parking study was reviewed and approved by the Department of Public Service. Staff supports the requested uses and variances because they are consistent with the existing uses occurring on the property and, the historic development pattern of South 3rd Street, and are supported by the German Village Commission.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.18(D), Basis of computing area; 3332.21, Building line; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **595 S. 3RD ST. (43215)**, to permit office, eating and drinking establishment, and outdoor dining uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #1844-98, passed July 27, 1998 (Council Variance #CV22-040).

**WHEREAS**, by application #CV22-040, the owner of the property at **595 S. 3RD ST. (43215)**, is requesting a Variance to permit office, eating and drinking establishment, and outdoor dining uses with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037 R-2F, residential district, prohibits commercial uses, while the applicant proposes 4,050 square feet of office space, 4,125 square feet of eating and drinking establishment space, and 1,871 square feet of outdoor dining space in the R-2F district; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1 space per 450 square feet of office space, 1 space per 75 square feet of eating and drinking establishment space, and 1 space per 150 square feet of accessory outdoor dining space, for a total of 77 required parking spaces, while the applicant proposes zero off-street

parking spaces; and

**WHEREAS**, Section 3321.01, Dumpster area, requires sufficient maneuvering area on the property it serves, while the applicant eliminates the on-site maneuvering area, as shown on the site plan; and

**WHEREAS**, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased lot coverage of 70 percent; and

**WHEREAS**, Section 3332.21, Building lines, requires the building setback line to be 10 feet along South 3rd Street and East Willow Street, while the applicant proposes to maintain building setback lines of zero feet along these streets; and

**WHEREAS**, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, while the applicant proposes to maintain a reduced maximum side yard of zero feet; and

**WHEREAS**, Section 3332.26(C)(1), Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to maintain a minimum side yard of zero feet; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the proposed uses and variances, including the parking reduction variance, are supportable as they are consistent with the existing uses occurring on site, and the historic development pattern of South 3rd Street; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; and

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **595 S. 3RD ST. (43215)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.037, R-2F, residential district; 3312.49(C), Minimum numbers of parking spaces required; 3321.01, Dumpster area; 3332.18(D), Basis of computing area; 3332.21, Building line; 3332.25, Maximum side yards required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **595 S. 3RD ST. (43215)**, insofar as said sections prohibit 4,050 square feet of office uses, 4,125 square feet of eating and drinking establishment uses, and 1,871 square feet of outdoor dining space in the R-2F, Residential District; with a reduction from 77 required parking spaces to zero provided spaces; no on-site maneuvering area for the dumpster; increased lot coverage from 50 percent to 70 percent; reduced building setbacks from 10 feet to zero feet along South 3rd Street and East Willow Street; reduced maximum side yard from 16 feet to zero

feet; and reduced minimum side yard from 5 feet to zero feet; said property being more particularly described as follows:

**595 S. 3RD ST. (43215)**, being 0.14± acres at the northwest corner of South 3rd Street and East Willow Street, and being more particularly described as follows:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus: Being the east half of the north half and one hundred feet off the east end of the south one-half of Inlot Number Seven Hundred Fourteen (714) in said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book 24, page 59, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-053170

Address: 595 South 3rd Street, Columbus, OH 43215.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a maximum of 4,050 square feet of office space, 4,125 square feet of eating and drinking establishment space, and 1,871 square feet of outdoor dining space, or those uses permitted in the R-2F, Residential District. The combination of these uses may be adjusted so long as the maximum parking requirement does not exceed 77 parking spaces.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan, "**SCHEMATIC SITE PLAN**," dated August 19, 2022, and signed by Eric Zartman, Attorney for the Applicant. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** That Ordinance #1844-98, passed July 27, 1998, be and is hereby repealed.