



Legislation Text

File #: 0917-2024, **Version:** 1

Council Variance Application: CV24-006

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 #2531-2022 (CV22-040), passed on October 17, 2022. The requested Council variance allows a maximum of 2,117 square feet of office space, 5,169 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 allowable eating and drinking establishment space granted by CV22-040 is being increased from 4,125 square feet resulting in more parking spaces being required. Variances to dumpster area, lot coverage, building lines, side yards, and a parking reduction from 87 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 with CV22-040. 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), Required parking; 3321.01, Dumpster area; 3332.18(D), Basis of computing area; 3332.21, Building lines; 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 allow office, eating and drinking establishment, and outdoor dining uses with reduced development standards in the R-2F, Residential District, and to repeal Ordinance #2531-2022, passed October 20, 2022 (Council Variance #CV24-006).

WHEREAS, by application #CV24-006, 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 2,117 square feet of office space, 5,169 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), Required parking, 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 87 required parking spaces, while the applicant proposes to maintain 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 to maintain 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 minimum side yards 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), Required parking; 3321.01, Dumpster area; 3332.18(D), Basis of computing area; 3332.21, Building lines; 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 2,117 square feet of office uses, 5,169 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 87 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 yards from five 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 2,117 square feet of office space, 5,169 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 87 parking spaces.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the plans titled, “**595 S. THIRD ST.**,” and “**PLANS CV-1**” dated March 7, 2024, 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 #2531-2022, passed October 17, 2022, be and is hereby repealed.