

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

OFFICE USE ONLY

Application Number: CV16-044 Date Received: 6/10/16
Application Accepted by: SP & TD Fee: \$1600
Comments: Assigned to Sharon Pine; 614-645-2208; Spine @ columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 240 E. Kossuth Street Zip: 43206

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010054113; 010044474; 010016541

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): R-2F

Area Commission or Civic Association: German Village Area Commission

Proposed Use or reason for Council Variance request:
Expansion of current restaurant in the R-2F Zoning District

Acreage: 0.33

APPLICANT:

Name: Schmidt's Restaurant Haus Phone Number: 614.444.5908 Ext.:

Address: 240 E. Kossuth Street City/State: Columbus, Ohio Zip: 43206

Email Address: gschmid6@columbus.rr.com Fax Number:

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: J. Fred Schmidt Packing Company Phone Number: 614.444.5908 Ext.:

Address: 240 E. Kossuth Street City/State: Columbus, Ohio Zip: 43206

Email Address: gschmid6@columbus.rr.com Fax Number:

ATTORNEY / AGENT (Check one if applicable) ☒ Attorney ☐ Agent

Name: Michael T. Shannon Phone Number: 614.229.4506 Ext.:

Address: 500 S. Front St., Ste. 1200 City/State: Columbus, Ohio Zip: 43215

Email Address: mshannon@cbjlawyers.com Fax Number:

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Michael T. Shannon

PROPERTY OWNER SIGNATURE Michael T. Shannon

ATTORNEY / AGENT SIGNATURE Michael T. Shannon

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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

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STATEMENT OF HARDSHIP

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.

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 requested as detailed below:

See Attached

Signature of Applicant



Date

6/10/16

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HARDSHIP STATEMENT

Property Address: 240 E. Kossuth Avenue

Applicant: Schmidt's Restaurant Haus
Michael T. Shannon, Esq.
CRABBE, BROWN & JAMES, LLP
500 S. Front St, Ste. 1200
Columbus, Ohio 43215
mshannon@cbjlawyers.com

Acreage: 0.35 acres

Date of Text: July 8, 2016

The Site, until recently, consisted of the following parcels: 010-044474, 010-054113, 010-053292, 010-018430, 010-053039, 010-024299 and 010-016541 and an alley vacated by the City by Ordinance #1085-74. At the request of the City, parcels: 010-054113, 010-024299 and 010-04474 have been combined and now are one parcel, 010-054113. The Site is at the terminus of East Kossuth and is bounded by Kossuth to the South, Purdy Alley to the West, residential property on the North and on the East is bounded by South Sixth Street and a 26 space restaurant parking area.

The Site has been the location for Schmidt's Sausage Haus Restaurant for almost fifty years. The building is two stories with restaurant uses on the first floor and banquet facilities on the second floor.

The Site is zoned R-2F and the restaurant use is therefore a non-conforming use. The Site is subject to the German Village Area Commission.

The Applicant proposes the renovation of a portion of the first floor resulting in an expansion of the restaurant uses of 1060 sq. ft, of which 216 sq. ft. is for outdoor patio/customer waiting area.

The first floor renovation will allow the installation of a new larger cooler, conversion of the existing cooler into a small dining area, and construction of a Handicapped Accessible Family Rest Room.

The Applicant is also proposing a 1618 sq. ft. outdoor patio/waiting area on the second floor. The second floor renovation will allow a rooftop patio with the primary purpose of providing seating for customers awaiting service in the first floor restaurant. Due to Schmidt's iconic reputation as a German Village staple, dozens and dozens of customers currently wait outside in the street during peak hours, creating a very congested environment. The second floor patio is intended to improve this congestion while providing patrons the opportunity to have a beverage or hors d'oeuvres while waiting for seating in the first floor full service restaurant.

The Applicant requests the following variances:

1. 3332.037 Permitted Uses in the R-2F residential district. The Applicant request this variance to allow the expansion of the current non-conforming restaurant use in this residential district.
2. 3312.49(c) Minimum Number of Parking Spaces Required, which requires minimum parking ratio of one (1) parking space for every 75 sq ft of restaurant use and one (1) parking space for every 150 sq ft of outdoor patio restaurant use for a total of twenty-four (24) parking spaces required for the proposed expansion. In addition, two parking spaces in the on-site 15-space parking lot are being removed to accommodate covered bicycle parking. Applicant requests a variance to allow zero (0) parking spaces for the expansions and to eliminate the 2 on-site spaces for a total reduction of 26 spaces for this project.
3. 3321.01 Dumpster area, which section prohibits placement of a dumpster in any required yard or setback area. Applicant requests a variance to allow the dumpster in the required front setback area along South Sixth Street as shown on the site plan. Dumpster screening shall be provided as required by code.
4. 3332.18(D) Basis of Computing Area, which section requires a maximum lot coverage of 50 percent. Applicant requests a variance to allow a lot coverage of 55 percent. The combined lot is 13,700 sq ft. Applicant's proposed lot coverage is 7420 sq ft.
5. 3332.21(D) Building lines, which section requires a minimum building setback line of 10 feet from public streets. Applicant requests a variance allow a zero (0) foot building line along South Sixth Street for screening fences shown on the site plan.

A hardship exists in that the R-2F district does not permit the intended use for the proposed development as the restaurant is a non-conforming use. Applicant has no other means to develop the site and cannot conform to the underlying residential zoning district established by the City's Zoning Code and unilateral rezoning of the subject property to R-2F. The development will appreciate and enhance the existing neighborhood and therefore will not adversely affect the surrounding property or surrounding neighborhood. Rather the granting of a Council Variance will alleviate a hardship for difficulty which warrants variance from the R-2F Residential Zoning Code and variance from the Minimum Number of Spaces Required.

Additionally, a practical difficulty exists because the Applicant cannot meet the underlying development standards required by the City's Zoning Code. Accordingly, the development standard for a parking variance is necessary in order for the applicant to expand its non-conforming restaurant use.

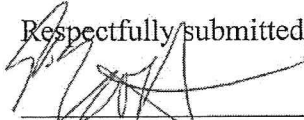
The requested variances will not impair an adequate supply of light or air to the adjacent property, unreasonably increase the congestion of public street, increase the danger of fire, endanger the public safety, unreasonably impair established property values within the surrounding area, or in

any respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Finally, as a good faith gesture and to mitigate the parking variance requested, the Applicant agrees to supply eighteen (18) additional off-site parking spaces within 500 ft. of the subject property, subject to the passage of the Council Variance.

For reasons stated above, the Applicant respectfully requests approval of the required variances.

Respectfully submitted,



Michael T. Shannon, Esq.
Attorney for Applicant.

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

AFFIDAVIT (See instruction sheet)

Application Number: CV16-044

STATE OF OHIO

COUNTY OF FRANKLIN

Michael T. Shannon, Esq.

Being first duly cautioned and sworn (1) NAME

of (1) MAILING ADDRESS 500 S. Front St., Ste. 1200, Columbus, Ohio 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 240 E. Kossuth Street

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 6-18-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) J. Fred Schmidt Packing Co.

AND MAILING ADDRESS

240 E. Kossuth Street
Columbus, Ohio 43206

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Schmidt's Restaurant Haus

614.444.5908

AREA COMMISSION OR CIVIC GROUP

(5) German Village Area Commission

AREA COMMISSION ZONING CHAIR

Attn: Cristin Moody

OR CONTACT PERSON AND ADDRESS

50 W. Gay St., 4th Floor, Columbus, Ohio

and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

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

(8) SIGNATURE OF AFFIANT

Michael T. Shannon

Sworn to before me and signed in my presence this 10th day of June, in the year 2016

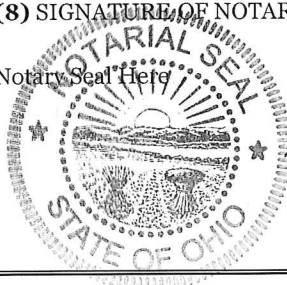
Rev

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2019

Notary Seal Here



This Affidavit expires six (6) months after the date of notarization.

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Please make checks payable to the Columbus City Treasurer

James & Nancy Fleming
2143 Ponce De Leon Ave NE
Atlanta, GA 30307

Martha Brewer
Scott Motley
796 S. Fifth Street
Columbus, Ohio 43206

Fudge Haus, LLC
220 E. Kossuth Street
Columbus, Ohio 43206-2117

Amanda Love
804 S. Fifth Street
Columbus, Ohio 43206

J. Fred Schmidt Packing Co.
240 E. Kossuth Street
Columbus, Ohio 43206

J. Fred Schmidt Packing Co.
Attn: Geoffrey Schmidt
240 E. Kossuth Street
Columbus, Ohio 43206

Stephen Devoyd
Dean Eyestone
244 E. Kossuth Street
Columbus, Ohio 43206-2119

Craig Kent
797 S. Sixth Street
Columbus, Ohio 43206-2130

Stuart Hunter
791 S. Sixth Street
Columbus, Ohio 43206

Andrew Cohodes
798 S. Sixth Street
Columbus, Ohio 43206-2131

George Simpson
605 S. Front Street
Ste. 200
Columbus, Ohio 43215-5777

Stevo Roksandic
Jeffrey Smith
426 E. Kossuth Street
Columbus, Ohio 43206-2364

Blair Brown
824 S. Fifth Street
Columbus, Ohio 43206

Amy Conley
828 S. Fifth Street
Columbus, Ohio 43206

Heritage Investments of Ohio, LLC
200 Caboose Lane
Delaware, Ohio 43015-6526

Mary Marker
836 S. Fifth Street
Columbus, Ohio 43206-2610

Amanda Stearns
237 E. Kossuth Street
Columbus, Ohio 43206

Jacqueline Yinger, TR
831 Purdy Alley
Columbus, Ohio 43206

Jennifer Lewis
239 Kossuth Street
Columbus, Ohio 43206

APPLICANT

PROPERTY OWNER

ATTORNEY

Schmidt's Restaurant Haus
240 E. Kossuth Street
Columbus, Ohio 43206

J. Fred Schmidt Packing Co.
Attn: Geoffrey Schmidt
240 E. Kossuth Street
Columbus, Ohio 43206

Michael T. Shannon
Crabbe, Brown & James, LLP
500 S. Front Street, Ste. 1200
Columbus, Ohio 43215

AREA COMMISSION
German Village Area Commission
Attn: Cristin Moody
50 W. Gay Street, 4th Floor
Columbus, Ohio 43215

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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 # CV16-044

STATE OF OHIO
COUNTY OF FRANKLIN

Michael T. Shannon, Esq.

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.
of (COMPLETE ADDRESS) 500 S. Front St., Ste. 1200; Columbus, Ohio 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. Schmidt's Restaurant Haus Attn: Geoffrey Schmidt 240 E. Kossuth St; Columbus, OH 43206	2.
3.	4.

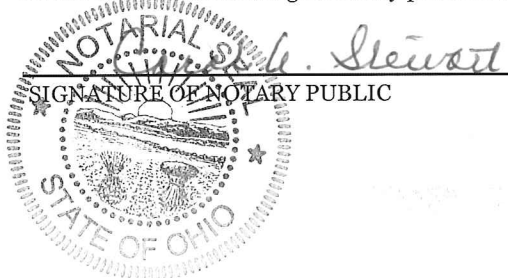
☐ Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Michael T. Shannon
Michael T. Shannon

Sworn to before me and signed in my presence this 10th day of June, in the year 2016

Notary Seal Here



My Commission Expires
CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2019

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City of Columbus Zoning Plat



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010054113, 010044474, 010016541

Zoning Number: 240

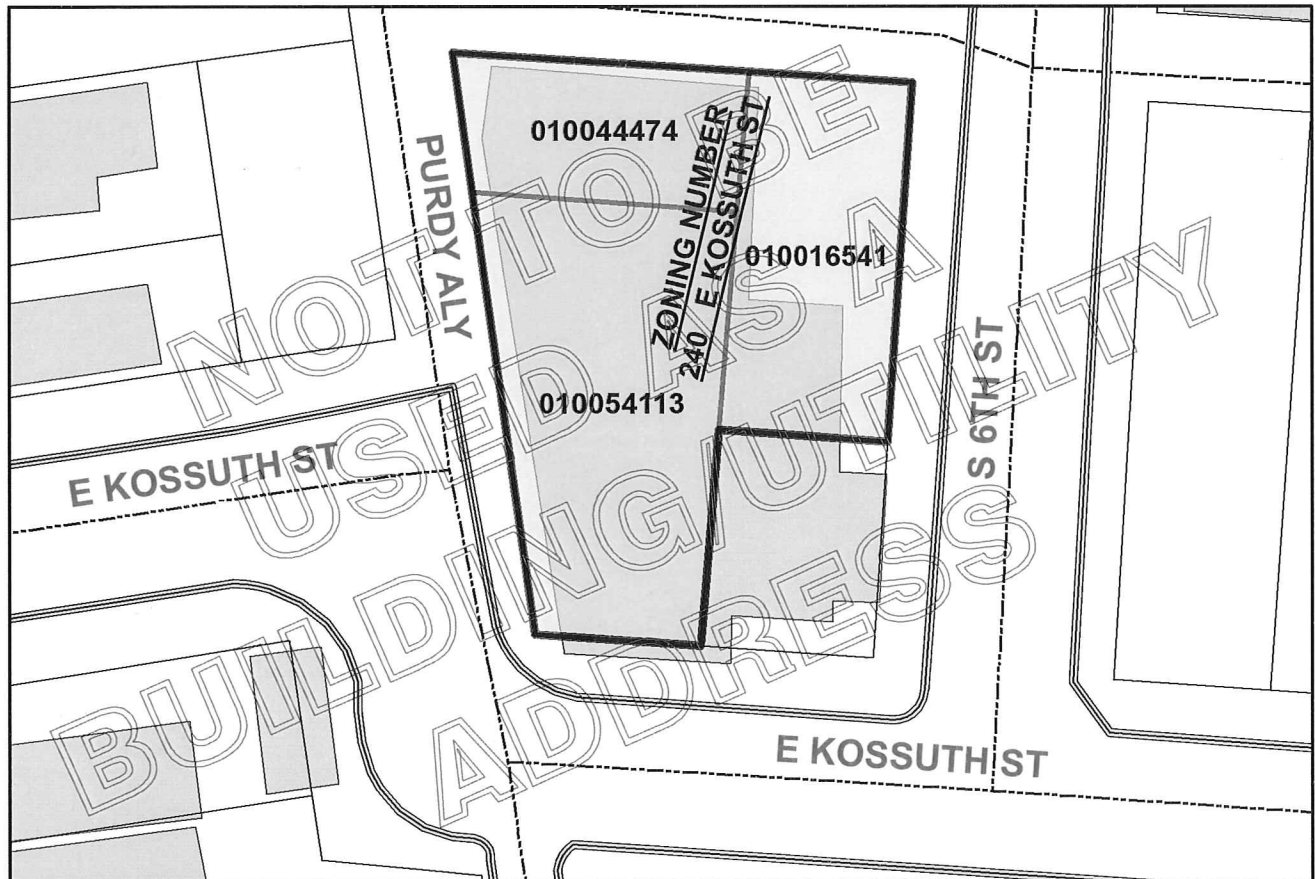
Street Name: E KOSSUTH ST

Lot Number : 1-2

Subdivision: SELBACH

Requested By: SCHMIDT'S SAUSAGE HAUS & RESTAURANT(GEOFF SCHMIDT)

Issued By: *James D. Young* Date: 4/23/2015

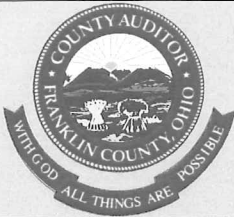


SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 32150

JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO





CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 2/18/16



Disclaimer

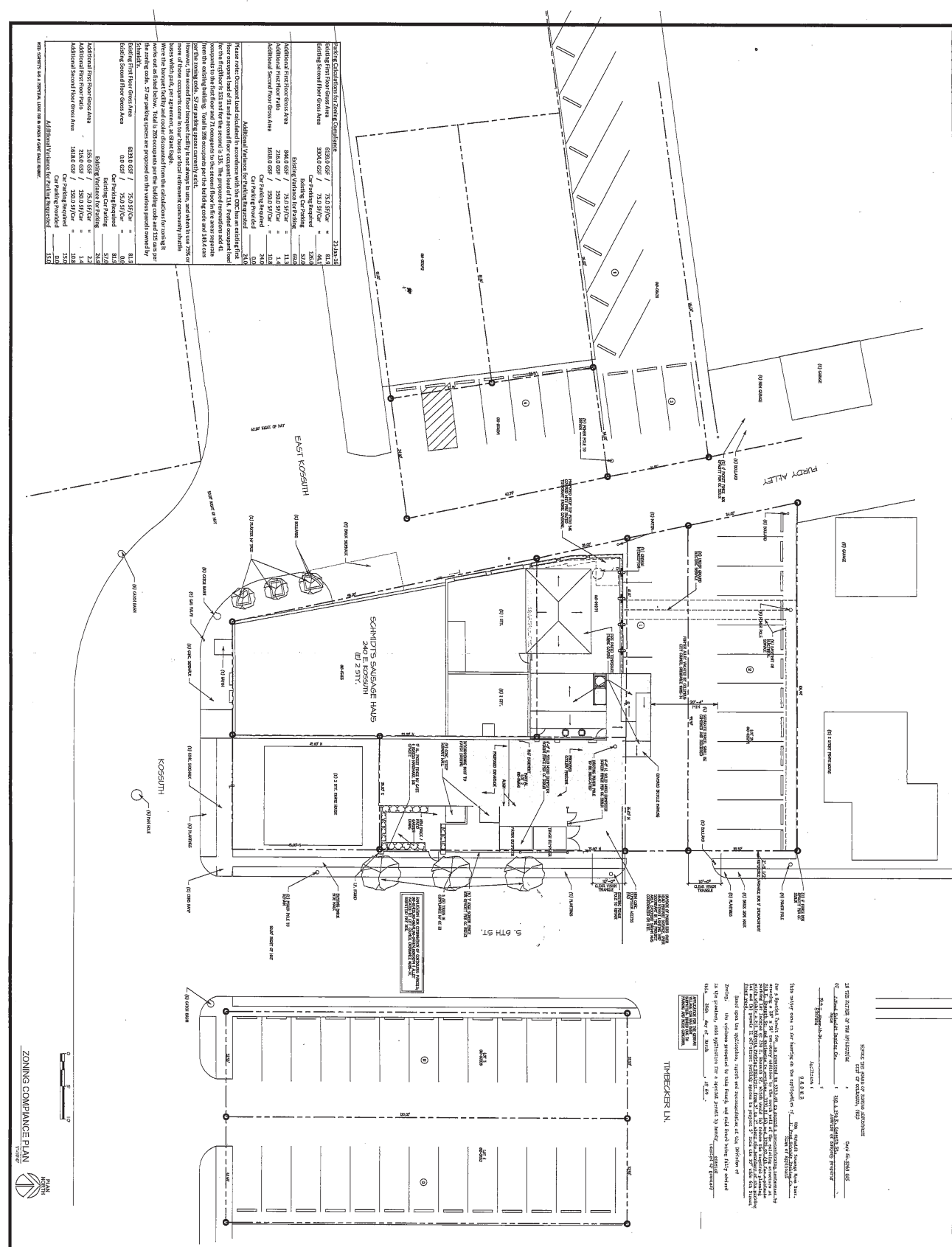
Scale = 60

Grid
North

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

CULG-044



Parking Calculations by Zoning Compliance:

Existing First Floor Gross Area	6334.0 GSF / 75.0 SF/Car = 84.4
Existing Second Floor Gross Area	3344.0 GSF / 75.0 SF/Car = 44.6
Existing Total Gross Area	9678.0 GSF
Additional First Floor Gross Area	644.0 GSF / 75.0 SF/Car = 8.6
Additional Second Floor Gross Area	2144.0 GSF / 75.0 SF/Car = 28.6
Additional Total Gross Area	2788.0 GSF
Total Gross Area	12466.0 GSF
Additional First Floor Gross Area	105.0 GSF / 75.0 SF/Car = 1.4
Additional Second Floor Gross Area	1644.0 GSF / 75.0 SF/Car = 21.9
Additional Total Gross Area	1749.0 GSF
Total Gross Area	14215.0 GSF

Additional Variance for Parking:

Additional First Floor Gross Area	105.0 GSF / 75.0 SF/Car = 1.4
Additional Second Floor Gross Area	1644.0 GSF / 75.0 SF/Car = 21.9
Additional Total Gross Area	1749.0 GSF
Total Gross Area	15964.0 GSF

ZONING COMPLIANCE PLAN
 PLAN NUMBER: **AS.1**
 DRAWING NUMBER: **100705**

ZONING COMPLIANCE
 DRAWN BY: JTB CHECKED BY: RJM

Schmidt's Sausage Haus
 240 E. Kossuth
 Columbus, Ohio 44115

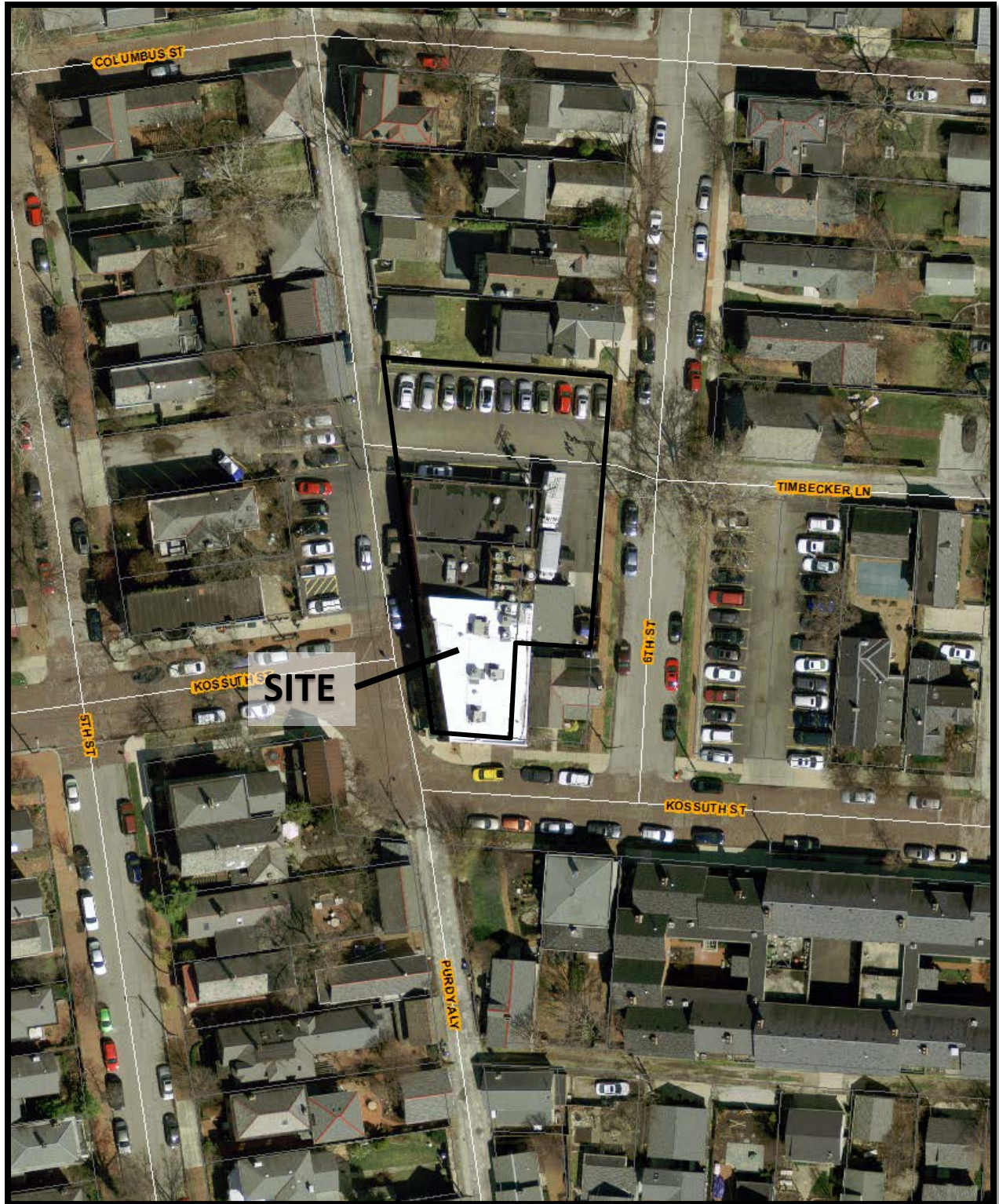
SHREMSHOCK
 Shremshock Architects, Inc.
 10000 Shremshock Blvd., Suite 100
 Columbus, Ohio 43240
 Tel: 614.545.4500
 Fax: 614.545.4501
 Email: info@shremshock.com

REVISIONS:
 DATE ISSUED: 05/01/2015

Cubon



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240 East Kossuth Street
Approximately 0.33 acres



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Approximately 0.33 acres