

## 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: CV17-056 Date Received: 8/28/17

Application Accepted by: TD + KP Fee: \$1,600

Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1179 Jaeger 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: 010-024886

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

Current Zoning District(s): Z05-022, Residential, R2F, 2/9/2005, H-35

Area Commission or Civic Association: Southside Area Commission

Proposed Use or reason for Council Variance request:

Change of Use from Auto Repair to Restaurant w/Patio

Acreage: 0.125 Acres

#### APPLICANT:

Name: Mark Ours Phone Number: (614) 571-5817 Ext.: \_\_\_\_\_

Address: MODE Architects, 174 Thurman Avenue City/State: Columbus, Ohio Zip: 43206

Email Address: Mark@MODEarc.com Fax Number: N/A

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

Name: David L. Catter Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: 506 E. Sycamore Street City/State: Columbus, Ohio Zip: 43206

Email Address: \_\_\_\_\_ Fax Number: N/A

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

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE David L. Catter

ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

*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**

## 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

#### STATEMENT OF HARDSHIP

Application Number: CV17-056

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

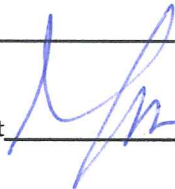
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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):**

SEE ATTACHED STATEMENT OF HARDSHIP

Signature of Applicant



MARK OURS FOR  
MODE ARCHITECTS

Date

8/28/17

**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**



## **STATEMENT OF HARDSHIP**

**1179 Jaeger Street**

The site is located on the east side of Jaeger between Nursery Lane and Mithoff Street. The site is zoned R2F - Single or Double Family as is most of the area surrounding this property. The existing non-conforming use of the subject property is a vehicle repair shop. The existing commercial building and this use pre-dates the down zoning of this area to R2F. Typical of the commercial mixed use nature of this neighborhood, there are many businesses with limited or no on-site parking. Parking for residents is readily available and accessed from the rear of their premises. This project proposed to remove large existing curb cuts and restore street parking where possible.

Our proposal is to change the non-conforming use of the vehicle repair / service garage into either restaurant, general business, or retail use. The vehicle repair / service garage has been operating continuously in this location for many years. The nature of the vehicle repair use was that many vehicle were stored on the premises, outside and in full visibility of residents. The proposed use change will allow the existing commercial structure to remain and be a viable corner business within Merion Village and contribute to the vibrant mixed use corridor happening just to the north of the subject site in German Village.

### **Variance's Required -**

#### **1. Chapter 3332.037 - R2F Residential District**

A. In an R-2F residential district the following uses are permitted:

1. One single-family dwelling;
2. One, two-family dwelling;
3. An agricultural use, farm, field crops, garden, greenhouse, nursery and a truck garden;
4. A religious facility;
5. A school;
6. A public park, playground and recreation facility;
7. A public library;
8. A city approved soil conservation and watershed protection project, and water filter bed, reservoir and tower;
9. An adult and child day care center as an accessory use when located within a school or religious facility building.

#### **Variance Requested**

To allow a commercial use - either restaurant, office or retail use in an existing commercial structure.

#### **2. Chapter 3332.21 - Building Lines**

In the R-2F residential districts and the MHD manufactured home development district the building lines are established per the chart in this section.

#### **Variance Requested**

Request reduction of building line along Jaeger Street from 25' to 2' (to allow for Dumpster Enclosure and Future Patio).

#### **3. Chapter 3312.49 - Minimum Parking Spaces Required**

The number of off-street parking spaces required for various uses shall be no less than as set forth in the parking requirements tables.

#### **Variance Requested**

Request reduction of parking requirement from 33 spaces to 0 spaces.

#### **4. Chapter 3332.27 - Rear Yard**

Each dwelling, residence or principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area.

#### **Variance Requested**

Request reduction of the percentage of rear yard coverage from 25% to 0% (to allow for Dumpster Enclosure and Future Building Addition).

CV17-056

**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: CU17-056

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Rickard Alan Sicker

of (1) MAILING ADDRESS RAS Civil Engineering, 4254 Tuller Road, Dublin, Ohio 43017

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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1179 Jaeger Street (43206)

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 8/28/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) David L. Cattee

AND MAILING ADDRESS

506 E. Sycamore Street  
Columbus, Ohio 43206

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Mark Ours, MODE Architects  
(614) 571-5817

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5)

Southside Area Commission  
Curtis Davis  
584 E. Moler Street, Cds, OH 43206

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)

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

(8) SIGNATURE OF AFFIANT

Rickard Alan Sicker

Sworn to before me and signed in my presence this 23<sup>RD</sup> day of AUGUST, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

[Signature]

12/25/2018  
My Commission Expires

Notary Seal



Victor M. Lopez  
Notary Public, State of Ohio  
My Commission Expires 12-25-2018  
This Affidavit expires six (6) months after the date of notarization.

**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



MARK OURS  
MODE ARCHITECTS  
174 THURMAN AVENUE  
COLUMBUS, OHIO 43206

DAVID L CATTEE  
106 EAST MITHOFF STREET  
COLUMBUS, OHIO 43206

CURTIS DAVIS – ZONING CHAIR  
SOUTHSIDE AREA COMMISSION  
584 E MOLER STREET  
COLUMBUS, OHIO 43206

KIRK /FALLACARA  
Or Current Resident  
169 E MITHOFF STREET  
COLUMBUS, OHIO 43206

WALLEY/GREENE  
Or Current Resident  
174 E MITHOFF STREET  
COLUMBUS, OHIO 43206

AHTHONY N JUSTICE  
Or Current Resident  
202 E MITHOFF STREET  
COLUMBUS, OHIO 43206

DAVID M & CHERYL SCHMITT  
Or Current Resident  
168 E MITHOFF STREET  
COLUMBUS, OHIO 43206

NOOTSARA & MATTHEW MAIERS  
Or Current Resident  
2553 MT HOLYOKE ROAD  
COLUMBUS, OHIO 43221

CORY A SHAPE  
Or Current Resident  
1169 JAEGER STREET  
COLUMBUS, OHIO 43206

RYAN GREGG  
Or Current Resident  
1157 JAEGER STREET  
COLUMBUS, OHIO 43206

ALTENBURGER/FORSTER  
Or Current Resident  
179 E MITHOFF STREET  
COLUMBUS, OHIO 43206

MAX E LAMMLEIN  
Or Current Resident  
177 E MITHOFF STREET  
COLUMBUS, OHIO 43206

STACY B OBERMAN  
Or Current Resident  
185 E MITOFF STREET  
COLUMBUS, OHIO 43206

GEZIM J VELIO  
Or Current Resident  
137 E MITHOFF STREET  
COLUMBUS, OHIO 43206

DAVID X NOLTEMEYER  
Or Current Resident  
185 NURSERY LANE  
COLUMBUS, OHIO 43206

JOSEPH R & LISA M DELOSS  
Or Current Resident  
181 E MITHOFF STREET  
COLUMBUS, OHIO 43206

COLE & LAUREN MOFFATT  
Or Current Resident  
301 TAPPAN STREET  
COLUMBUS, OHIO 43201

JULIE R JAVOREK  
Or Current Resident  
193 MITHOFF STREET  
COLUMBUS, OHIO 43206

MICHAEL E SNYDER  
Or Current Resident  
183 E MITHOFF STREET  
COLUMBUS, OHIO 43206

RUDZIK/BARTELL  
Or Current Resident  
1161 JAEGER STREET  
COLUMBUS, OHIO 43206

JASON ZAKKO  
Or Current Resident  
2610 NE 30<sup>TH</sup> AVENUE  
FORT LAUDERDALE, FL 33306

JOHN CHAPMAN  
Or Current Resident  
1170 JAEGER STREET  
COLUMBUS, OHIO 43206

RICHARD C LOPEZ  
Or Current Resident  
2287 EASTCLEFT DRIVE  
COLUMBUS, OHIO 43221

SIMEONE/BOTIC  
Or Current Resident  
174 NURSERY LANE  
COLUMBUS, OHIO 43206

CHRISTOPHER MOORE  
Or Current Resident  
171 E MITHOFF STREET  
COLUMBUS, OHIO 43206

AARON L GEIBEL  
Or Current Resident  
167 E MITHOFF STREET  
COLUMBUS, OHIO 43206

ANDREW BRUSH  
Or Current Resident  
1180 JAEGER STREET  
COLUMBUS, OHIO 43206

RYAN F SHARTLE  
Or Current Resident  
199 E MITHOFF STREET  
COLUMBUS, OHIO 43206

VERT/PRICE  
Or Current Resident  
195 E MITHOFF STREET  
COLUMBUS, OHIO 43206

CV17-056

## 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

### 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 Number: CV17-056

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Mark Ours  
of (COMPLETE ADDRESS) MODE Architects, 174 Thurman Avenue, Columbus, OH 43206  
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>David L. Cattee</u> <u>506 E. Sycamore Street</u> <u>Columbus, OH 43206</u>	2.
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 28 day of August, in the year 2017

Laura A. Noll

SIGNATURE OF NOTARY PUBLIC

3-22-2020

My Commission Expires

Notary Seal Here



Laura A. Noll  
Notary Public, State of Ohio  
My Commission Expires 03-22-2020

**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**

**RAS Civil Engineering, LLC**

4254 Tuller Road ♦ Dublin ♦ Ohio ♦ 43017  
614-581-8504 ♦ www.RASCivilEngineering.com

**Legal Description**

**1179 Jaeger Street**

**Parcel #010-02486 - 0.125 acres:**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a part of Lots 66 and 67 of E. T. Mithoff's Addition as is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 371, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning at a found drill hole at the southeast corner of said lot 67, also being the intersection of the west line of Jaeger Street, 50' feet wide, and the north line of East Mithoff Street, 55 feet wide;

Thence, along the north line of East Mithoff Street and the south lines of Lots 67 and 66, **WEST**, 68.00 feet to a found iron pin at the southwest corner of said Lot 66 and the southeast corner of Lot 65 of said subdivision;

Thence, along part of the west line of said Lot 66 and part of the east line of said Lot 65 parallel with the west line of Jaeger Street, North 00 degrees 14 minutes East, 80.00 feet to a found iron pin;

Thence, across said Lots 66 and 67, parallel with the north line of East Mithoff Street, **EAST**, 68.00 feet to a found P.K. nail in the east line of said Lot 67 and in the west line of Jaeger Street;

Thence, along part of the east line of said Lot 67 and the west line of Jaeger Street, South 00 degrees 14 minutes West, 80.00 feet to the Point of Beginning, **CONTAINING 0.125 ACRES**, subject however to all legal easements, restrictions, and rights-of-way of record and of records in the respective utility offices.

CV17-056



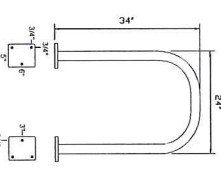
Category	Item	Description	Notes
General Notes	1	See Chapter 3312.21, Building	
	2	See Chapter 3312.21, Building	
	3	See Chapter 3312.21, Building	
	4	See Chapter 3312.21, Building	
General Notes	1	See Chapter 3312.21, Building	
	2	See Chapter 3312.21, Building	
	3	See Chapter 3312.21, Building	
	4	See Chapter 3312.21, Building	

Legend	Description
[Symbol]	EXISTING PAVEMENT
[Symbol]	BUILDING ADDITION
[Symbol]	CONCRETE PAVEMENT
[Symbol]	PASSENGER REMOVED



### BICYCLE RACK DETAIL

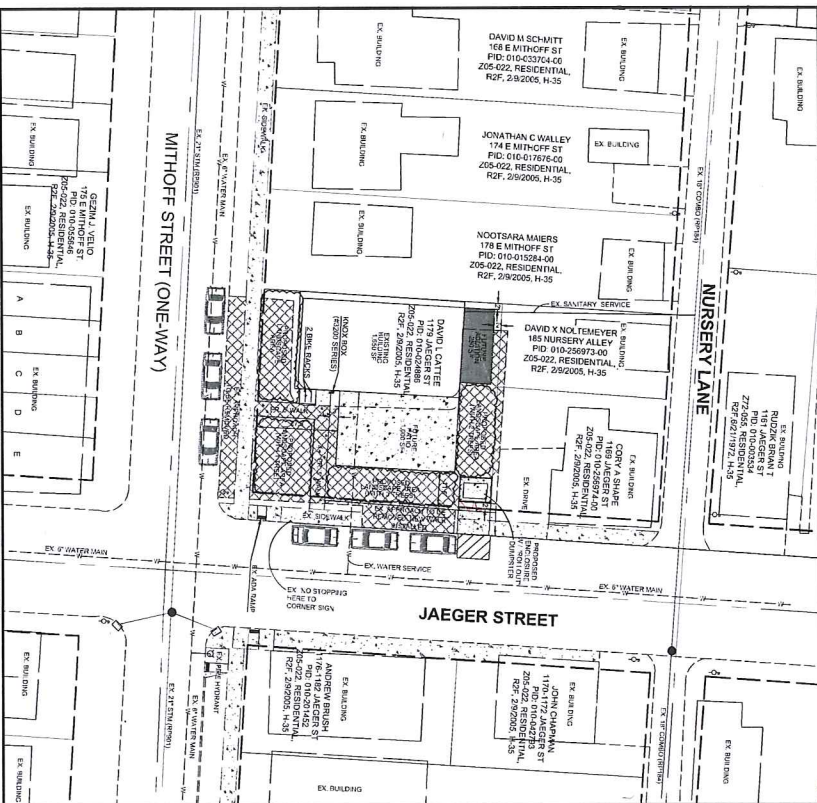
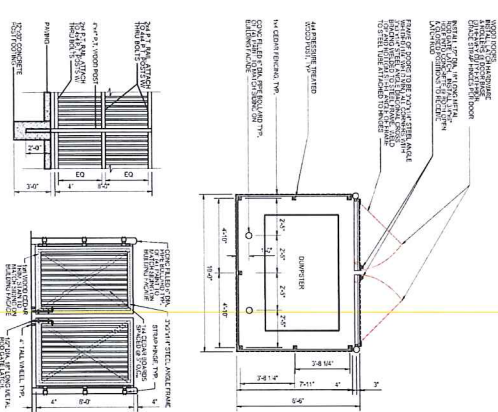
NO SCALE



- VARIANCES REQUESTED:**
- 1) VARIANCE FROM CHAPTER 3312.21, BUILDING, RELOCATE INDICATION OF BUILDING LINE ALONG JAEGER STREET FROM 25 TO 27.
  - 2) VARIANCE FROM CHAPTER 3312.21, BUILDING, RELOCATE INDICATION OF BUILDING LINE ALONG JAEGER STREET FROM 25 TO 27.
  - 3) VARIANCE FROM CHAPTER 3312.21, BUILDING, RELOCATE INDICATION OF BUILDING LINE ALONG JAEGER STREET FROM 25 TO 27.

### DUMPSTER SCENING DETAIL

NO SCALE



<p><b>DEVELOPER:</b> MARK OLSEN, RAS CIVIL ENGINEERING, LLC  <b>PLANNING:</b> RAS CIVIL ENGINEERING, LLC  <b>DESIGNER:</b> RAS CIVIL ENGINEERING, LLC  <b>DATE:</b> 08/28/17</p>	<p><b>GENERAL NOTES:</b></p> <p>THIS SITE PLANS WITHIN ZONE X OF THE FEMA PANEL. THE SITE PLANS WITHIN ZONE X OF THE FEMA PANEL. THE SITE PLANS WITHIN ZONE X OF THE FEMA PANEL.</p>	<p><b>PARCEL #:</b> 010-02-0488</p> <p><b>ZONING:</b> 205-022 RESIDENTIAL, R2F, 29/2005, H-35</p> <p><b>ADDRESS:</b> 1179 JAEGER STREET</p>	<p><b>PARCEL #:</b> 010-02-0488</p> <p><b>ZONING:</b> 205-022 RESIDENTIAL, R2F, 29/2005, H-35</p> <p><b>ADDRESS:</b> 1179 JAEGER STREET</p>	<p><b>PARCEL #:</b> 010-02-0488</p> <p><b>ZONING:</b> 205-022 RESIDENTIAL, R2F, 29/2005, H-35</p> <p><b>ADDRESS:</b> 1179 JAEGER STREET</p>	<p><b>PARCEL #:</b> 010-02-0488</p> <p><b>ZONING:</b> 205-022 RESIDENTIAL, R2F, 29/2005, H-35</p> <p><b>ADDRESS:</b> 1179 JAEGER STREET</p>
--	--	---	---	---	---

REVISIONS	DATE	SHEET	DESCRIPTION	APPROVED

**RAS CIVIL ENGINEERING, LLC**  
 CIVIL ENGINEERING & SURVEYING SERVICES  
 4254 TULLER ROAD • DUBLIN • OHIO • 43017  
 614-581-8504 • RASLLC@AMERITECH.NET

<p><b>SANITARY SEWER NOTES:</b></p> <p>SEE SANITARY SEWER PLAN FOR SANITARY SEWER SYSTEM. SEE SANITARY SEWER PLAN FOR SANITARY SEWER SYSTEM.</p>	<p><b>RESTAURANT W/ PATIO</b></p> <p>1179 JAEGER STREET</p>	<p><b>SITE COMPLIANCE PLAN</b></p>
--	---	------------------------------------

SITE DATA TABLE
TOTAL SITE AREA
TOTAL DISTURBED AREA
PRE-DEVELOPED IMPERVIOUS
POST-DEVELOPED IMPERVIOUS

DATE
SCALE
HORIZONTAL
VERTICAL
SHEET NO.

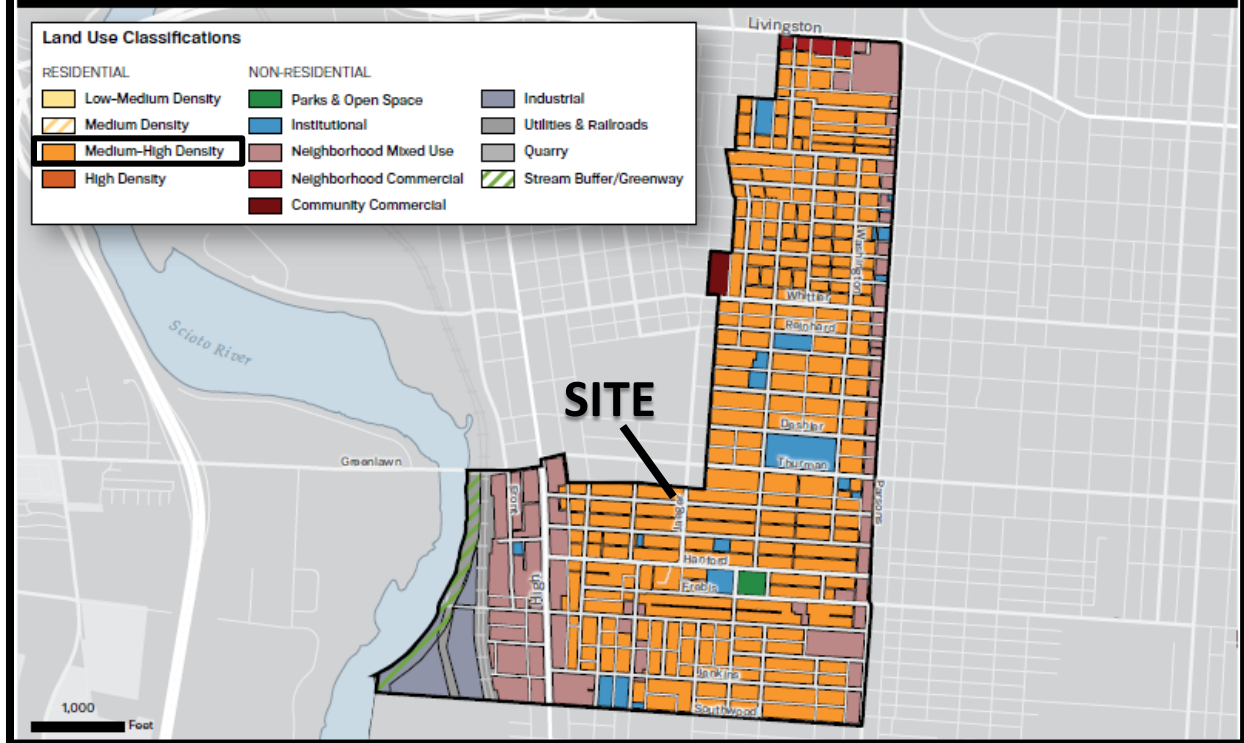
CUI7-056





CV17-056  
1179 Jaeger Street  
Approximately 0.13 acres

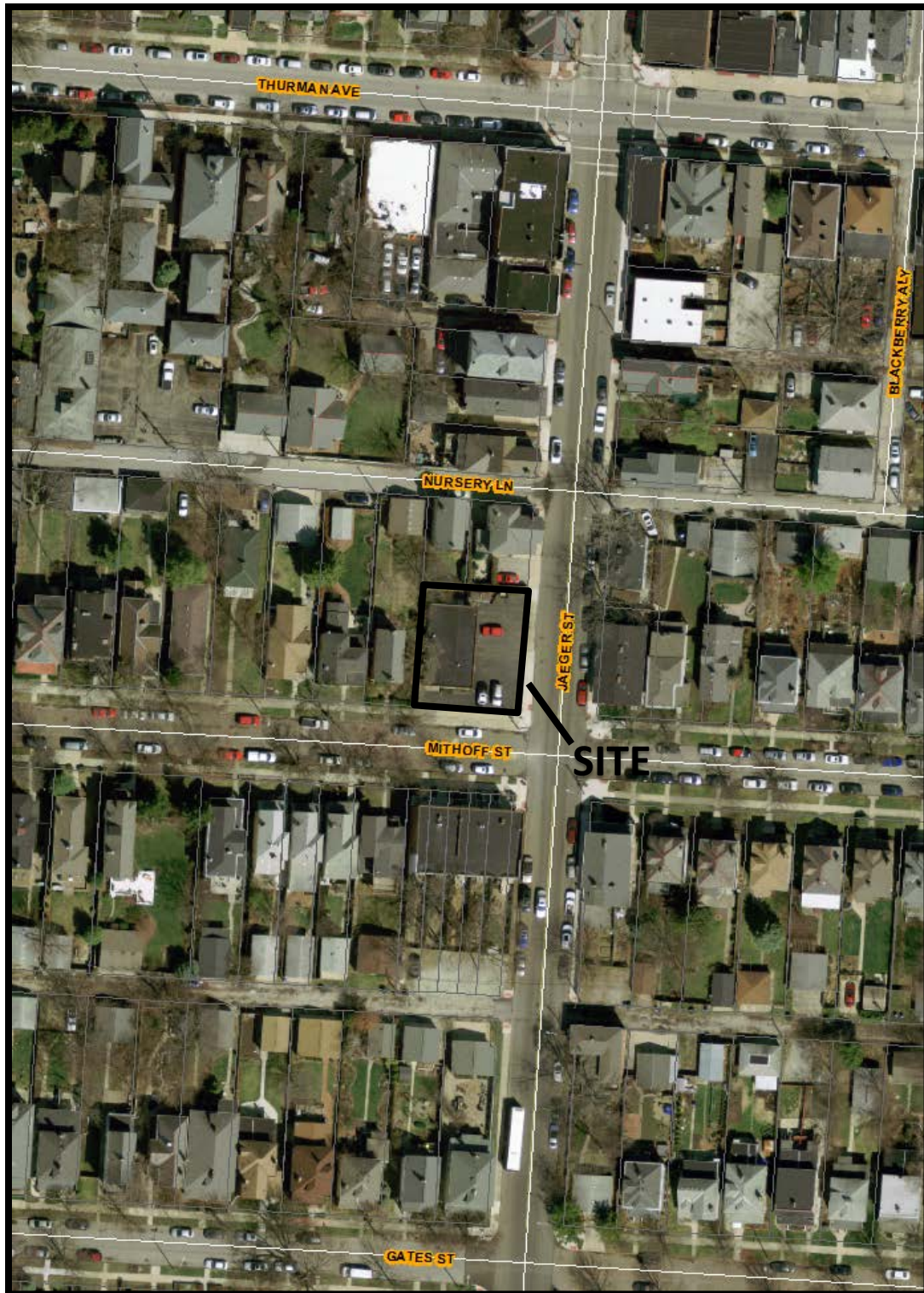
**FIGURE 9: FUTURE LAND USE PLAN: QUADRANT 1**



*South Side Plan (2014)*

CV17-056  
1179 Jaeger Street  
Approximately 0.13 acres





CV17-056  
1179 Jaeger Street  
Approximately 0.13 acres