

## STAFF REPORT

## BOARD OF ZONING ADJUSTMENT CITY OF COLUMBUS, OHIO FEBRUARY 28, 2012

3. **Application No.:** 11310-00730  
**Location:** 1918 NORTH HIGH STREET (43201), located on the east side of High St., 82.5 ft. south of E. 17th Ave.  
**Area Comm./Civic:** University Area Commission  
**Existing Zoning:** C-4, Commercial District  
**Request:** Variance to Section:  
3372.609, Parking and circulation.  
To reduce the minimum number of required parking spaces from 68 to 7 (or, a reduction from 61 to 0 additional parking spaces).  
3312.49, Minimum numbers of parking spaces required.  
To reduce the required number of bicycle parking spaces from 2 to 0.
- Proposal:** To replace an existing parking variance (V99-007) with one that accurately reflects the current conditions and to add additional parking variances for a patio seating area.
- Applicant(s):** Chumley's Pub; c/o Donald Plank; Plank Law Firm  
145 E. Rich St., 3rd Floor  
Columbus, Ohio 43215
- Property Owner(s):** Oxford-Ross of Ohio L.L.C.; c/o Donald Plank, Plank Law Firm  
145 E. Rich St.  
Columbus, Ohio 43215
- Case Planner:** Dave Reiss, 645-7973  
**E-mail:** DJReiss@Columbus.gov

### RELEVANT DATA

- The site is developed with a restaurant, constructed in 2000 as a result of a variance granted by the B.Z.A. in 1999 (case #V99-007) to reduce the required number of parking spaces by 79. There are numerous commercial uses of all sorts along High St. The Ohio State University campus is across the street.
- The applicant is requesting a replacement variance to reduce the required parking which now includes a proposed outdoor patio space along the street frontage. This also includes a modification to the conditions imposed by the Board which prohibited the sales of alcoholic beverages on the premises, required earth tone tile on the exposed south side of the building and required that there be 8 leased parking spaces for staff, off-site.

- Section 3372.609 requires a minimum of 68 parking spaces for this use with the outdoor seating (3 of the 68 spaces required), while the applicant proposes 7 spaces. (This variance is less than previously required under Section 3342.28 due to a change in the parking code applicable in this area since 1999.)
- Section 3312.49 requires a minimum of two bicycle parking spaces for the outdoor dining area, while the applicant proposes none.
- Originally, this building was constructed and designed to house a *Steak n' Shake* restaurant. The last known user was a *Wings n' Rings* restaurant.
- The University Area Review Board reviewed a proposal for a patio at their October 17, 2011 meeting and recommended approval of the parking variance for such use.
- The Division of Planning & Operations (Transportation) has no issues with this request.
- The University Area Commission has recommended approval of this request.

## **CITY DEPARTMENTS' RECOMMENDATION: APPROVAL**

### **SUMMARY OF POSITION AND OUTSTANDING ISSUES, IF ANY:**

The applicant desires the replacement of an existing parking variance from 1999 that reduced the required number of parking spaces by 79 spaces and included conditions that the applicant feels are burdensome. Particularly, the applicant believes that the condition that prohibits the sale of alcoholic beverages is beyond the scope of the Board's authority and is unenforceable. The replacement variance would be less intense in the overall number of parking spaces required due to a code change, even with the outdoor patio.

Staff is ambivalent to the totality of the replacement variance, except for the point made by the applicant that the condition that prohibits alcohol sales and the use of earth tone tile. The city has no authority to regulate the sales of alcohol and cannot enforce that condition; this is regulated only by the State of Ohio. The city also concurs with the applicant that even though the Board can condition a variance on the color of the south wall and the use of earth tone tile, that this condition is obsolete since the University Area Review Board was created to make determinations of this nature since the 1999 variance. The Review Board is empowered to review exterior alterations and require that certain materials and colors be used. We still agree with the condition that requires the eight (8) off-site, leased parking spaces.

The request for the variance to reduce the required number of bicycle parking spaces is reasonable due to the fact that there is a public, sheltered bicycle parking area on the sidewalk immediately adjacent to this property.

**CONDITION(S) RECOMMENDED:**

1. Seven (7) parking spaces shall be maintained on-site for patrons and there shall be eight (8) leased off-site parking spaces for employees.

**THE DEVELOPMENT PROPOSED IN THIS APPLICATION IS SUBJECT TO COMPLIANCE WITH ALL OTHER CITY CODES.**

**PROPOSED HEARING TIME:** 6:00 p.m. agenda

**STAFF REPRESENTATIVE:** Dave Reiss, 645-7973  
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