Mayor Michael B. Coleman

COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio ▪ Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 ▪ Phone: 614-645-7433▪ www.columbus.gov

OFFICE USE ONLY

Application Number: CV12-025 / 12 315-00000-00284
Date Received: 5/23/12
Application Accepted By: S. Pine Fee: $1600 —
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 820 South Fifth Street/223 East Kossuth St., Columbus, OH Zip 43206
Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-053168

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

Current Zoning District(s): Z72-055, Residential, R2F

Recognized Civic Association or Area Commission: German Village Commission

Proposed use or reason for Council Variance request: Re-establish prior variance for The Red Stable retail shop / Request variance to use house as B&B

Acreage: .061 acres

APPLICANT: Name Jeff Smith
Address 657 Mohawk St. City/State Columbus Zip OH
Phone # 614-444-5999 Fax # Email: jeffery@designsmith.cc

PROPERTY OWNER(S): Name Jeff Smith & Stevo Roksandic
Address 426 E Kossuth St. City/State Columbus Zip OH
Phone # 614-444-5999 Fax # Email: jeffery@designsmith.cc

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

ATTORNEY / AGENT ☐ Attorney ☐ Agent
Name NA
Address City/State Zip
Phone # Fax # Email:

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Jeff Smith
PROPERTY OWNER SIGNATURE Jeff Smith
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.
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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 Jeff Sm Date 5/22/12

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Statement of hardship

Applicants request a Council Variance to permit the continued use of a retail space in The Red Stable (223 E Kossuth St.) and a B&B in the house (820 S 5th St.). The property is currently zoned R-2F, and the City of Columbus Code Section 3332.037, R-2F, Residential District prohibits retail and B&B use without a variance.

1) The Red Stable, 223 E Kossuth St.
Applicants request to re-establish the prior variance for the same use, but to remove/update certain conditions, including:

a. Remove the single owner clause,
b. Remove Zoning division review clause,
c. Update address from 820 S Fifth St. to 223 E Kossuth St.

2) Residence, 820 S Fifth St.
Applicants request a variance to use the house as a 2-3 room, Bed & Breakfast. A B&B is typically located within a residential district so visitors can experience the ambiance and charm of the neighborhood.

Code section 3312.49-C requires 1 parking space per 250 feet of Retail space, or 4.15 total spaces. The B&B requires 1 parking space per 400 square feet, or a total of 3.54 total spaces. Due to the built-up nature of the area, applicants request a variance of 0 parking spaces required. Applicants are actively seeking to obtain off-street parking lease agreements for the B&B and anticipate existing foot traffic from nearby businesses for The Red Stable. Therefore, such operations shall not have an adverse affect on the surrounding properties or neighborhood. The property is adjacent to Schmidt's Restaurant and Schmidt's Fudge Haus. Applicants believe all variance requests will help establish new businesses that will enhance the community and fit into this popular corner of German Village.

The requested variances will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestions 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.

City Code Sections varied:

3332.037	R-2F, Residential District. Allow retail & B&B in residential district.
3312.49-C	Minimum number of parking spaces required. 8 parking spaces required, request 0.
3332.05-4	Area District Lot Width Requirements is 50', request to allow existing lot width of 31.25'.
3332.21-D	Building Lines. Allow existing setbacks of less than 10' along S Fifth St. (dwelling) & E Kossuth St. (Red Stable).
3332.26	Minimum side yard. 5' is required, request 0 for existing structure to be maintained (820 S 5th) along South property line.
3332.27	Rear yard. Allow 15.5% where 25% is required.

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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-025

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1)** NAME Jeff Smith
of **(1)** MAILING ADDRESS 657 Mohawk St., Columbus, OH, 43206
deposed 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 820 South Fifth St. / 223 East Kossuth St., Columbus, OH, 43206
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on **(3)** 5/23/12
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS
(4) Jeff Smith & Stevo Roksandic
426 E Kossuth St., Columbus, OH, 43206

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)
Jeff Smith
614-444-5999

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS
(5) German Village Commission
109 North Front St., Columbus, OH 43215
c/o Historic Preservation office, attn: Randy Black

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.

SIGNATURE OF AFFIANT **(8)** Jeff Smith

Subscribed to me in my presence and before me this 22nd day of May, in the year 2012

SIGNATURE OF NOTARY PUBLIC **(8)**

My Commission Expires:

Notary Seal Here

WILLIAM L. CURLIS
Notary Public, State of Ohio
My Commission Expires 09-15-2014

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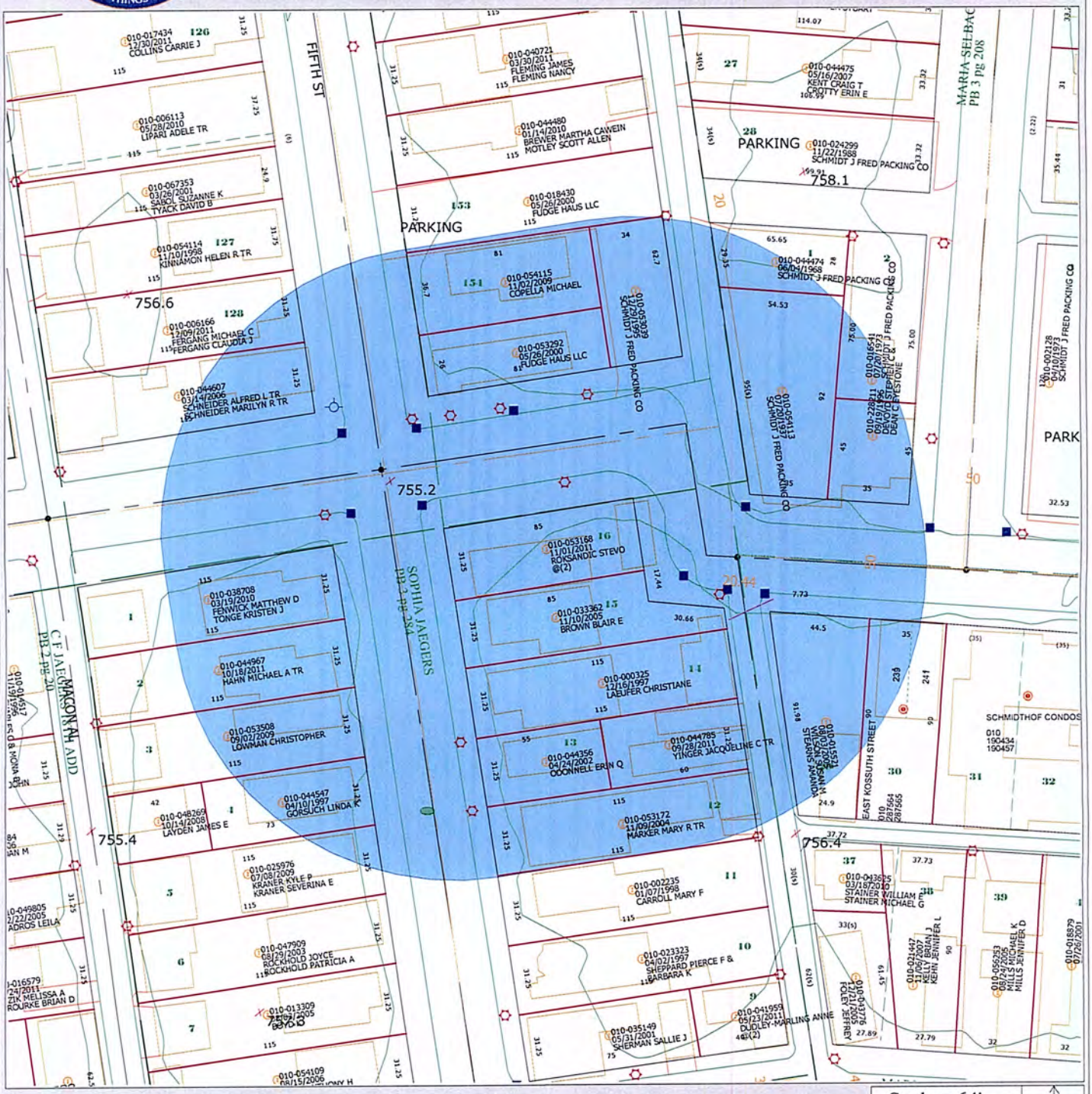
CV12-025

CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR

MAP ID: MB **DATE: 5/15/12**



Scale = 64'

Grid North

Disclaimer

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

CV12-025

APPLICANT/PROPERTY OWNER

Jeff Smith & Stevo Roksandic
820 South Fifth Street
Columbus, OH 43206

COMMISSION

German Village Commission
c/o Randy Black
109 N Front Street
Columbus, OH 43215

SURROUNDING PROPERTY OWNERS:

Michael & Claudia Fergang
803 S Fifth St.
Columbus, OH 43206

Christiane Laeufer
828 S 5th St.
Columbus, OH 43206

Mary Carroll
840 S Fifth St.
Columbus, OH 43206

Susan Wilson / Amanda Stearns
237 E Kossuth St.
Columbus, OH 43206

Geoff Schmidt
240 E Kossuth St.
Columbus, OH 43206

'udge Haus LLC
.20 E Kossuth St.
'olumbus, OH 43206

Kyle & Severina Kraner
835 S Fifth St.
Columbus, OH 43206

Blair Brown
824 S Fifth St.
Columbus, OH 43206

Matthew Fenwick & Kristen Tonge
821 S Fifth St.
Columbus, OH 43206

Erin Odonnell
832 S Fifth St.
Columbus, OH 43206

Linda Gorsuch
831 S Fifth St.
Columbus, OH 43206

Alfred Schneider
5723 Alfie PL
Columbus, OH 43213

Jacqueline Yinger
831 Purdy Alley
Columbus, OH 43206

Michael Hahn
825 S Fifth St.
Columbus, OH 43206

Stevo Roksandic & Jeffery Smith
426 E Kossuth St.
Columbus, OH 43206

Mary Marker
836 S Fifth St.
Columbus, OH 43206

Christopher Lowman
827 S Fifth St.
Columbus, OH 43206

Michael Copella
804 S Fifth St.
Columbus, OH 43206

Stephen Devoyd & Dean Eyestone
244 E Kossuth St.
Columbus, OH 43206

Lucinda Timberlake
241 E Kossuth St.
Columbus, OH 43206

Mayor Michael B. Coleman

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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 # CV12-025

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jeff Smith

Of [COMPLETE ADDRESS] 657 Mohawk St., 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 formats

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, Sate, Zip
Number of Columbus based employees
Contact name and number

1. Jeff Smith & Stevo Roksandic 426 E Kossuth St, Columbus, OH 43206 Contact: Jeff Smith 614-444-5999	2.
3.	4.

☐ ***Check here if listing additional parties on a separate page.***

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 22nd day of May, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here

WILLIAM L. CURLIS
Notary Public, State of Ohio
My Commission Expires 09-15-2014

This Project Disclosure Statement expires six months after date of notarization.

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CV12-025

City of Columbus
Address Plat

N

CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form are Herein Certified for Securing of Building & Utility Permits

Parcel ID: 010053168
Project Name: RETAIL SHOP / COMMERCIAL OFFICE
House Number: 223
Street Name: E KOSSUTH ST
Lot Number: 16
Subdivision: S JAEGER
Work Done: REMODEL
Complex: NA

Owner: SANDRA J KIPP TR AND KIMBERLY S MAUPIN TR

Requested By: COLDWELL BANKER (JEFF BRAMMELL)

Printed By: James R Reagan **Date:** 02/24/2010

SCALE: 1 inch = 40 feet

PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

GIS FILE NUMBER: 1237018

printed: February/24/2010 - 2:22:16 PM

CV12-025

Legal description

Situated in the State of Ohio, County of Franklin and in City of Columbus.

Being Lot Number Sixteen (16) of Sophia Jaeger's Subdivision of part of Lot Number One (1) of C. Jaeger's Estate recorded in Plat Book 3, Page 284, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-053168
Property address: 820 South Fifth Street/223 East Kossuth Street Columbus, OH 43206

Location map
CV12-025

CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR

MAP ID: MB **DATE: 5/15/12**

Scale =40

Grid North

Disclaimer

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Real Estate / GIS Department

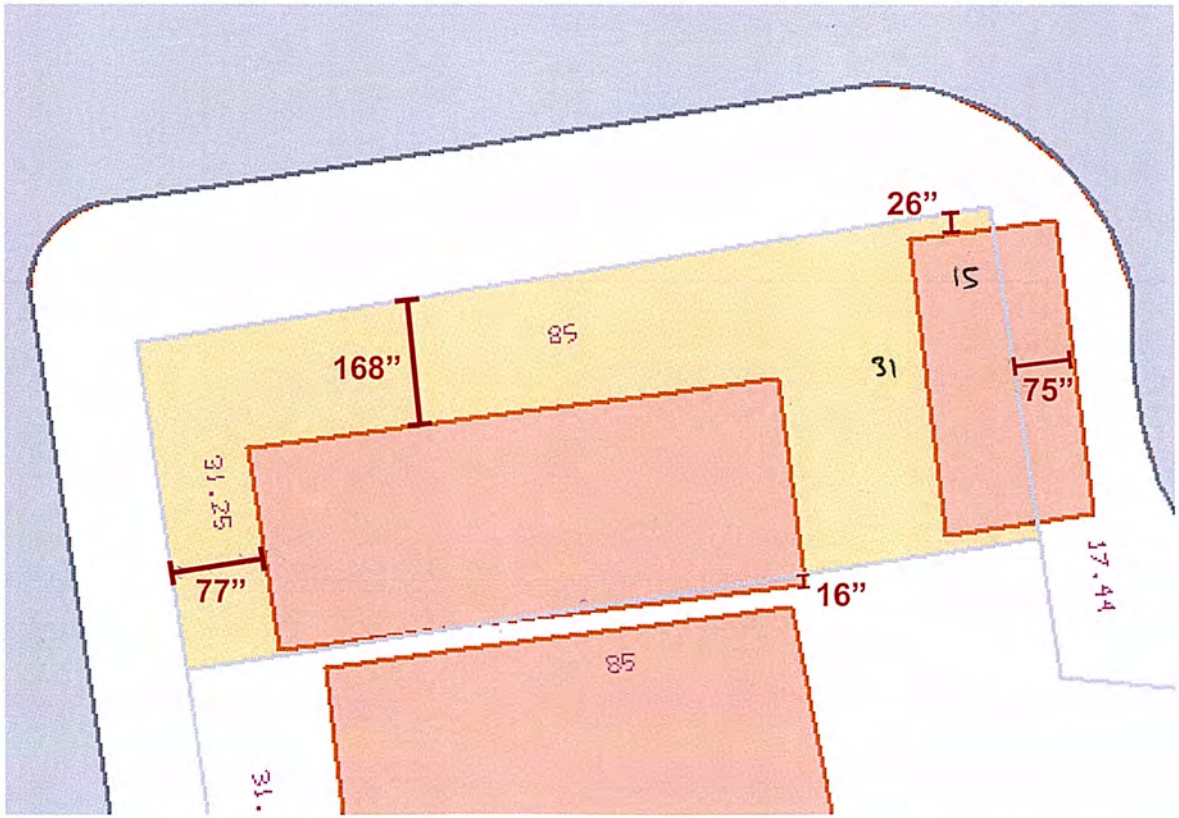
CV12-025

Exhibit A

820 S Fifth

223 E Kossuth

Side 223 E Kossuth



Parcel
010-053168

CV12-025

Exhibit B

SCHMIDT'S
FUDGE HAUS

SCHMIDT'S
Restaurant

The Red Stable
223 E Kossuth St.

820 S FIFTH St.
Potential B&B

CV12-025

Exhibit C

Schmidt's Restaurant und Sausage Haus

SINCE 1886

GERMAN VILLAGE • COLUMBUS, OHIO

UDGE BEING MADE AT OUR HAUS OSS STREET FROM RESTAURANT

ed in an Historic brick livery stable on Kossuth St. Purdy Alley, (the jog in Kossuth St. follows an old ed,) Schmidt's Restaurant und Sausage Haus is the ion of an old German family business started in as in 1886. The original Packing Haus processed a ine of meat products for three generations.

HONORED AS AN HISTORICAL BUILDING ON THE NATIONAL REGISTER

Old brick paving, worn thin by horse and wagon traffic, leads you in from the street to a door with a large wooden lard paddle (from the old packing haus) used as a handle, along with old cooler door hinges.

Inside smooth wood floors, stall-like booths, rough paneling and old brick walls make a beautiful setting for the numerous original paintings of famous German Village artists. Notice one huge painting titled "Der Wiener Chemiker", actually a part of an old plaster wall from the original packing haus office which was painted by an unknown artist during prohibition.

All this and more make for an exciting showplace for Columbus and thousands of visitors from across the nation and many countries world wide. Schmidt's specialzes in original German and American dinners, sandwiches, mouth watering desserts, cocktails, and many German and micro brews by the bottle and on tap. We also feature beautiful upstairs banquet and meeting rooms as well as live German and American music on select nights.

Schmidt's has provided a favorite food pavillion at the Ohio State Fair for over 80 years. In addition to the fair we can be found at over ninety fairs, festivals and outdoor happenings, (including Ohio State Football games) throughout the state nearly year round.

SING-A-LONG • RUSTIC BAR • OPEN 7 DAYS

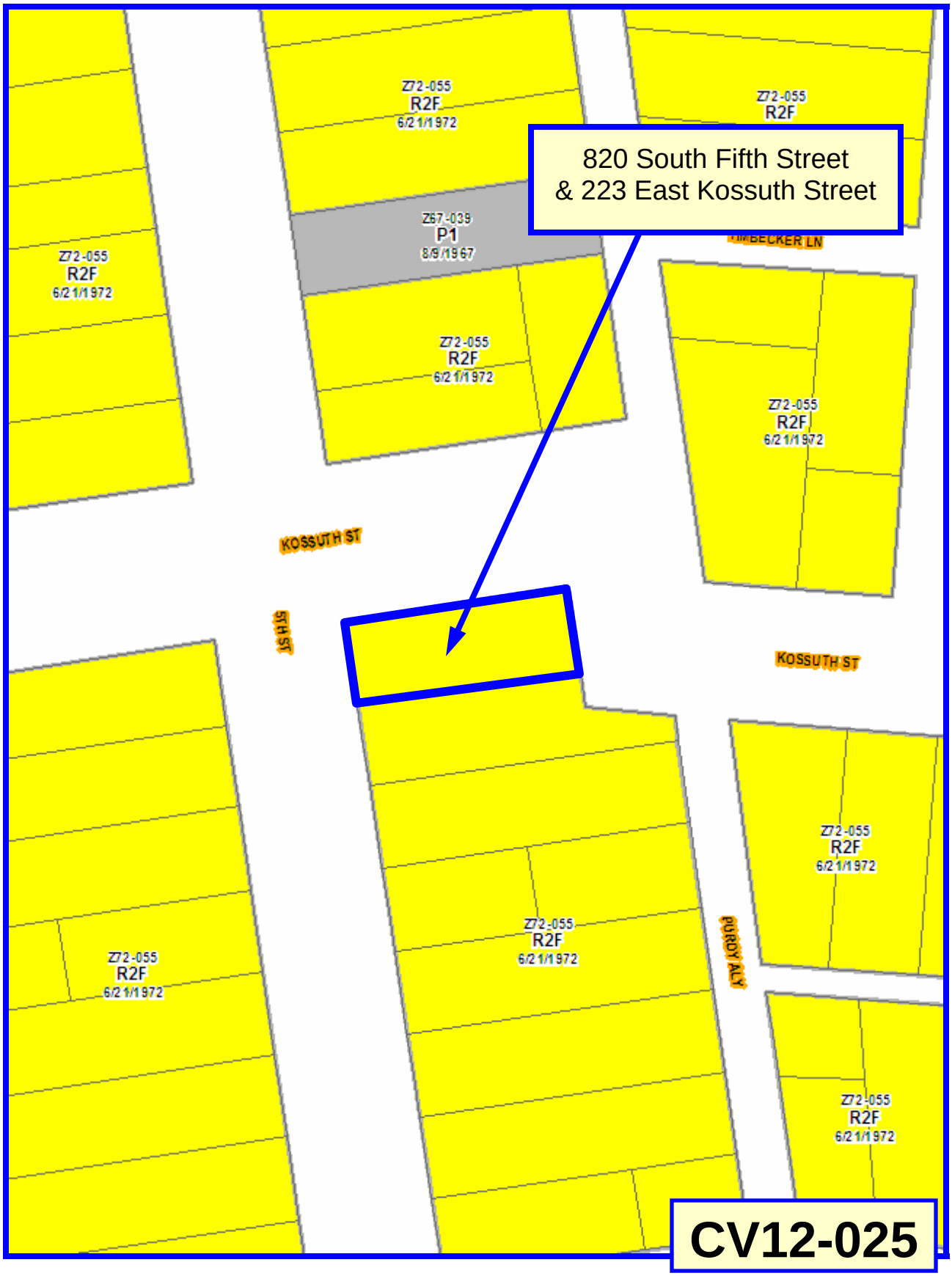
We hope you"ll enjoy your Schmidt's experience as much as we have providing it to you!
George, Geoff, John and Andrew Schmidt

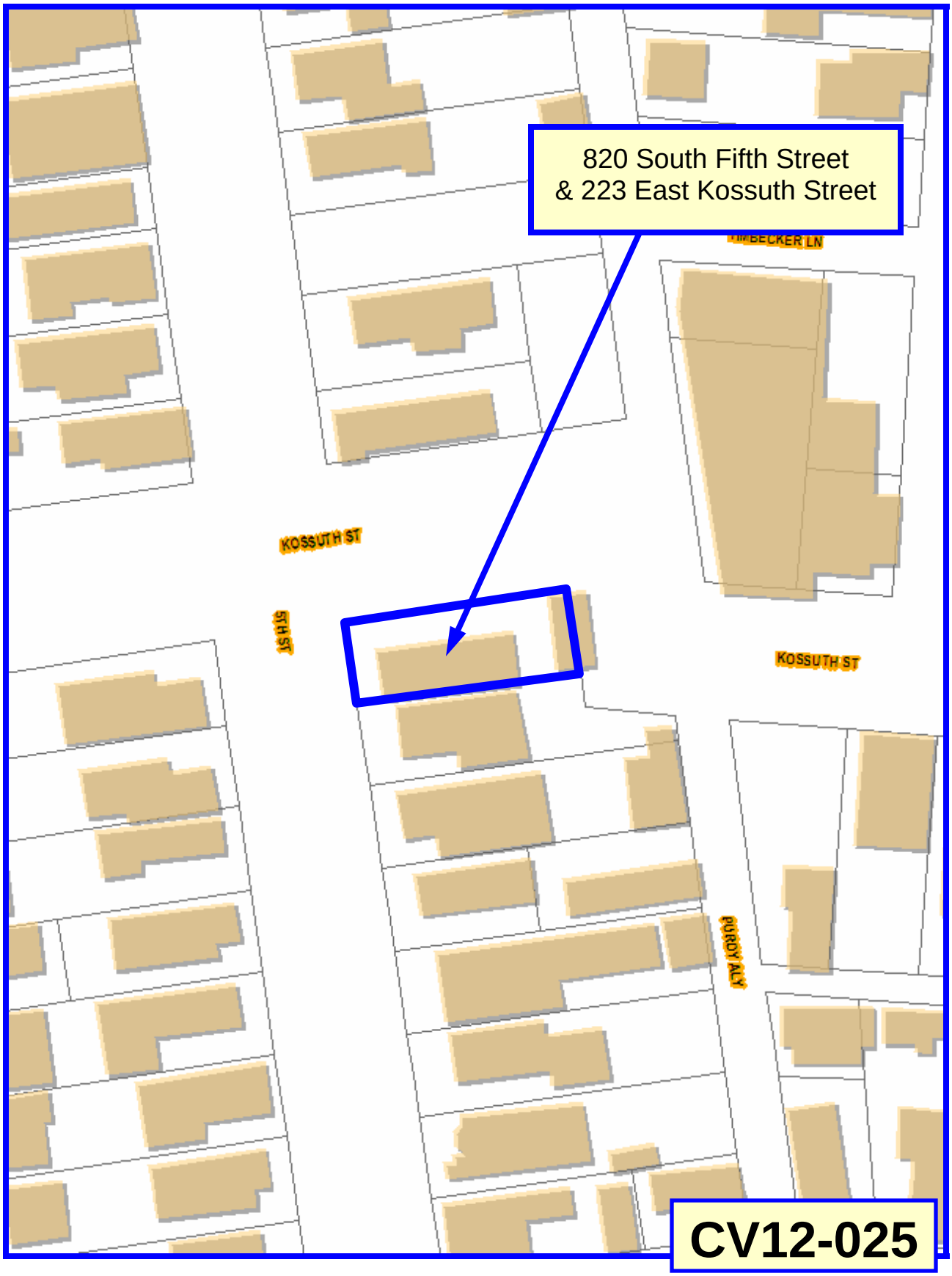
ORIGINAL TRADE MARK

OPEN SUNDAYS

CV12-025

Exhibit D


820 South Fifth Street
& 223 East Kossuth Street
Z72-055
R2F
6/21/1972
Z67-039
P1
8/9/1967
KOSSUTH ST
5TH ST
PURDY ALY
CV12-025


820 South Fifth Street
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KOSSUTH ST
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PURDY ALY
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820 South Fifth Street
& 223 East Kossuth Street
KOSSUTH ST
5TH ST
KOSSUTH ST
CURDY ALY

CV12-025