



# BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: 12310-0-00699  
Date Received: 12/15/12  
Commission/Group: University  
Existing Zoning: C-4 Application Accepted by: (OR) Fee: \$1,900.00  
Comments: 1/22/13

## TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Variance to reduce required parking for existing nonconforming condition and additional seasonal outdoor patio space

~~3312.03(B)~~ 3312.29 PARKING SPACE, 3312.25 MANEUVERING,  
3312.49 MIN. PARKING REQUIRED, 3312.09 AISLE

## LOCATION

1. Certified Address Number and Street Name 2283 North High Street  
City Columbus State Ohio Zip 43201  
Parcel Number (only one required) 010-001685

## APPLICANT: (IF DIFFERENT FROM OWNER)

Name ON Architects LLC / Mark Ours (Architect for the Owner)  
Address 170 Thurman Avenue City/State Columbus Ohio Zip 43206  
Phone # 614-515-5186 Fax # \_\_\_\_\_ Email mark@on-architects.com

## PROPERTY OWNER(S):

Name Eventide, Inc. - Attn: Susan Martin  
Address 135 WATERS MILL CIR City/State ALPHARETTA, GA Zip 30022  
Phone # (770) 664-3628 Fax # \_\_\_\_\_ Email martinsusan@comcast.net  
☐ Check here if listing additional property owners on a separate page.

## ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☒ Agent

Name ON Architects LLC / Mark Ours (Architect for the Owner)  
Address 170 Thurman Avenue City/State Columbus Ohio Zip 43206  
Phone # 614-515-5186 Fax # \_\_\_\_\_ Email: mark@on-architects.com

## SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]  
PROPERTY OWNER SIGNATURE [Signature]  
ATTORNEY / AGENT SIGNATURE \_\_\_\_\_

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
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Please make all checks payable to the Columbus City Treasurer



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## AFFIDAVIT

12310-00699  
2283 N. High St.

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME ON Architects LLC / Mark Ours (Architect for the Owner)  
of (1) MAILING ADDRESS 170 Thurman Avenue Columbus Ohio 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 ADDRESS CARD FOR PROPERTY

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) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Eventide Inc.

135 Waters Mill Circle

Alpharetta GA 30022

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Mark Ours

(614) 515-5186

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) University Area Commission

Susan Keeny

358 King Ave. Columbus, OH 43201

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See attached Proximity Reports

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 23 day of June, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8)

Commission Expires:



MELISSA ADAMS  
Notary Public, State of Ohio  
My Commission Expires 08/26/2013

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**APPLICANT**

ON Architects LLC  
Attn: Mark Ours  
170 Thurman  
Columbus Ohio 43206

**OWNER**

Eventide  
Attn: Susan Martin  
135 Waters Mill Circle  
Alpharetta, GA 30022

**AREA COMMISSION**

University Area Commission  
Zoning Committee Chair  
Susan Keeny  
358 King Ave.  
Columbus, OH 43201

**SURROUNDING PROPERTY OWNERS**

Eileen Copley  
39 West Oakland Avenue  
Columbus Ohio 43201

Eventide Inc.  
2265 North High Street  
Columbus Ohio 43201

Susan Issac  
406 Rosewood Court  
Powell Ohio 43065

Miners Castle LLC  
1480 Dublin Road  
Columbus Ohio 43215

Pavey Family LLC  
2289 North High Street  
Columbus Ohio 43201

Cynthia Rieth  
1195 Cooke Road  
Columbus Ohio 43224

Tarja Savinainen  
5695 Marshall Road  
Dayton Ohio 45429

Jack Beatley  
70 West Northwood Ave Apt 1E  
Columbus Ohio 43201

42 W Oakland LLC  
10 East 17<sup>th</sup> Avenue  
Columbus Ohio 43201

Richard & Jane Alder  
38303 S. Rickham Court  
Westland Michigan 48186

BALFAM Ltd  
1119 Regency Drive  
Columbus Ohio 43220

Thomas Heilman II  
130 S. Columbia Avenue  
Columbus Ohio 43209

C&W Investment Co LLC  
92 West 5<sup>th</sup> Avenue  
Columbus Ohio 43201

George & Coralene Dimovich  
33 W. Patterson Avenue  
Columbus Ohio 43201

Geri Squared LLC  
11812 Forum Hill Court  
Potomac MD 20854

Jagdish & Asha Kumar  
5337 Hollister Street  
Columbus Ohio 43235

Northsteppe Realty  
Attn Diana Hawks  
10 E. 17<sup>th</sup> Avenue  
Columbus Ohio 43201

David Sewickley ET AL  
1704 Doone Road  
Columbus Ohio 43221

James Spatny  
38 West Oakland Avenue  
Columbus Ohio 43201

Wayne & Patricia Warmington  
44 Pinewood Lane  
Hudson Ohio 44236

ALEXANDRIA J PALUS  
EDWARD M PALUS  
45 E. Northwood Avenue  
Columbus Ohio 43201

SURROUNDING PROPERTY OWNERS

State of Ohio  
2225 North High Street  
Columbus Ohio 43201

The Ohio State University  
Physical Planning & RE  
2003 Millikin Road MCCR  
Columbus Ohio 43210

Robert C. Talbott  
442 E. Northwood Avenue  
Columbus, OH 43201

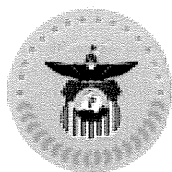
West Oakland LLC  
PO Box 2581  
Columbus Ohio 43216

ALSO NOTIFY

Japanese Oriental Restaurant  
2283 North High Street  
Columbus Ohio 43201

**12310-00699**  
**2283 N. High St.**





# CITY OF COLUMBUS

## DEPARTMENT OF BUILDING AND ZONING SERVICES

### One Stop Shop Zoning Report Date: Wed May 30 2012

General Zoning Inquiries: 614-645-8637

#### SITE INFORMATION

Address: 2283 N HIGH ST COLUMBUS OH 43201

Mailing Address: 135 WATERS MILL CIR

ALPHARETTA, GA 30022

Owner: EVENTIDE INC

Parcel Number: 010001685

#### ZONING INFORMATION

Zoning: ORIG, Commercial, C4

effective 2/27/1928, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: UNIVERSITY UCO

Graphic Commission: N/A

Area Commission: University Area Commission

Planning Overlay: University/Impact

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

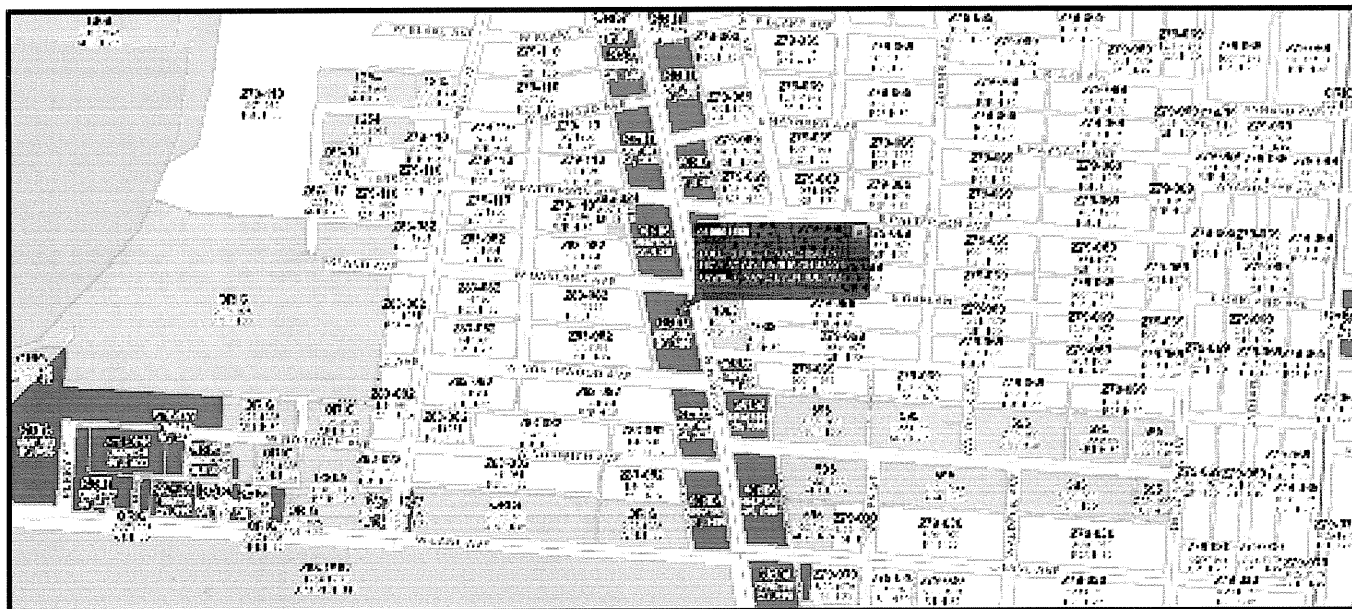
#### PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



12310-00699

2283 N. High St.



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### STATEMENT OF HARDSHIP

12310-00699

2283 N. High St.

APPLICATION # \_\_\_\_\_

#### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

**I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:**

1. The site is located with the University Area with substantial pedestrian and local patronage. There is also a public parking along all of the streets in this area.
2. The original configuration and use of this property pre-dates the current ownership and current zoning code requirements.
3. Parking variance will allow for continued long term viability of this business and property. Many establishments with 1 block of this property and in the University Area have similar circumstances. This restaurateur is currently at a competitive disadvantage.
4. As existing parking is available in the rear of the property, on street, and with pedestrian traffic there would be no burden to adjacent property owners.

Signature of Applicant

Date

11/15/12

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**STATEMENT OF HARDSHIP**  
2283 North High Street

The site is located on the west side of North High Street between West Oakland Avenue and West Northwood Avenue. The site is zoned C-4 Commercial as is most of the High Street corridor within the University Area Commission boundaries. This property is also subject to the University Urban Commercial Overlay (UUCO). The Use of Record of the subject property is retail/restaurant with an apartment unit above. Typical of the commercial corridor there are many restaurants with limited on-site parking. Parking that is available is accessed from the rear of the premises, in this case an unnamed alley at the western edge of the property. There is also parking on High Street available directly in front of the restaurant at metered stalls. The available metered parking is more apt to be used by patrons of the restaurant for 1 hour parking then by local residents. The restaurateur in this location is being placed at a competitive disadvantage because other establishments have been granted similar privileges and hardships all along the High Street Corridor.

This property has operated as a restaurant since the early 1960s when there was a high end European Restaurant run by Hungarians. In 1969, Casa Di Pasta, Inc. incorporated to own and operate a restaurant and to operate a bar, sell alcoholic beverages, to provide food catering services, to sell food for carry out orders, and for consumption on or off the premises and to engage in other services and activities incidental, thereto. (i.e. a full service restaurant) at this location. In 1972, Casa Di Pasta moved north into 2321 N High at which time the Japanese Oriental Restaurant became the tenant at 2283 N High. The Japanese Oriental Restaurant has been operated on the 2283 premises under different ownership names from 1972 to present. Since the time Eventide, Inc. has owned the property, there has been a full service restaurant that has operated and thrived for long periods of time on the 2283 N High premises; one can assume parking has been sufficient.

The University Area Review Board (UARB) is empowered to review exterior alterations for this property. An application for appropriateness has been submitted to this body.

The State of Ohio prohibits smoking in commercial buildings. Many restaurants have sought to provide seasonal patio spaces to accommodate smokers and to provide the additional amenity of seasonal patio seating for their patrons. There have been numerous approved variance requests to reduce the required number of parking spaces due to outdoor seasonal patios. The applicant proposes to use an existing 600 square foot outdoor patio space as depicted on the attached site plan. The extension of the outdoor use of the seasonal patio will also include an extension of the existing restaurant's alcohol permit which includes the sell of beer and wine only. The restaurant operates Monday - Sunday from 11:30am - 10:30pm. The hours of operation of the patio will match those of the restaurant.

The applicant and the tenant are unable to accommodate the additional 3 parking spaces for the seasonal patio or the required parking for the existing restaurant and dwelling unit due to the site limitations and urban nature of the fully developed area. The existing uses have been existing as non-conforming conditions for many years.

The building owner attests that the non-conforming uses in this block have coexisted well for years and their current parking system has generated no complaints for either their commercial or residential tenants nor from any adjacent property owners.

The applicant requests the following variances to conform the existing conditions and to permit the additional seasonal patio space -

- a) 3312.29 Parking space: variance to permit seven (7) existing parking spaces, numbered 1 through 7 on the

site plan titled "PATIO IMPROVEMENT" and dated October 24, 2012 that do not meet the technical minimum size standard for a parking space; variance to permit seven (7) existing parking spaces, numbered 8 through 14 on the site plan titled "PATIO IMPROVEMENT" and dated October 24, 2012 that do not meet the technical minimum size standard for a parking space because they extend onto the next lot to the south.

b) 3312.25 Maneuvering: variance to permit seven (7) existing parking spaces, numbered 8 through 14 on the site plan titled "PATIO IMPROVEMENT" and dated October 24, 2012 that extend onto the next lot to the south and so require limited off-site maneuvering.

c) 3312.49 Minimum number of parking spaces required: to not require three (3) additional parking spaces for use of an existing patio located in front of an eating and drinking establishment.

d) 3312.09 Aisle: To permit the existing aisle width which is required to be 17' wide and the existing condition is 14' wide.

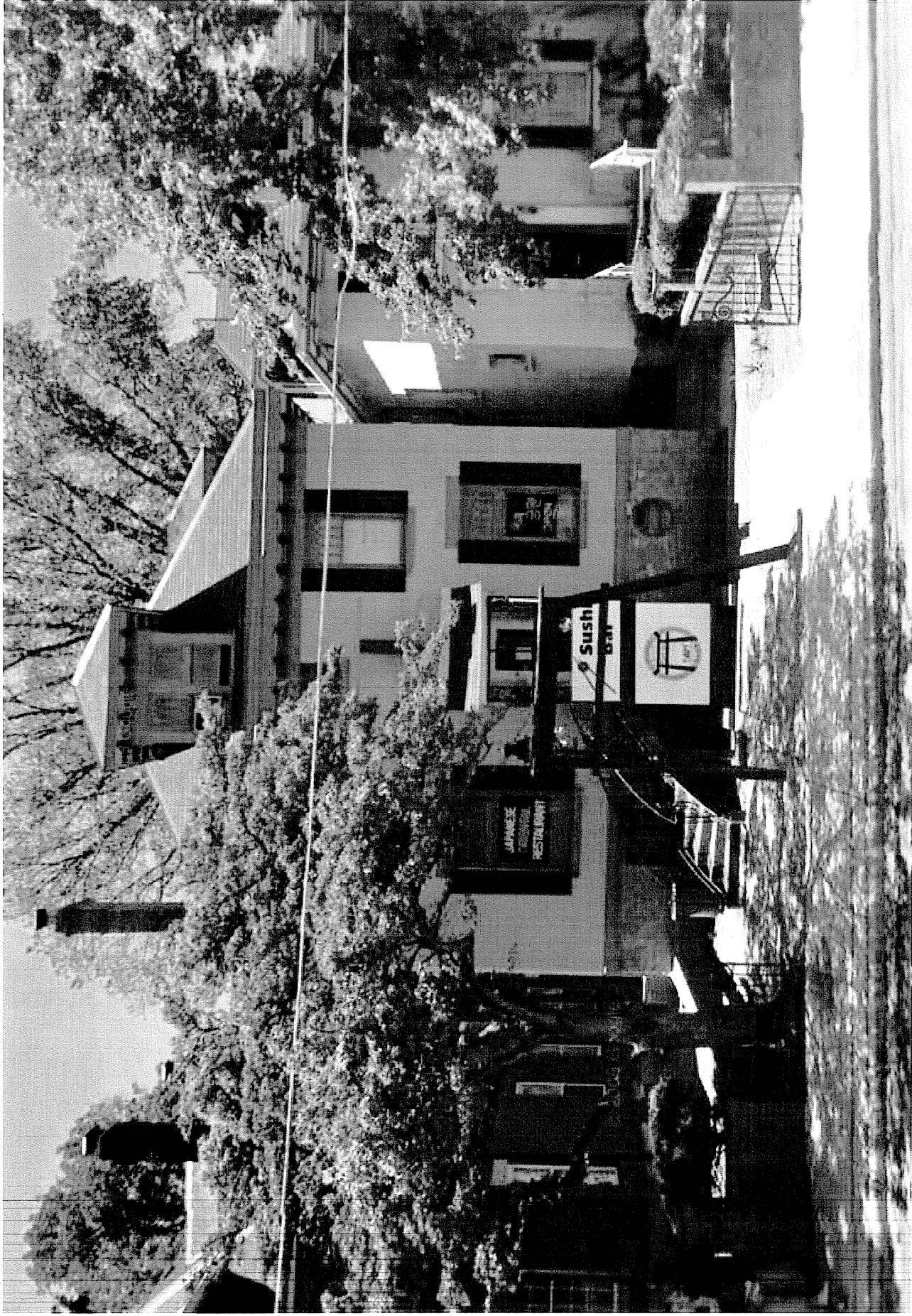
#### **PARKING CALCULATION PER COLUMBUS ZONING CODE**

<b>USE</b>	<b>RATIO</b>	<b>SIZE</b>	<b>UCO REDUCTION</b>	<b>PARKING REQUIRED</b>
Existing Restaurant	1:75 (min.)	1,840 sf	75%	19 stalls
Existing Dwelling Unit	2 per unit	N/A	N/A	2 stalls
New Patio (Restaurant)	1:150 (min.)	600 sf	75%	3 stalls

**24 stalls**

**12310-00699**  
**2283 N. High St.**



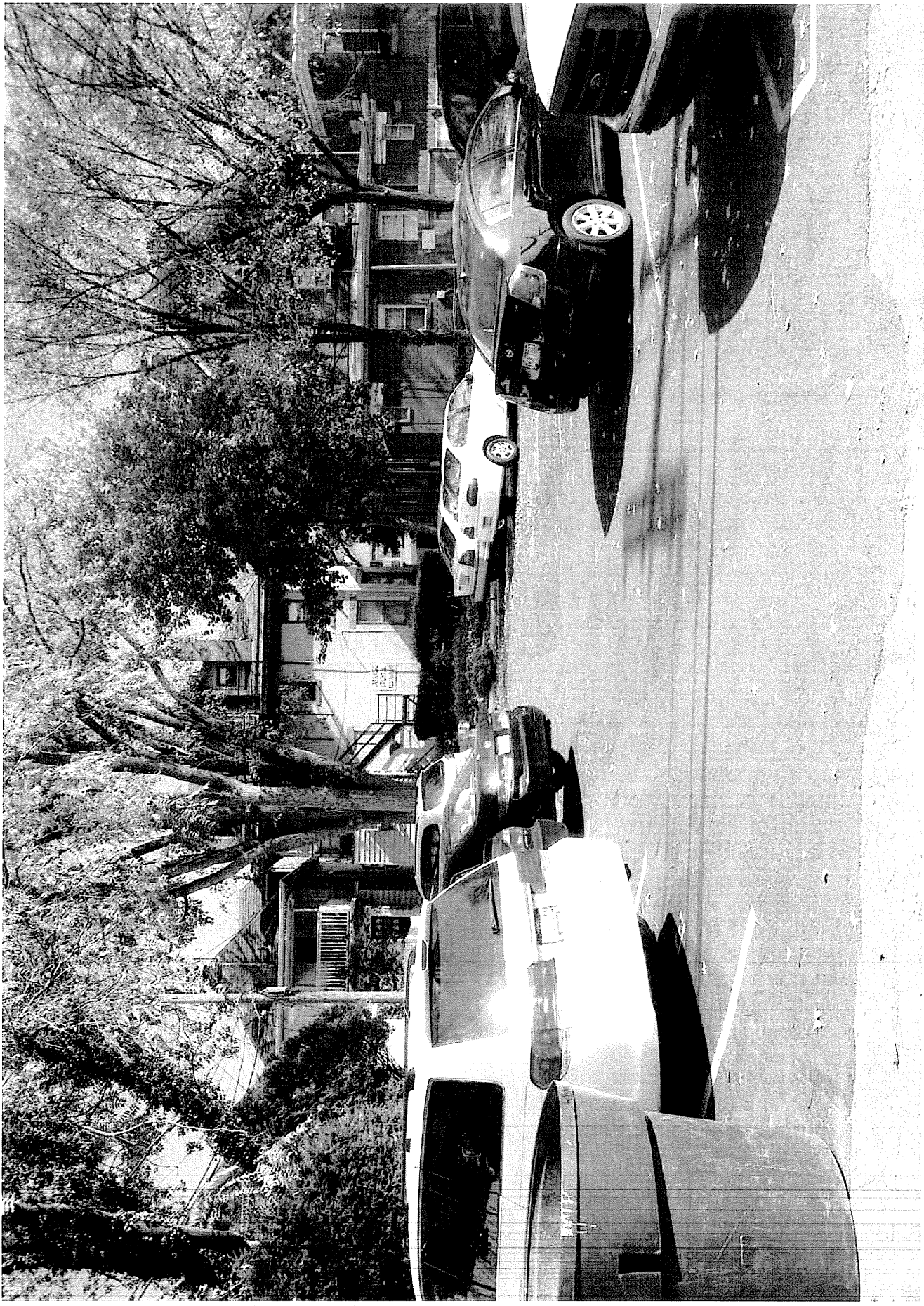


EXISTING CONDITIONS - FRONT PATIO

**JAPANESE ORIENTAL RESTAURANT**  
2283 NORTH HIGH STREET - COLUMBUS OHIO

**12310-00699**  
**2283 N. High St.**

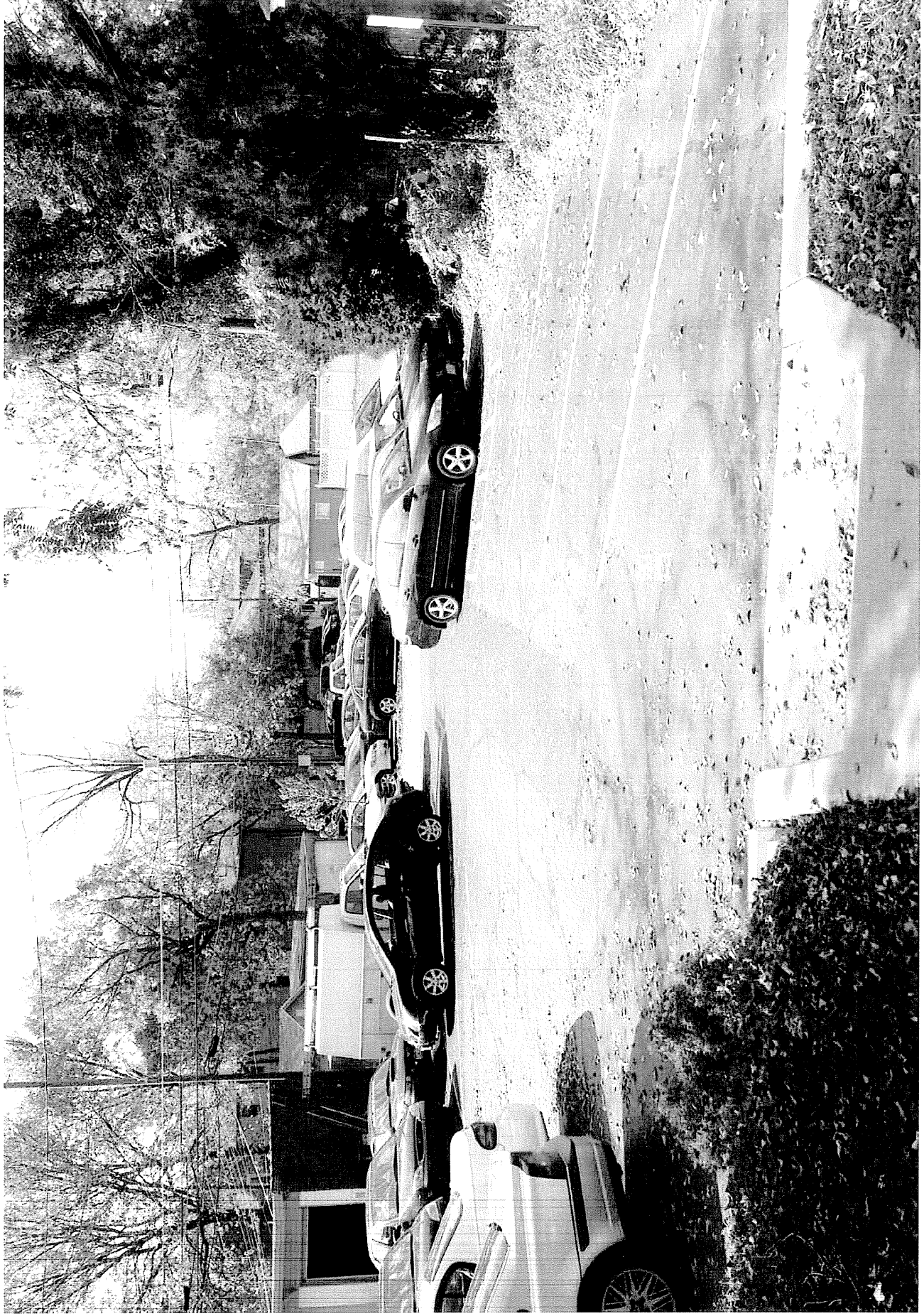




EXISTING CONDITIONS - PARKING LOT FROM ALLEY

**12310-00699**  
**2283 N. High St.**

**JAPANESE ORIENTAL RESTAURANT**  
**2283 NORTH HIGH STREET - COLUMBUS OHIO**



EXISTING CONDITIONS - PARKING LOT FROM REAR OF BUILDING

**12310-00699**  
**2283 N. High St.**

**JAPANESE ORIENTAL RESTAURANT**  
**2283 NORTH HIGH STREET - COLUMBUS OHIO**





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

**MAP ID: s** **DATE: 10/9/12**



Disclaimer

Scale = 100

Grid

This map is prepared for the real property inventory within this county. It is based on survey plats, and other public records and data. Users of this map are notified that the mapping county and the mapping companies assume no legal responsibilities for the information. Please notify the Franklin County GIS Division of any discrepancies.

**12310-00699**  
**2283 N. High St.**



# 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: 010001685

Zoning Number: 2283

Street Name: N HIGH ST

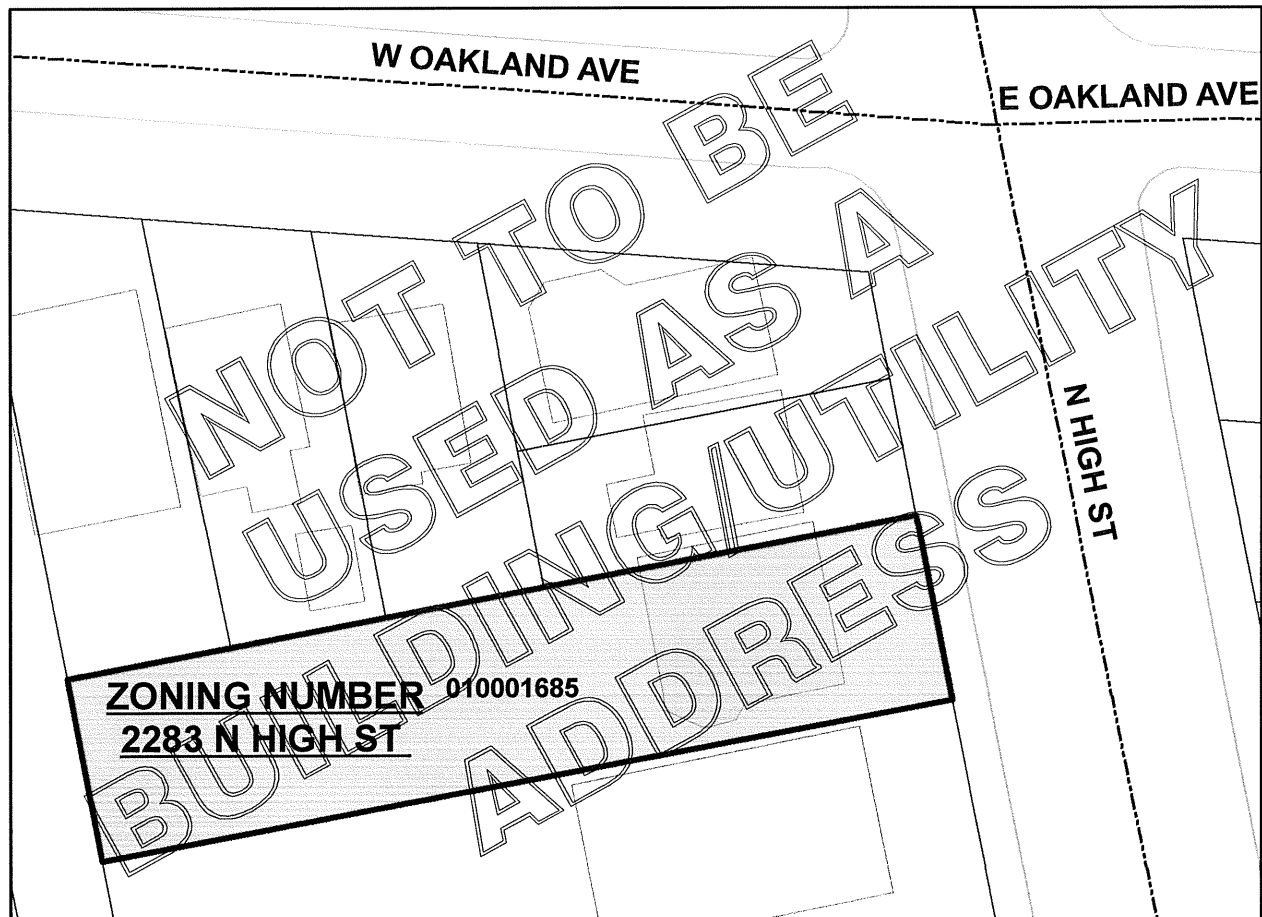
Lot Number: 5

Subdivision: MT AUBURN

Requested By: ON ARCHITECTS (MARK OURS)

Issued By: *Adyana Williams*

Date: 6/1/2012



SCALE: 1 inch = 40 feet



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

GIS FILE NUMBER: 9043

## Mark Ours

---

**From:** Blechschmidt, Daniel R. <DRBlechschmidt@columbus.gov>  
**Sent:** Monday, October 29, 2012 10:45 AM  
**To:** 'Mark Ours'  
**Cc:** Bier, Donald R.  
**Subject:** RE: 2283 N. High Street - Parking Configuration  
**Attachments:** 2283-High\_A1-Site.pdf.pdf

Mark:

In consideration of the existing conditions present at this site shown on the attached drawing, the Division of Planning and Operations is supportive of the existing parking configuration remaining.

In most cases, the Division of Planning and Operations would not be supportive this parking configuration remaining. However, in this instance, the proposed addition of an outdoor patio for this existing restaurant is not likely to increase the intensity of the usage of this parking lot.

Therefore, in association with the future BZA action that will be requested to permit an outdoor patio for the existing restaurant, the Division of Planning and Operations is supportive of the existing parking lot remaining unchanged.

If you need any additional information, please let me know. Thank you for your assistance.

Daniel R. Blechschmidt, P.E.  
Transportation Planning Engineer  
Planning Section  
Division of Planning & Operations  
Department of Public Service  
109 N. Front St.  
Columbus, OH 43215

Work: (614) 645-1694  
Fax: (614) 645-7921  
Email: [drblechschmidt@columbus.gov](mailto:drblechschmidt@columbus.gov)

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF  
PUBLIC SERVICE

**From:** Mark Ours [<mailto:mark@on-architects.com>]  
**Sent:** Thursday, October 25, 2012 9:34 AM  
**To:** Blechschmidt, Daniel R.  
**Subject:** 2283 N. High Street - Parking Configuration

Dan:

I believe you have discussed this project with my colleague, Rob Hilbert. In preparing our variance application to add restaurant seating to an existing patio, Don Bier thought that I should get an e-mail from you acknowledging that the existing conditions for the parking lot are acceptable to the City..... i.e. one way traffic that backs onto the alley.

Please find attached our site plan and some photos of the existing conditions.

## Mark Ours

---

**From:** Bier, Donald R. <DRBier@Columbus.gov>  
**Sent:** Monday, November 12, 2012 11:02 AM  
**To:** 'Mark Ours'  
**Cc:** Reiss, David J.  
**Subject:** RE: 2283 N. High Street

**12310-00699**  
**2283 N. High St.**

Mark:

Variances:

- a) **3312.29 Parking space:** variance to permit seven (7) existing 9 ft. x 18 ft. parking spaces, numbered \_\_\_ through \_\_\_ on the site plan titled "PATIO IMPROVEMENT" and dated \_\_\_\_\_ that do not meet the technical minimum size standard for a parking space because they extend onto the next lot to the south.
- b) **3312.25 Maneuvering:** variance to permit seven (7) existing 9 ft. x 18 ft. parking spaces, numbered \_\_\_ through \_\_\_ on the site plan titled "PATIO IMPROVEMENT" and dated \_\_\_\_\_ that extend onto the next lot to the south and so require limited off-site maneuvering.
- c) **3312.49 Minimum number of parking spaces required:** to not require four (4) additional parking spaces for use of an existing patio located in front of an eating and drinking establishment.
- d) **3312.09 Aisle:**

You will need to correct the discrepancy between the hardship statement (700 sq. ft. patio) and site plan (600 sq. ft. patio); these result in different required parking space outcomes for the patio, 4 and 3, respectively.

Number all parking spaces and enter appropriate numbers for Items a and b, above. Reference parking spaces available to the restaurant the same way in the hardship statement.

Thanks,

Don

---

**From:** Mark Ours [<mailto:mark@on-architects.com>]  
**Sent:** Friday, November 09, 2012 4:44 PM  
**To:** Bier, Donald R.  
**Subject:** RE: 2283 N. High Street

Don:

I am shocked the City is working on Monday.

I still need to update the Statement of Hardship to reflect the variance language and include the concept of hardship based on other restaurant competition on High Street.

Attached is everything else I have in PDF. The remainder of my application is hardcopy.