



CITY OF DUBLIN.

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## PLANNING REPORT

### PLANNING AND ZONING COMMISSION

JANUARY 7, 2010

#### CASE INFORMATION

5. **Oscars** **84 & 72 North High Street and 20 North Street**  
**09-105Z** **Rezoning**

Proposal: Rezoning of 0.67 acres on three parcels from CB, Central Business District to HB, Historic Business District, located at the northeast corner of North High Street and North Street.

Request: Review and recommendation of approval to City Council of a rezoning under the provisions of Code Section 153.234.

Applicant: Jack Eggspuehler, owner; represented by Carolyn Temple, Aerosafe Group.

Planning Contact: Jennifer M. Rauch, AICP, Planner II.

Contact Information: (614) 410-4690, [jrauch@dublin.oh.us](mailto:jrauch@dublin.oh.us)

#### Case Summary

This is a request for review and recommendation of approval of a rezoning for three parcels within the Historic District. The applicant is proposing to rezone the 0.67 acres from CB, Central Business District to HB, Historic Business District to ensure long-term compatibility with the development pattern and character of the Historic District. Planning recommends approval of this rezoning.

#### Case Background

The original construction of the three buildings located at 84 and 72 North High Street and 20 North Street occurred in 1930, 1973 and 1988, respectively. Over the years numerous architecture and site modifications have been made (prior to zoning being in effect) or approved since to change uses, address site conditions, modify signs, allow exterior building modifications, and add an outdoor patio. Changes in zoning requirements made elements of the buildings, patio and deck of 84 and 72 North High Street non-conforming.

The site has also received multiple variances for parking and landscaping requirements for the construction of a patio. The most notable was a December 17, 1987 variance for parking and landscaping for the east parking area, approved by the Board of Zoning Appeals with a condition that required that the patio be open to the public as a "park" in lieu of meeting required parking lot landscaping. The variance also permitted a parking reduction from 39 required spaces to zero spaces.

On November 17, 2009 the applicant received ARB approval for a 1,038-square-foot addition and a change to the patios for 84 and 72 North High Street. The approved site plan and elevations are included for reference.

The 1987 variance was affected by the recently approved modifications, which in addition to the non-conforming nature of the buildings, patio and deck require compliance with the current Zoning Code regulations, or the receipt of variances. On December 17, 2009 the BZA approved four variances providing relief for a number of zoning issues related to the new building addition. The variances reduced the required number of parking spaces, allowed a zero front yard setback and an increase in lot coverage (both previously nonconforming), and removed the interior landscape requirements.

The existing patio area located along North High Street is within the right-of-way and the applicant is pursuing approval of a right-of-way encroachment by Dublin Engineering and City Council.

### **Site Description**

#### *Location and Character*

North of the site is the River's Edge 2 office building and parking. To the south is the Brazenhead Irish Pub. To the west across North High Street is the Dublin Branch of the Columbus Metropolitan Library.

The site consists of three parcels located at 84 and 72 North High Street and 20 North Street.

- 84 North High Street: This is a 0.34-acre rectangular parcel with a width of 85 feet along North High Street and a depth of 180 feet. The site contains a beige and brown two-story, 6,900-square-foot mixed-use building with office, retail, and restaurant uses. A deck and outdoor patio is located between 84 and 72 North High Street across the side property line.
- 72 North High Street: This 0.18-acre parcel is on the northeast corner of North High Street and North Street. The property is a flag-shaped with a 2,289-square-foot beige and brown, two-story building along North High Street with retail and office uses.

These two sites are on two levels separated by a retaining wall. The buildings are located at street level with a common pedestrian way providing access to a shared 49 space parking lot at the rear of the sites and to the adjacent buildings. The shared lot serves 84 North High Street, 72 North High Street, and 20 North Street.

- 20 North Street: The site has a 7,025-square-foot, multi-tenant building located to the east along North Street, which matches the buildings at 84 and 72 North High Street.

*Surrounding Zoning and Uses*

The site and properties to the south are zoned CB, Central Business District. Permitted uses in this district include retail, personal services, and business and professional offices. To the west, north, and east are properties zoned SO, Suburban Office and Institutional District.

**Proposed Rezoning**

The proposal would rezone the three parcels from CB, Community Business District to HB, Historic Business District. A comparison of the uses and requirements within two districts follows:

	<b>CB District</b>	<b>Historic Business District</b>
<b>Uses</b>	Residential structures (one through four dwellings), retail stores, administrative offices, personal and consumer services.	Same as CB, with eating and drinking establishments, medical and dental offices, institutional uses, religious uses, child care, parks and public plazas, bed and breakfast establishments, outdoor patios and dance related studios.
<b>Lot Area</b>	None	None
<b>Lot Width</b>	None	60 feet (lot width and frontage)
<b>Front Yard</b>	Right-of-way width as measured from the centerline.	None
<b>Side Yard</b>	Adjacent to residential district, one-fourth the sum of the height and depth of the building, in no case less than 15 feet.	0/total of 5 feet
<b>Rear Yard</b>	Adjacent to residential district, one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than 20 feet.	5 feet
<b>Lot Coverage</b>	80%	80% (unless otherwise permitted by the Architectural Review Board)

**REVIEW STANDARDS**

The Planning and Zoning Commission is to determine whether the proposed rezoning will generally conform to the Dublin Community Plan and other applicable area plans, integrate in an appropriate and compatible manner with surrounding land uses, and generally adhere to other accepted planning policies and practices. After recommendation by the Planning and Zoning Commission, the rezoning application will be forwarded to City Council for public hearing and final vote. A two-thirds vote by City Council will be required to override a negative recommendation by the Planning and Zoning Commission. If approved by Council, the rezoning will become effective 30 days after passage. As determined by the Law Director, no binding conditions of approval may be added to a request for rezoning to a standard zoning district.

**Evaluation and Recommendation based on the Community Plan**

*Future Land Use:* The adopted Future Land Use Map in the Community Plan shows this site as Mixed Use Village Center which is consistent with the uses contained in this rezoning application. The Village Centers include targeted areas near arterials or major collectors that are intended to provide daily retail, major grocers and other conveniences to serve the Dublin community within a 3 to 5-mile radius. Village Centers incorporate moderately-sized nodes of

commercial activity with a target size of 125,000 square feet of gross leasable space. Integrated office uses are encouraged in a manner appropriate to the overall area. Medium to High Density Mixed Residential uses are encouraged and should be integrated to facilitate pedestrian activity and to provide support for commercial uses.

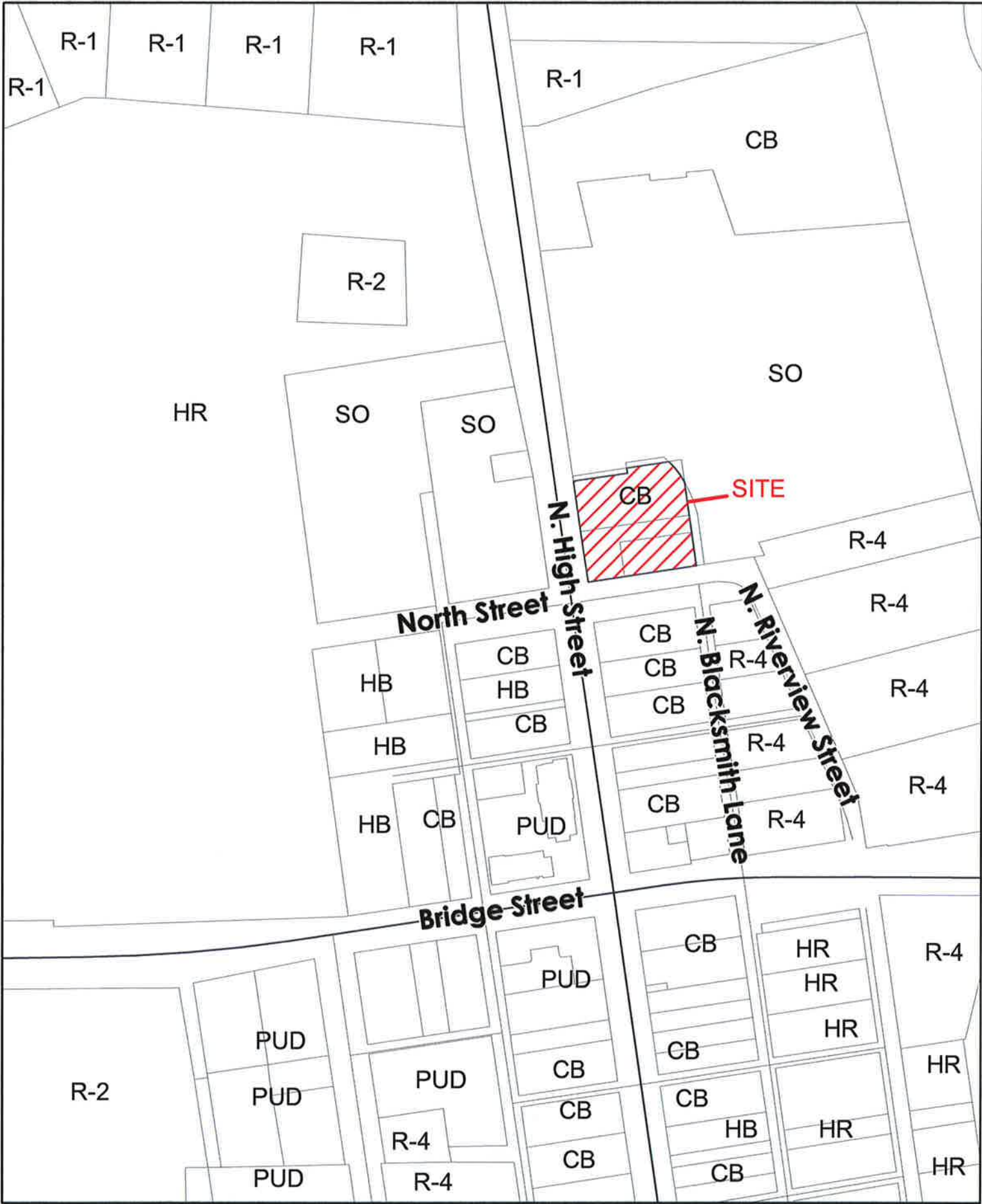
**Future Land Use met:** The uses remain commercial in nature with an intended purpose to serve the local community. The proposed rezoning will allow the site to be governed by regulations more compatible with the development pattern and character within the District, which is consistent with the City's long-term goal of establishing the Historic Business District. Rezoning the site will also eliminate a number of nonconformities and allow for any future redevelopment opportunities to be accommodated more easily.

*Area Plan:* This site is part of the Historic Dublin Area Plan within the Community Plan. The main goal of this area plan is to enhance and revitalize Historic Dublin as activity center within the city that is vibrant, pedestrian-oriented and user friendly with integrated mix of uses that supports economic, civic, recreational and housing opportunities for all segments of Dublin's population.

**Area Plan met:** The existing uses concentrate services and provide an integrated mix of uses, and the design of the site encourages pedestrian activity. The uses permitted in the HB District support the recommendations made by the Area Plan.

**PLANNING OPINION AND RECOMMENDATION: Approval**

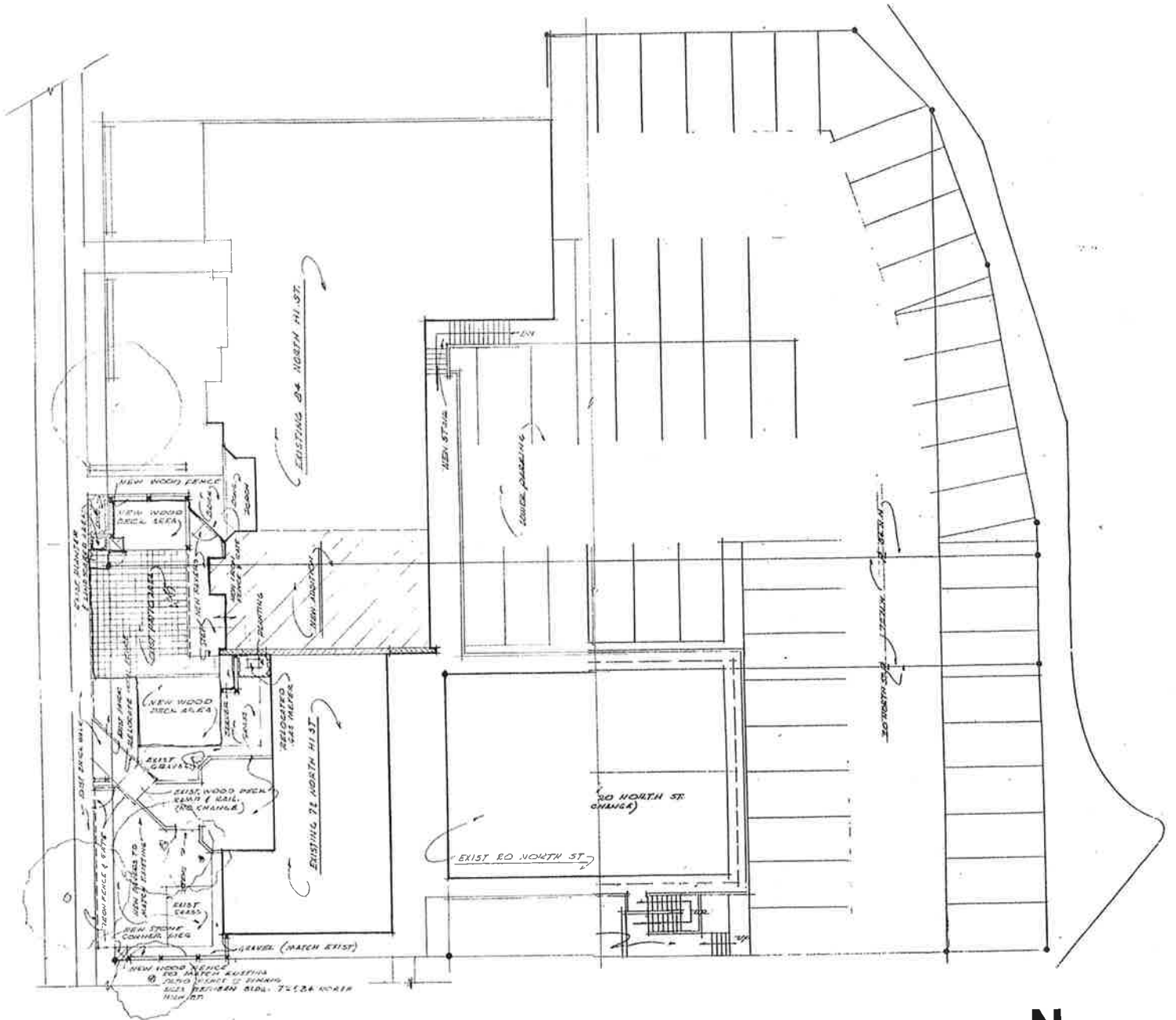
Based on Planning's analysis, the proposed rezoning meets the Future Land Use designation and meets the City's long-term goal of ensuring properties within the Historic District are within the zoning classification consistent with the development located found in this area. Planning recommends approval of the request.





# APPROVED SITE PLAN

(FOR REFERENCE ONLY)



09-105Z  
Rezoning  
Oscar's  
72 & 84 N. High Street, 20 North Street





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Creating a Legacy

**BOARD OF ZONING APPEALS**

**BOARD ORDER**

**DECEMBER 17, 2009**

The Board of Zoning Appeals took the following action at this meeting:

**1. Oscars 84 & 72 North High Street and 20 North Street  
09-106V Variance**

**Proposal:** Multiple variances to reduce the required number of parking spaces, reduce the front yard setback, increase lot coverage, and reduce landscape requirements for an existing business within the Historic District. The site consists of three parcels located at the northeast corner of North High Street and North Street.

**Request:** Review and approval for variances to Code Sections 153.212, 153.072(B), 153.071(B)(4)(b) and 153.133 under the provisions of Code Section 153.231.

**Applicant:** Jack Eggspuehler, owner; represented by Carolyn Temple, Aerosafe, Inc.

**Planning Contact:** Jennifer M. Rauch, AICP, Planner II

**Contact Information:** (614) 410-4690, jrauch@dublin.oh.us

**MOTION #1 of 4:** Sean Cotter made a motion, seconded by Victoria Newell, to approve this Variance application to Code Section 153.212, to permit a reduction in the required number of parking spaces.

**VOTE:** 4 – 0.

**RESULT:** This Variance Application was approved.

**RECORDED VOTES:**

Bangalore Shankar Absent  
Sean Cotter Yes  
Victoria Newell Yes  
Patrick Todoran Yes  
Brett Page Yes

**BOARD OF ZONING APPEALS**

**BOARD ORDER**

**DECEMBER 17, 2009**

1. **Oscars** **84 & 72 North High Street and 20 North Street**  
**09-106V** **Variances**

**MOTION #2 of 4:** Sean Cotter made a motion, seconded by Patrick Todoran, to approve this Variance application to Code Section 153.072(B), to permit a zero front yard setback.

**VOTE:** 4 – 0.

**RESULT:** This Variance application was approved.

**RECORDED VOTES:**

Bangalore Shankar	Absent
Sean Cotter	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes

**MOTION #3 of 4:** Sean Cotter made a motion, seconded by Victoria Newell, to approve this Variance application to Code Section 153.071(B)(4)(b) to permit a 92 percent lot coverage.

**VOTE:** 4 – 0.

**RESULT:** This Variance application was approved.

**RECORDED VOTES:**

Bangalore Shankar	Absent
Sean Cotter	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes

**BOARD OF ZONING APPEALS**

**BOARD ORDER**

**DECEMBER 17, 2009**

- 1. Oscars 84 & 72 North High Street and 20 North Street  
09-106V Variance**

**MOTION #4 of 4:** Sean Cotter made a motion, seconded by Brett Page, to approve this Variance application to Code Section 153.133(B), to permit relief from the interior landscape requirements for the parking lot.

**VOTE:** 4 – 0.

**RESULT:** This Variance application was approved.

**RECORDED VOTES:**

Bangalore Shankar	Absent
Sean Cotter	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes

**STAFF CERTIFICATION**

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Jennifer M. Rauch, AICP  
Planner II

1. **Oscar's** **84 & 72 North High Street and 20 North Street**  
**09-106V** **Variances**

Chair Sean Cotter swore in those intending to speak regarding this case, including Carolyn Temple, representing the owner and applicant, Jack Eggspuehler, and City representatives. Jennifer Rauch presented this request for four variances for three adjoining parcels zoned CB, Central Business District. She described the site and the surrounding area. She stated that the Oscar's restaurant and offices are located at 84 North High Street, and 72 and 20 North High Street also contain office uses. She noted that the parking lot serving all three lots is located to the rear of the buildings. Ms. Rauch said an existing public patio area used by Oscar's is between 84 and 72 North High Street.

Ms. Rauch explained the need for the four variances. She said the building setback for 84 and 72 North High Street are nonconforming because they were constructed before Dublin's current setback regulations were adopted. She said the lots also exceed maximum lot coverage, and the site is under-parked per Code with 50 parking spaces serving all three lots. Ms. Rauch said that besides the 50-space parking lot, the applicant maintains a parking agreement with 94 North High Street for the restaurant to use the lot on weekends and after 5 p.m. on weekdays.

Ms. Rauch said that variances had been granted for parking and the interior landscaping in 1987. She reported that the variance waived the parking requirements for a building addition as well as the interior landscaping requirements for the parking lot, but required the applicant to keep the patio open to the public and retain greenspace to maintain a park-like setting. Ms. Rauch said that the Architectural Review Board had recently approved some site modifications, requiring a new variance request.

She said Code allows a maximum of 80 percent lot coverage and with the increase resulting from the application approved by the Architectural Review Board, the total lot coverage will be 92 percent. She said that interior landscaping requires 800 square feet of landscaping within the parking area, which would require the removal of additional parking spaces, making the parking situation even more problematic.

Ms. Rauch concluded by summarizing the four requested variances:

**Variance 1:** Reduction in the required number of parking spaces.

**Variance 2:** Allow zero front yard setback.

**Variance 3:** Increase the maximum lot coverage.

**Variance 4:** Relief from the interior landscape requirements.

Ms. Rauch said that it was Planning's analysis that all four variances meet all three required standards of Code Section 153.231(H)(1)(2) and at least two of the four findings, and therefore Planning recommends approval of all four variances.

Victoria Newell asked about the parking situation in the Historic District. She was concerned that there already seems to be a lack of available parking, particularly during peak times, and she wondered if approved the parking variance would exacerbate the problem.

Rachel Ray explained that parking was being considered as part of the Bridge Street Corridor Study. She said there is an obvious need for parking and a more coordinated approach to addressing public parking in general throughout the Historic District.

Brett Page said he had observed that the Oscar's parking lot was very full at night and was concerned that the parking was well under what was needed. Mr. Cotter asked what parking was required for the new Bridge and High Street development. Ms. Rauch said the required parking had been waived in lieu of the construction of the City's Darby Street parking lot, and that parking had been addressed in the Planned District text for that development.

Mr. Cotter asked if a rezoning to HB, Historic Business District, would address the need for a parking variance. Ms. Rauch explained that a rezoning would resolve the setback and lot coverage issues, but the parking and interior landscaping are not a specific to any particular zoning district and would not be resolved. She reported that Oscar's submitted a rezoning application which will be on the January 7, 2010 Planning and Zoning Commission meeting agenda.

Carolyn Temple, 20 North Street, the applicant's representative, commented that she had observed the parking lot during the lunch hour and it never was completely full. She said there is a separate employee parking lot for 20 North High Street and Oscar's. She acknowledged that better signage was needed to get drivers to use the additional parking spaces that are available at 94 North High Street during the evenings and weekends.

Mr. Cotter commented that effective signs for parking locations will be important when the Bridge and High businesses open.

Tammy Noble-Flading explained that the City is currently working on a wayfinding sign package to provide better identification of public parking lots.

Ms. Newell clarified that she was not concerned with the Oscar's expansion and parking, and she thought there were legitimate hardships on this site that were unique to Historic Dublin and this property that would warrant the variances.

#### **Motion #1 and Vote**

Sean Cotter made a motion, seconded by Victoria Newell, to approve this Variance application to Code Section 153.212, to permit a reduction in the required number of parking spaces. The vote was as follows: Mr. Page, yes; Mr. Todoran, yes; Ms. Newell, yes; and Mr. Cotter, yes. (Approved 4 – 0)

#### **Motion #2 and Vote**

Sean Cotter made a motion, seconded by Patrick Todoran, to approve this Variance application to Code Section 153.072(B), to permit a zero front yard setback. The vote was as follows: Mr. Page, yes; Ms. Newell, yes; Mr. Todoran, yes; and Mr. Cotter, yes. (Approved 4 – 0.)

#### **Motion #3 and Vote**

Sean Cotter made a motion, seconded by Victoria Newell, to approve this Variance application to Code Section 153.071(B)(4)(b) to permit a 92 percent lot coverage. The vote was as follows: Mr. Page, yes; Mr. Todoran, yes; Ms. Newell, yes; and Mr. Cotter, yes. (Approved 4 – 0.)

#### **Motion #4 and Vote**

Sean Cotter made a motion, seconded by Brett Page, to approve this Variance application to Code Section 153.133(B), to permit relief from the interior landscape requirements for the parking lot. The vote was as follows: Mr. Todoran, yes; Ms. Newell, yes; Mr. Cotter, yes. (Approved 4 – 0.)



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ARCHITECTURAL REVIEW BOARD

BOARD ORDER

NOVEMBER 17, 2009

The Architectural Review Board took the following action at this meeting:

1. **Oscar's Restaurant** **84 & 72 North High Street**  
**09-002ARB** **Building Modification**

Proposal: A 1,038-square-foot building addition to an existing building located at 84 North High Street that will encroach onto the property at 72 North High Street. The 0.34- and 0.18-acre sites are located at the northeast intersection of North High and North Streets within the Historic District.  
Request: Review and approval of building modifications under the provisions of the *Historic Dublin Design Guidelines*.  
Applicant: Jack J. Eggspuehler; represented by Linda Campisano, Aero Safe Group.  
Planning Contact: Jennifer M. Rauch, AICP, Planner II  
Contact Information: (614) 410-4690, jrauch@dublin.oh.us

**MOTION:** Carl Karrer made a motion, seconded by Denise Franz King, to approve this application because it meets the *Historic Dublin Design Guidelines* and the requirements of the Zoning Code with the following nine conditions:

1. The applicant rezone the properties at 84 and 72 North High Street, and 20 North Street to HB, Historic Business District, as soon as is reasonably feasible;
2. The applicant gain approval of right-of-way encroachment from Engineering and City Council to permit the patio to remain in the High Street right-of-way, prior to obtaining a building permit;
3. The applicant obtain a parking variance to accommodate the variety of uses provided on site and account for the additional building square footage, prior to obtaining a building permit;
4. The proposed deck area north of existing patio be eliminated and the existing planting area and stone wall be retained;
5. The proposed deck material located south of the existing patio and the existing brick pavers located along the sidewalk in front of 72 North High be replaced with the larger stone pavers to match the existing patio area and minimize construction impacts on the existing tree located in front of 72 North High;

**ARCHITECTURAL REVIEW BOARD  
BOARD ORDER  
NOVEMBER 17, 2009**

**1. Oscar's Restaurant  
09-002ARB**

**84 & 72 North High Street  
Building Modification**

6. The proposed steps to the new patio area be moved west along the walkway to and the extent of the proposed patio area be limited to a smaller area to minimize impacts to the existing trees, subject to Planning approval;
7. The existing bike racks be appropriately relocated on the site, subject to Planning approval;
8. Planning confirm with the appropriate authority that the proposed HB, Historic Business District zoning will not create a violation with the construction of a building across property lines; and
9. The applicant submit a rendering showing the view of the fire wall on the north end of 72 North High Street, as seen from North and North High Streets, in a timely fashion and subject to approval by Planning. If Planning approval is not given, the issue shall return to the Architectural Review Board.

**VOTE:** 4 – 0.

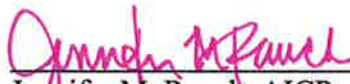
**RESULT:** This application was approved.

\* Mike Tibbetts and Jack Eggspueler, applicant and owner, agreed to the conditions listed above.

**RECORDED VOTES:**

William Souders	Absent
Tom Currie	Yes
Robert Schisler	Yes
Carl Karrer	Yes
Denise Franz King	Yes

**STAFF CERTIFICATION**

  
Jennifer M. Rauch, AICP  
Planner II

**1. Oscar's Restaurant  
09-002ARB**

**84 & 72 North High Street  
Building Modification**

Jennifer Rauch presented this request for review and approval of architectural and site modifications that include removing the existing deck and landscaped areas for a 1,038-square foot addition located between the 84 and 72 North High Street buildings. She said each of the three parcels contain a building with similar architectural features, paint colors, and materials. She described the existing building sizes and locations.

Ms. Rauch said the existing landscaped area is proposed to be removed to account for the addition and to accommodate newly proposed deck and patio area. She said the applicant proposes to provide two new wood deck areas. Ms. Rauch said Planning recommends the existing northern landscape area remain to continue the existing park-like feel, and the southern deck incorporate the stone tile detail on the existing patio to provide continuity between the spaces. She said the new outdoor area will be enclosed with a wrought iron fence, similar to what exists.

Ms. Rauch said the changes for 72 North High Street include the addition of an outdoor area for MJ Candy patrons. She said steps are proposed from the wood deck area down into the patio. She said Planning recommends the entrance proposed for the new outdoor area be shifted northwest to avoid existing trees, and the expanse of the patio be limited to minimize the impact to the existing trees.

Ms. Rauch said Planning recommends the bike racks located adjacent to the existing 84 N. High Street patio, be relocated appropriately onsite.

Ms. Rauch reported there were zoning requirement issues related to the setbacks, lot coverage and use of the patio, which Planning recommends be addressed through a condition to rezone the site to allow for zero lot line setbacks and lot coverage exceeding 80 percent to be approved by the Board. She pointed out the existing patio encroaches into the High Street right-of-way which requires separate approval, a rezoning and a right-of-way encroachment to allow it to continue. Ms. Rauch said an existing rear parking lot serves all three of the buildings, and Planning recommends the applicant pursue a parking variance to address the additional parking required as a part of the addition.

Ms. Rauch said the addition will mimic the architectural details of the northernmost portion of the building with the cross gable and box-bay window. She said the applicant also proposes to remove the existing entrance door and replace it with a window. She said the entrance door will be relocated to the south and a portion of the existing wrought iron fence will be centered in front of the existing picture window. Ms. Rauch said the new addition will incorporate the same colors, materials, and design as the existing building. She said the same architectural details are proposed on the rear of the building with arched windows, two-stories, and a cross-gable design to match the existing building.

Ms. Rauch said Planning believes that the scale and massing of the building are met with this addition and are appropriate, and therefore recommends approval with the seven conditions listed in the Planning Report.

Robert Schisler pointed out that the Board had received two elevations, and asked which they were to review. Eugenia Martin clarified that the Board was to review Sheet 3, revised September 17, 2009.

Mr. Schisler clarified that the same property owned all three buildings on separate parcels. Ms. Rauch described each parcel.

Mr. Schisler noted that one building crossed the property line and asked if those two lots were combined.

Ms. Rauch explained the three buildings were on three separate parcels. She said Planning recommends the three lots be rezoned to HB, Historical Business District, to allow a zero front yard, side yard, and modified rear yard setbacks based on their location. Ms. Rauch said the applicant has been working with the Building Department to resolve any potential Building Code issues. She said from a zoning perspective, a rezoning of these three parcels would resolve those issues.

Eugenia Martin confirmed that if there was a question of a building crossing property lines, it was a common situation in the Historic District. She said 6 through 12 South High Street, Donatos and the Barber Shop, was a good example where there were two different parcels and the building crosses over the property line. She said a similar situation exists with this proposal.

Ms. Rauch reiterated the Zoning Code does not state a building has to end at the lot line, a building could cross the property line. She explained further that there is no requirement that the building has to be built to only the property line, just that there is no side yard setback.

Mr. Schisler said they were going beyond the property lot line into the neighbor's lot and he did not understand that. Ms. King explained that a neighbor was not involved because one person owned all three lots.

Tom Currie asked what the ARB's role would be if one parcel was sold and they had approved a building crossing the property line.

Ms. Martin said the property owner purchasing the land would have agreements understanding the building crosses over the southern property line.

Mr. Schisler said his preliminary comment for the design, immaterial of the architecture itself, is the proposal adds to the lot coverage which already exceeds 80 percent. He said it should not be increased because the proposal would take away the character and the openness in the area.

Ms. Rauch said even if the applicant rezones to HB, it will be non-conforming in terms of the lot size, it being too small. She reiterated the parcels are owned by the same person and has agreed to allow this building to extend over the property line. Ms. Rauch said from a zoning perspective, the Code does not prohibit this, because it allows a side yard setback of zero. She said the Code also allows the Board to approve increased lot coverage.

Carl Karrer said there should be a variance request to allow the structure to cross the property line.

Ms. Rauch said if the property is rezoned, the applicant does not have to request a variance to cross the property line. She explained further that if it is zoned HB, then the side yard setback is zero, meaning there is no side yard setback.

Mr. Karrer said he thought Mr. Schisler's observation was accurate that a zero setback may cause issues in the future with a building crossing the property line, but it is also beyond the domain of the Board. He suggested that the Board refer the issue to the Planning and Zoning Commission or Board of Zoning Appeals to get the appropriate approval. Ms. Rauch confirmed that was the intent.

Mr. Schisler said it would become a Building Code issue, because once the building extended across the property line, the building behind it has openings and the Fire Marshal will need to get involved as it is not one building. He said he understood there would be a firewall, but that would be a major aesthetic issue in how the buildings are combined. He said it could change the elevation and architecture.

Ms. Martin reported that the applicant has been working closely with the Building Department and Commercial Plans Examiner through the zoning process. She pointed out that the application was submitted early this year, so everyone has been working extensively to make sure that all the issues are addressed so that it would not alter the exterior elevation.

Jack Eggspuehler, applicant/owner of the three properties, said that after many years, Oscar's needs to have something done to freshen up the building. He said combined buildings was in keeping with what was done with Bridge Street.

Mr. Eggspuehler agreed with the seven conditions as listed in the Planning Report.

Mike Tibbetts, the operator of the restaurant, agreed that the restaurant needed a facelift. He said they began this process in January, hoping to begin the construction over the winter and have the construction before the patio season, which is critical for the operation. Mr. Tibbetts said should they be forced to be closed for construction into the spring and summer, it would probably serve to effectively end this plan, at least for the year.

Mr. Schisler said the proposed front elevations aesthetically looked nice, but he was concerned the large firewall would have to extend above the roof and stand out when looking into the site from the southwest into the site. He said he would like to see how that is being treated.

Mr. Tibbetts said they worked with the Fire Department and Ray Harpham extensively.

Ms. Rauch noted an existing firewall on the site at the end of the north elevation of 72 North High Street.

Mr. Tibbetts said the fire barrier proposed on the 84 North High Street building would similarly match. Mr. Schisler pointed out that a firewall had to be higher than the highest roof.

Ms. King said her only concern was about this proposal meeting the *Dublin Historic Design Guidelines*. She commented that she was thrilled to have a business on High Street that was

doing so well it wants to expand. She said as long as the *Guidelines* are met and the applicant agrees to the conditions proposed by Planning, she was in favor of the project.

Mr. Schisler reiterated that he would like to see what the firewall and the screened electric meters would look between the existing and new buildings. He said if the Fire Marshal did not care about the lot lines and the square footage being exceeded for a Type 5B building, it was not the Board's privy. He said he would like to see the wall disappear and the two buildings just be married together.

Mr. Currie noted that the main entrance is shown on the east side of the building. He asked if the ADA accessible access was from the High Street entrance.

Mr. Tibbetts said the main entrance at the parking lot and the new front entrance are ADA accessible.

Mr. Schisler noted that it was a Building Code issue, but if the plan was drawn to scale, there was an accessibility circulation problem. He suggested that their architect review it.

Mr. Schisler asked if the parking requirements for the commercial district were satisfied for the addition. Ms. Rauch said the proposal will require a parking variance, reviewed and approved by the BZA to address the parking for the site.

Ms. King asked if there was a way to structure an additional condition so that the concern about the view of the brick wall from the corner of North and North High Streets could be addressed through the landscaping plan, so that the applicant can move forward.

Mr. Schisler pointed out that if the Fire Marshal requires a brick wall, it has to be ten feet from any opening. He said the Board may not be happy with the brick wall after all the Code implications. He said he would like to see it resolved as to what it is going to be, meeting all the Code requirements.

Ms. Rauch explained that if something changed on the plan or elevation as a result of the Fire Code or Building Code, the applicant would have to come back to the Board for reapproval. She said the proposal the Board approves tonight is what the applicant is permitted to construct.

Mr. Karrer suggested the addition of an eighth condition requesting Planning confirm with the appropriate authority that the proposed HB, Historic Business District zoning will not create a violation with the construction of a building crossing the property line.

### **Motion and Vote**

Mr. Karrer made a motion, seconded by Denise Franz King to approve this application because it meets the *Historic Dublin Design Guidelines* and the requirements of the Zoning Code with the following eight conditions:

1. The applicant rezone the properties at 84 and 72 North High Street, and 20 North Street to HB, Historic Business District, as soon as is reasonably feasible;

2. The applicant gain approval of right-of-way encroachment from Engineering and City Council to permit the patio to remain in the High Street right-of-way, prior to obtaining a building permit;
3. The applicant obtain a parking variance to accommodate the variety of uses provided on site and account for the additional building square footage, prior to obtaining a building permit;
4. The proposed deck area north of existing patio be eliminated and the existing planting area and stone wall be retained;
5. The proposed deck material located south of the existing patio and the existing brick pavers located along the sidewalk in front of 72 North High be replaced with the larger stone pavers to match the existing patio area and minimize construction impacts on the existing tree located in front of 72 North High;
6. The proposed steps to the new patio area be moved west along the walkway to and the extent of the proposed patio area be limited to a smaller area to minimize impacts to the existing trees, subject to Planning approval;
7. The existing bike racks be appropriately relocated on the site, subject to Planning approval; and
8. Planning confirm with the appropriate authority that the proposed HB, Historic Business District zoning will not create a violation with the construction of a building across property lines.

Mr. Currie expressed concerns about the overall aesthetic of the proposed firewall located at the north end of the 72 North High Street building and approving a proposal without a detail of this architectural element.

Ms. King suggested a ninth condition:

9. “The applicant submits a rendering showing the view of the fire wall on the north end of 72 North High Street, as seen from North and North High Streets, in a timely fashion and subject to approval by Planning. If Planning approval is not given, the issue shall return to the Architectural Review Board.”

Mr. Karrer amended his motion, adding Condition 9. Ms. King seconded the motion.

Mr. Eggspuehler extended kudos to Planning for helping them get this application to this point, which he said was a remarkable task.

Mr. Tibbetts said they agreed to the nine conditions.

The vote was as follows: Mr. Currie, yes; Mr. Schisler, yes; Ms. King, yes; and Mr. Karrer, yes. (Approved 4 – 0.)



**BOARD OF ZONING APPEALS  
BOARD ORDER**

**NOVEMBER 20, 2003**

CITY OF DUBLIN

Division of Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/TDD: 614-410-4600  
Fax: 614-761-6566  
Web Site: www.dublin.oh.us

The Board of Zoning Appeals took the following action at this meeting:

- 3. **Variance 03-144V – Nathan’s – 72 North High Street**  
**Location:** 0.18-acre located on the northeast corner of North High Street and North Street.  
**Existing Zoning:** CB, Central Business District.  
**Request:** A variance to Section 153.212 to reduce the required number of parking spaces from 31 to zero spaces.  
**Proposed Use:** A 2,083-square foot commercial building with a 1,383-square foot restaurant and 700 square feet of office space.  
**Applicant:** 72 North High Company, Limited, c/o Jack Eggspuehler, 20 North Street, Dublin, Ohio 43017; represented by Corey Tacosik, 4448 Hanna Hills Drive, Dublin, Ohio 43016.  
**Staff Contact:** Mark Zuppo, Jr., Planner.

**MOTION:** To table this variance due to lack of quorum. Mr. Skillman had a conflict and could not vote on this case. The applicant will be scheduled first on the December 18, 2003 agenda.

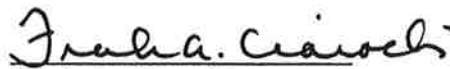
**VOTE:** 3 – 0.

**RESULT:** This variance was tabled.

**RECORDED VOTES:**

Brent Davis	Absent
Jeffrey Ferezan	Yes
G. Lynn McCurdy	Yes
Ray Harpham	Absent
Drew Skillman	Yes

**STAFF CERTIFICATION**

  
 Frank A. Ciarochi  
 Acting Planning Director



CITY OF DUBLIN..

**ARCHITECTURAL REVIEW BOARD  
BOARD ORDER**

**November 19, 2003**

Division of Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/TDD: 614-410-4600

Fax: 614-761-6566

Web Site: www.dublin.oh.us

The Architectural Review Board took the following action at this meeting:

- 3. Architectural Review Board 03-107ARB – Nathan’s – 72 North High Street**  
**Location:** 0.18-acre located on northeast corner of North High Street and North Street.  
**Existing Zoning:** CB, Central Business District.  
**Request:** Review and approval of a five-square foot, post-mounted identification sign and roof-mounted kitchen vents.  
**Proposed Use:** A 2,083-square foot commercial building with a 1,383-square foot restaurant (conversion from retail) and 700 square feet of office space.  
**Applicant:** 72 North High Company, Limited, c/o Jack Eggspuehler, 20 North Street, Dublin, Ohio 43017; represented by Corey Tacosik, 4448 Hanna Hills Drive, Dublin, Ohio 43016.  
**Staff Contact:** Carson C. Combs, AICP, Senior Planner.

**MOTION #1:** To approve this request with eight conditions:

- 1) That final details for the proposed ramp be provided prior to the issuance of a building permit, subject to staff approval;
- 2) That the proposed exhaust siding be painted crème with the cap and trim painted to match the roof, and the air intake painted to match the roof, subject to staff approval;
- 3) That a building permit from the Division of Building Standards be obtained for the proposed building improvements;
- 4) That a sign permit be obtained from the Division of Planning prior to installation;
- 5) That any future lighting for the proposed sign be brought back to the ARB for consideration;
- 6) That an application for a revised, comprehensive variance for shared parking and a reduction in required parking spaces for 72 North High Street, 84 North High Street, and 20 North Street be submitted to the Board of Zoning Appeals by January 2, 2004;
- 7) That necessary parking variances be obtained from the Board of Zoning Appeals, or that Code be met; and
- 8) That hours of operation for the proposed restaurant be restricted to breakfast and lunch hours (no later than 3:00 p.m.).

09-105Z  
Rezoning  
Oscar's  
72 & 84 N. High Street, 20 North Street

**3. Architectural Review Board 03-107ARB – Nathan’s – 72 North High Street (Continued)**

\*Corey Tacosik agreed to the above conditions.

**VOTE:** 4 – 0.

**RESULT:** The application was approved.

**MOTION #2:** To request that the City Manager increase traffic enforcement for pedestrian and vehicular safety, and that the Board of Zoning Appeals encourage the applicant to utilize pamphlets and other signage to direct restaurant patrons to designated parking areas.

**VOTE:** 4 – 0.

**RESULT:** The approved request will be forwarded to the City Manager and the Board of Zoning Appeals.

<b>RECORDED VOTES:</b>	<b>MOTION #1</b>	<b>MOTION #2</b>
Janet Axene	Yes	Yes
Allan Staub	Yes	Yes
Richard Taylor	Absent	Absent
David Larson	Yes	Yes
Thomas Holton	Yes	Yes

**STAFF CERTIFICATION**



\_\_\_\_\_  
Carson C. Combs, AICP  
Senior Planner



**ARCHITECTURAL REVIEW BOARD  
BOARD ORDER**

**November 19, 2003**

CITY OF DUBLIN

Division of Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/TDD: 614-410-4600  
Fax: 614-761-6566  
Web Site: www.dublin.oh.us

The Architectural Review Board took the following action at this meeting:

- 4. **Architectural Review Board 03-128ARB – Oscar’s – 84 North High Street**  
**Location:** 0.34-acre located on the east side of North High Street, 80 feet north of North Street.  
**Existing Zoning:** CB, Central Business District.  
**Request:** Review and approval of exterior modifications that include an 18.2-square foot expansion to create a front entrance vestibule, the removal of exterior rear entrance steps with a 131.6-square foot patio expansion, and revised mechanical screening.  
**Proposed Use:** A 6,900-square foot, mixed-use building containing 3,070 square feet of restaurant space, a 1,560-square foot outdoor dining patio, 3,230 square feet of office uses, and a 600-square foot salon.  
**Applicant:** 84 North High Company, LTD., c/o Jack Eggspuehler, 20 North Street, Dublin, Ohio 43017.  
**Staff Contact:** Carson C. Combs, AICP, Senior Planner.

**MOTION:** To approve this request for the front vestibule *only*, with two conditions:

- 1) That final details for all improvements be provided prior to the issuance of building permits, subject to staff approval; and
- 2) That a building permit be obtained from the Division of Building Standards prior to construction.

\*Jack Eggspuehler agreed to the above conditions.

**VOTE:** 4 – 0.

**RESULT:** The application was approved with the indication from the applicant that all other proposed items will be re-submitted for consideration at a later date.

**RECORDED VOTES:**

Janet Axene	Yes
Allan Staub	Yes
Richard Taylor	Absent
David Larson	Yes
Thomas Holton	Yes

**STAFF CERTIFICATION**

Carson C. Combs, AICP  
Senior Planner

09-105Z  
Rezoning  
Oscar's  
72 & 84 N. High Street, 20 North Street



**C I T Y O F D U B L I N**  
 Department of Planning & Development

**BOARD ORDER  
 BOARD OF ZONING APPEALS  
 CITY OF DUBLIN, OHIO**

**JANUARY 23, 1992**

5. **Variance Application V92-002 - Irish Pub at 72 North High Street**  
Location: An existing building at the northeast corner of North Street and North High Street (72 North High Street) with shared off-site parking on the west side of North Blacksmith Lane to the south of North Street (38 and 40 North High Street)  
Existing Zoning: CB, Central Business District.  
Request: Variances from the following provisions:  
 1) To Section 1193.13 to permit a reduction in the required number of new parking spaces from 33 to 15 spaces to support the conversion of an office to tavern/restaurant use;  
 2) To Section 1193.04(a) to permit the joint use of parking, for nine additional spaces behind 38 North High Street (total lot of 17 spaces will now be under lease), and for six proposed spaces to be installed behind 40 North High Street;  
 3) To Section 1193.06(a) to permit the installation of six new parking spaces that are gravel, not hard-surfaced, at 40 North High Street.  
Proposed Use: Conversion of 2,060 square foot office structure for use as an Irish pub.  
Applicant: Jack J. Eggspuehler, 20 North High Street, Dublin, OH 43017.

**MOTION:** To approve Variance Application V92-002 with the following conditions:

- 1) Hours of operation to be restricted to 4:00 p.m. and later, Monday-Friday and 12:00 p.m. and later on Saturday and Sunday;
- 2) Wheel stops to be placed in the lot at 38 North High to maximize number of parking spaces and identify each parking space;
- 3) Outdoor seating to be prohibited unless prior approval by both ARB and BZA;
- 4) Lighting to be installed in parking lot at 38 North High. Lighting to be installed by the opening date and to meet Dublin lighting guidelines;
- 5) Existing light at Oscar's to be redirected with staff's approval;
- 6) Existing light at Oscar's to be replaced by December 18, 1994, with cutoff fixture to meet Dublin lighting guidelines; and
- 7) The large tree behind 40 N. High Street to be protected during construction and preserved thereafter.

**RESULT:** Approved

**VOTE:** 4-0 Motion to approve V92-002

**BOARD MEMBER:**

John Belton  
 John Ferrara  
 Frank T. Pandora II  
 Becky Saylor  
 Peter Zawaly

**VOTE:**

Yes  
 Yes  
 Yes  
 Yes  
 Absent

Signature of Staff Member in attendance, certifying that outcome of this case was as reported above.

*Barbara M. Clarke 1/22/92*  
 Barbara M. Clarke Date  
 Zoning Administrator



CITY OF DUBLIN  
Department of Planning & Development

BOARD ORDER  
ARCHITECTURAL REVIEW BOARD  
CITY OF DUBLIN, OHIO

DECEMBER 18, 1991

Tabled Case: Application ARB91-017 - Irish Pub - 72 North High Street

Location: Existing office building located on the northeast corner of North High Street and North Street.

Existing Zoning: CB, Central Business District

Request: Conversion of office space to a tavern - Recommendation to the Board of Zoning Appeals for parking variance.

Proposed Use: Irish Tavern

Applicant: J.J. Eggspuehler c/o T.E. Caplinger

RESULTS: Recommended to the Board of Zoning Appeals (BZA) VOTE: 5-0

CONDITIONS: 1.) Hours of operation to be restricted to 4:00 p.m. and later, Monday-Friday and 12:00 p.m. and later on Saturday and Sunday.

2.) If lot at 40 N. High is not paved, ARB is supportive of surface variance.

3.) Wheel stops be placed in the lot at 38 North High to maximize number of parking spaces and identify each parking space.

4.) Outdoor seating be prohibited unless prior approval by both ARB and BZA.

5.) Lighting to be installed in parking lot at 38 North High. Lighting to be installed by the opening date and to meet Dublin lighting guidelines.

6.) Existing light at Oscar's to be redirected with Staff's approval.

7.) Existing light at Oscar's to be replaced by December 18, 1994, with cutoff fixture to meet Dublin lighting guidelines.

BOARD MEMBER: VOTE:

Gerald DeGrazia Yes  
Thomas Kellett Yes  
Lowell Mast Yes  
Bill Miller Yes  
Donna Schenk Yes

Signature of Staff Member  
in attendance, certifying  
that the outcome of this  
case was as reported above.

Mary H. Newcomb 12/19/91  
Name Date



C I T Y O F D U B L I N  
Department of Planning & Development

BOARD ORDER  
ARCHITECTURAL REVIEW BOARD  
CITY OF DUBLIN, OHIO

AUGUST 28, 1991

Application ARB91-017 - 72 North High Street

Location: Existing office building located on the southeast corner of North High Street and North Street.

Existing Zoning: CB, Central Business District

Request: Conversion of office space to a tavern - Recommendation to the Board of Zoning Appeals for parking variance.

Proposed Use: Irish Tavern

Applicant: J.J. Eggspuehler c/o T.E. Caplinger

RESULTS: Tabled until next meeting. VOTE: 4-0

CONDITIONS: Applicant to reach joint parking agreement with nearby property owner(s).

BOARD MEMBER:

VOTE:

Gerald DeGrazia	Yes
Thomas Kellet	Yes
Lowell Mast	Yes
Bill Miller	Yes
Donna Schenk	Absent

Signature of Staff Member in attendance, certifying that the outcome of this case was as reported above.

Mary H. Neumann 9/6/91  
Name Date



C I T Y O F D U B L I N  
Department of Planning & Development

BOARD ORDER 1 of 3  
ARCHITECTURAL REVIEW BOARD  
CITY OF DUBLIN, OHIO

AUGUST 28, 1991

Application ARB91- 020 - Oscar's - 84 North High Street  
Locations: Existing restaurant/bar located on the east side of North High Street, approximately 100 feet north of North Street.  
Exisiting Zoning: CB, Central Business District  
Request: Approval of patio fencing and gate, exterior carpeting, and awning signage.  
Proposed Use: Restaurant/Bar  
Applicant: Brad Eggspuehler

RESULTS: 1. Fencing - Approved as submitted VOTE:4-0  
by the applicant

CONDITIONS:

BOARD MEMBER:

Gerald DeGrazia  
Thomas Kellet  
Lowell Mast  
Bill Miller  
Donna Schenk

VOTE:

Yes  
Yes  
Yes  
Yes  
Absent

Signature of Staff Member  
in attendance, certifying  
that the outcome of this  
case was as reported above.

Mary H. Newcomb 1/4/91  
Name Date



C I T Y O F D U B L I N

Department of Planning & Development

BOARD ORDER 2 of 3  
ARCHITECTURAL REVIEW BOARD  
CITY OF DUBLIN, OHIO

AUGUST 28, 1991

Application AR391- 020 - Oscar's - 84 North High Street  
Locations: Existing restaurant/bar located on the east side of North High Street, approximately 100 feet north of North Street.  
Existing Zoning: CB, Central Business District  
Request: Approval of patio fencing and gate, exterior carpeting, and awning signage.  
Proposed Use: Restaurant/Bar  
Applicant: Brad Eggspuehler

RESULTS: Canopy sign approved VOTE: 4 - 0

- CONDITIONS:
1. Color to be Sunbrela #4603 Jockey Red.
  2. White lettering "Oscar's" on canopy to match those on ground sign in front.
  3. Existing rear entrance sign to be removed when canopy sign is installed.

BOARD MEMBER:

VOTE:

Gerald DeGrazia Yes  
Thomas Kellet Yes  
Lowell Mast Yes  
Bill Miller Yes  
Donna Schenk Absent

Signature of Staff Member  
in attendance, certifying  
that the outcome of this  
case was as reported above.

*Mary H. Newcomb* 1/6/91  
Name Date



C I T Y O F D U B L I N

Department of Planning & Development

BOARD ORDER 3 of 3  
ARCHITECTURAL REVIEW BOARD  
CITY OF DUBLIN, OHIO

AUGUST 28, 1991

Application ARB91- 020 - Oscar's - 84 North High Street  
Locations: Existing restaurant/bar located on the east side of North High Street, approximately 100 feet north of North Street.  
Existing Zoning: CB, Central Business District  
Request: Approval of patio fencing and gate, exterior carpeting, and awning signage.  
Proposed Use: Restaurant/Bar  
Applicant: Brad Eggspuehler

RESULTS: Carpeting- Applicant to work with VOTE: 4-0  
Staff regarding covering for walkway

CONDITIONS:

BOARD MEMBER:

VOTE:

Gerald DeGrazia Yes  
Thomas Kellet Yes  
Lowell Mast Yes  
Bill Miller Yes  
Donna Schenk Absent

Signature of Staff Member  
in attendance, certifying  
that the outcome of this  
case was as reported above.

*Mary H. Newcomb, 9/6/91*  
Name Date