

**Board of Zoning Adjustment Application**

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

**BZA15-126**

**755 South High Street**

OFFICE USE ONLY

Application Number: BZA 15-126 Date Received: 11/16/15  
Application Accepted by: W. Reiss Fee: \$1,900.00  
Commission/Civic: Brewery District  
Existing Zoning: C-4  
Comments: 1/26/15

**TYPE(S) OF ACTION REQUESTED** (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

Operation of New boutique barbeque venue located in Brewery District historic property.  
Request variances: 3312.49 (parking spaces) 3312.13 (driveway width)  
3312.25 (substantiating maneuverability) Addendum to Graphics Commission for sign approval.

**LOCATION**

Certified Address: 755 South High Street City: Columbus Zip: 43206

Parcel Number (only one required): 010-025608-00

**APPLICANT** (If different from Owner):

Applicant Name: Maxwell A. McGarity Phone Number: 614-316-6126 Ext.: N/A

Address: 5724 Autumn Hill Court City/State: Columbus / OH Zip: 43235

Email Address: Max@PapayaBBQ.com Fax Number: N/A

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

Name: Lauren T. McGarity and Michael W. McGarity Phone Number: 614-207-5232 Ext.: —

Address: 5724 Autumn Hill Court City/State: Columbus / OH Zip: 43235

Email Address: Lauren.T.McGarity@gmail.com Fax Number: N/A

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

Name: Lauren T. McGarity Phone Number: 614-207-5232 Ext.: —

Address: 5724 Autumn Hill Ct. City/State: Columbus / OH Zip: 43235

Email Address: Lauren.T.McGarity@gmail.com Fax Number: N/A

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

APPLICANT SIGNATURE Max McGarity

PROPERTY OWNER SIGNATURE Lauren T. McGarity

ATTORNEY / AGENT SIGNATURE Lauren T. McGarity

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

**Please make checks payable to the Columbus City Treasurer**

**AFFIDAVIT**

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Maxwell A. McGarity  
of (1) MAILING ADDRESS 5724 Autumn Hill Court Columbus, Ohio 43235

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 755 South High Street Columbus, Ohio 43206

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Lauren T. McGarity and Michael W. McGarity  
5724 Autumn Hill Court  
Columbus, Ohio 43235

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

Maxwell A. McGarity  
614-316-6126

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

(5) Brewery District Commission  
James A. Goodman, Asst. Historic Preservation officer  
50 West Gay St. Columbus, Ohio 43215

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 NAME	(6a) PROPERTY ADDRESS	(6b) PROPERTY OWNER MAILING ADDRESS
-------------------------	-----------------------	-------------------------------------


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

(8) SIGNATURE OF AFFIANT Max McGarity

Sworn to before me and signed in my presence this 18th day of November in the year 2015

David J. Reiss  
(8) SIGNATURE OF NOTARY PUBLIC

DAVID J. REISS  
NOTARY PUBLIC - STATE OF OHIO  
My Commission Expires MAY 30, 2020  
Notary Seal Here

**APPLICANT**

Maxwell A. McGarity  
5724 Autumn Hill Court  
Columbus, Ohio 43235

**PROPERTY OWNER(S)**

Lauren T. McGarity and  
Michael W. McGarity  
5724 Autumn Hill Court  
Columbus, Ohio 43235

**ATTORNEY**

Lauren T. McGarity  
5724 Autumn Hill Court  
Columbus, Ohio 43235

**AREA COMMISSION OR NEIGHBORHOOD GROUP**

Brewery District Commission  
James A. Goodman, contact person  
50 West Gay Street  
Columbus Ohio 43215

**SURROUNDING PROPERTY OWNERS**

Charles Wicks  
c/o 750 South Front Street  
10580 Riverside Drive  
Powell, Ohio 43065

740 South High Street LLC  
c/o Rich Conie  
3900 Tarrington Lane  
Columbus, Ohio 43220

Martin Management Company, Inc.  
795 South Wall Street  
Columbus Ohio 43206

Zion Evangelical Lutheran Church  
766 South High Street  
Columbus Ohio 43206

Martin Carpet Properties LLC  
795 South Wall Street  
Columbus, Ohio 43206

Mary Schirmer S TR  
c/o 758 South Front Street  
148 Thurman Avenue  
Columbus, Ohio 43206

William B. Thompson  
c/o 23-25 West Frankfurt Street  
1 Corelogic Drive  
Westlake, Texas 76262

Bobbys Place LLC  
c/o 743 South High Street  
8204 Addinston Court  
Dublin, Ohio 43017

Funkhouser Properties LLC  
765 South High Street  
Columbus, Ohio 43206

Zane Realty LLC  
c/o 767 South Wall Street  
7817 Silver Rose Court  
Dublin, Ohio 43016

RCR Investments Ltd.  
c/o 757 South High Street  
7386 Riverpoint Lane  
Cincinnati, Ohio 45255

Zion Evangelical Lutheran Church  
756 South High Street  
Columbus Ohio 43206

Pops Holding LLC  
c/o 22-24 West Columbus Street  
1925 Edgemont Road  
Columbus, Ohio 43212

Mary Schirmer S TR  
c/o 753 South Wall Street  
148 Thurman Avenue  
Columbus, Ohio 43206

Mary Schirmer S TR  
c/o 757 South Wall Street  
148 Thurman Avenue  
Columbus, Ohio 43206

**BZA15-126**  
**755 South High Street**

Michael F. Baughn  
c/o 35 West Frankfurt Street  
3232 Newark Drive  
Miamisburg, Ohio 45342

Brandon T. Smith and  
Melissa Szozda  
c/o 37 West Frankfurt Street  
2375 North Glenville Drive  
Richardson, Texas 75082

Larry S. Smith and Andrea J. Applegate  
c/o 41 West Frankfurt Street  
P.O. Box 467  
Defiance, Ohio 43512

Jennifer N. Lewis  
U.S. Bank Corp. Services Providers  
6053 South Fashion Square Drive  
Murray, Utah 84107

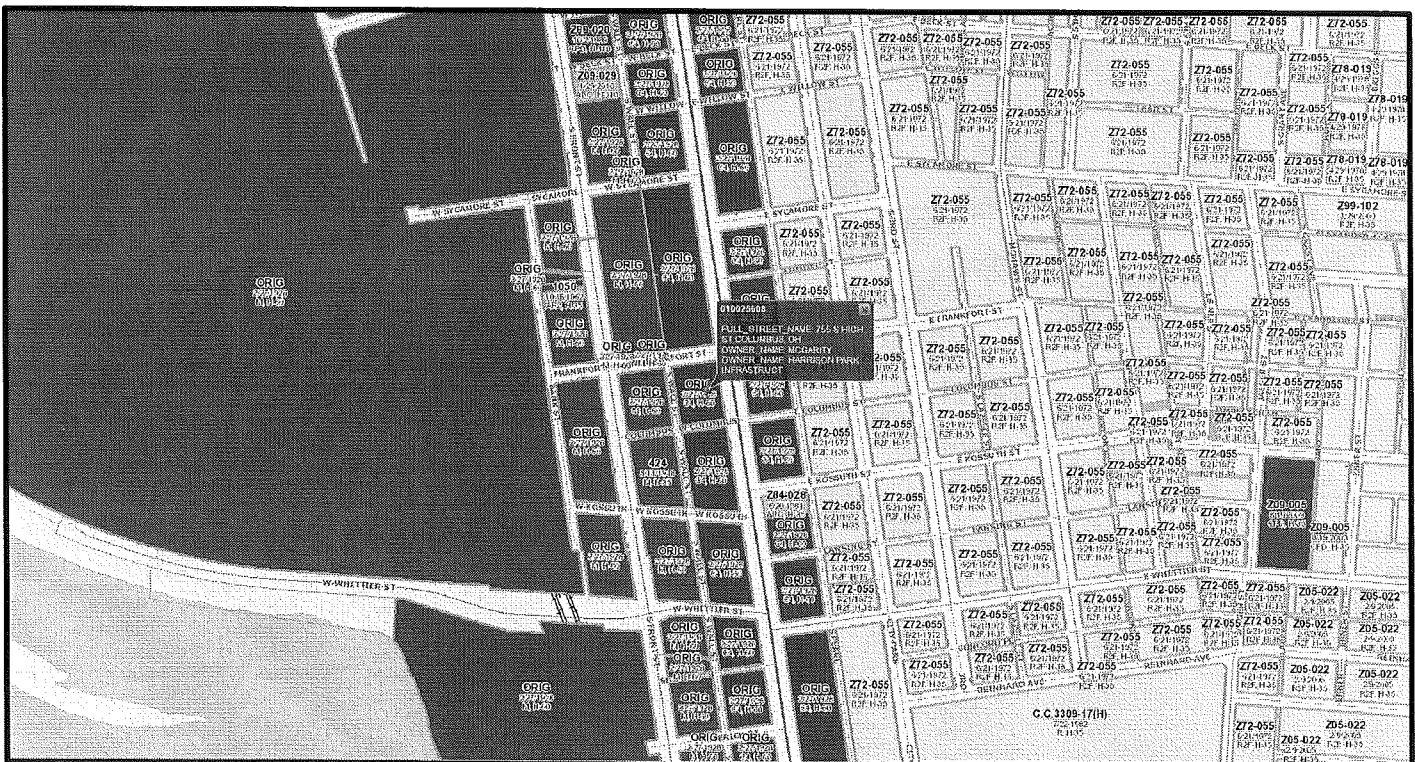
**DEPARTMENT OF BUILDING AND ZONING SERVICES**

**General Zoning Inquiries: 614-645-8637**

**Parcel Number:** 010025608

**Airport Overlay Environs:** N/A

**Graphic Commission:** N/A



**STATEMENT OF HARDSHIP**

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. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
  2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. 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. 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 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:**

*Please See Attached Hardship statements:*

*C.M.C. 3312.49*

*C.M.C. 3312.13*

*C.M.C. 3312.25*

*C.M.C. 3382.05 (Graphics Commission)*

Signature of Applicant

*Max M. Santy*

Date

*11/11/2015*

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

**Please make checks payable to the Columbus City Treasurer**

Board of Zoning Adjustment Application

Applicant: Maxwell A. McGarity

Subject Property: 755 South High Street Columbus Ohio 43206

**Pursuant to 3312.49 of the Columbus Municipal Code**, Applicant seeks a parking variance to reduce the minimum additional spaces required from sixteen (16) to zero (0) in order to preserve the historic architecture and enhance the public purpose and enjoyment as a commercial venue in the Brewery District.

The following parking calculation is based on the square footage of the establishment's useable interior space and patio. Restaurant patrons will have access to 1,515 square feet of the building's 3,028 square feet. The patio is 960 square feet. The site is located in the urban commercial overlay which allows a 25% reduction in required parking for a restaurant. Interior: one (1) space per 75 square feet,  $1,515 / 75 = 20.20 \times .75 = 15.15$  rounded to 16. Patio: one (1) space per 150 square feet,  $960 / 150 = 6.4 \times .75 = 4.8$  rounded to 5. Total spaces required in accordance with CMC 3312.49 is 21. There are five (5) exiting spaces, including 1 handicap space.

Granting the variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code. In addition to the existing on-street parking within reasonable proximity to the subject property, neighboring businesses have agreed to off-set parking, exceeding this variance request. Grange Insurance Company, 671 S. High Street Columbus, has granted Smoked on High patrons, without limit, use of its 900 space parking garage (see attached authorization from Grange Insurance). Therefore, even if the unusable square footage on the building's second floor would be factored to increase the variance request to 31 spaces, the Grange Insurance allowance would more than off-set.

Authorizing this variance will not interfere with use and enjoyment by neighboring residences or businesses. It will support the purpose of the urban overlay intended to enhance pedestrian oriented development, by providing a venue to which pedestrians can walk. However, denying this request will be injurious to applicant, the Brewery District (BD) and the public by preventing the business operations, harming the BD's interest in new business development and the community attraction of a boutique barbecue venue; additionally denying BD residents of their right to a neighborhood attraction that brings the public to engage in the economy of the Brewery District.

**Pursuant to 3312.13 of the Columbus Municipal Code**, applicant seeks a variance to the 20 foot driveway width in recognition of the existing condition being a 16 foot wide driveway. Additionally, applicant seeks a corresponding recognition, **pursuant to 3312.25 of the Columbus Municipal Code**, that sufficient access and maneuverability exists within the current condition of the space designated for parking on the lot that is not in the area between the street right-of-way line and the parking setback line.

Granting these variances will not be injurious to neighboring properties and will not impair the safety of motorists or pedestrians. Denying the variance will create undue hardship as existing property boundaries do not allow for expansion of the driveway and creating a parking area anywhere else on the lot would severely interfere with the architectural nature and historic value of the property. Therefore, we request a variance to avoid undue hardship that prevents the intended commercial use of the property.

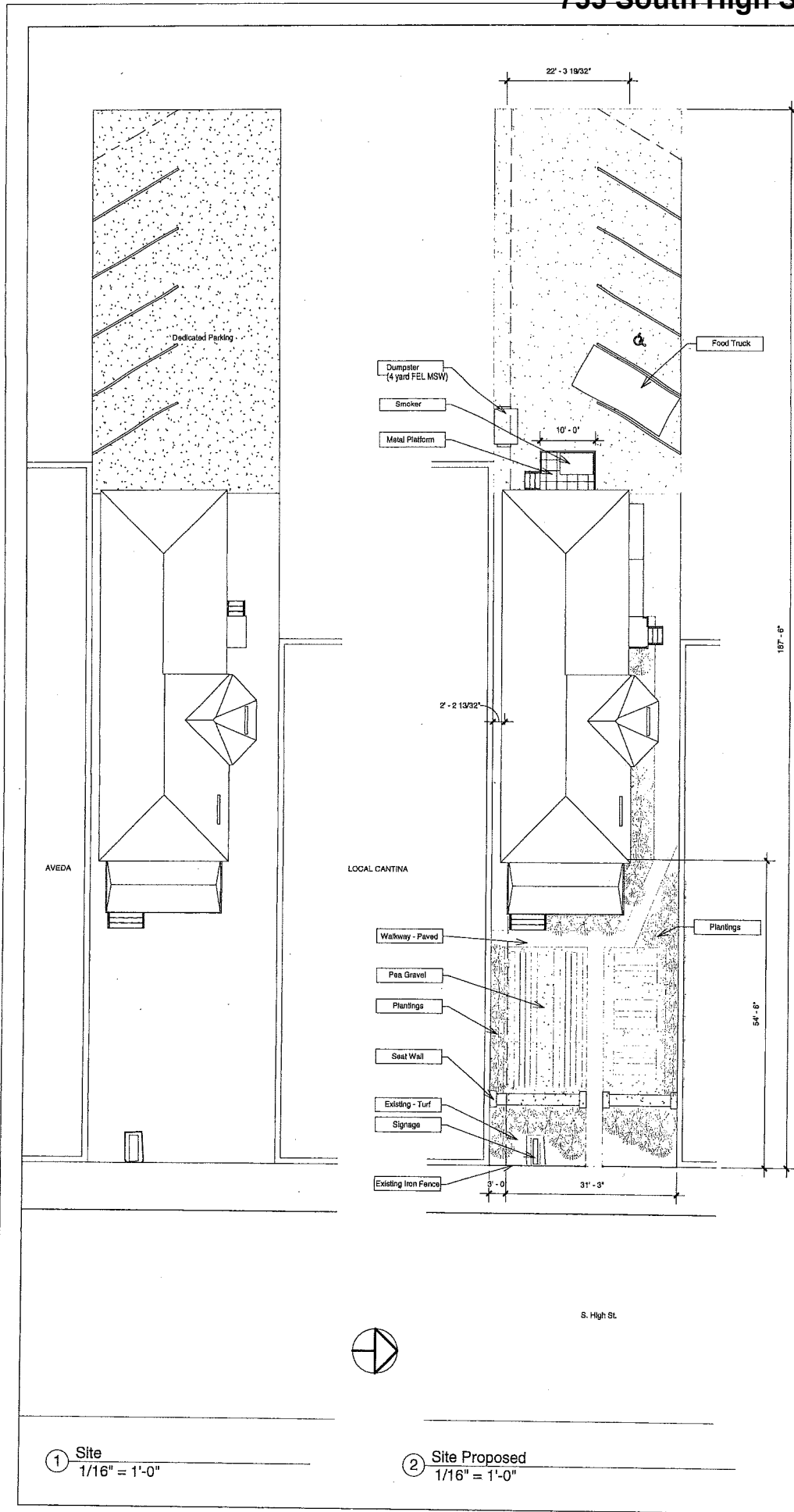
Board of Zoning Adjustment Application  
Applicant: Maxwell A. McGarity  
Subject Property: 755 South High Street Columbus Ohio 43206

**3382.05 – Graphic's Commission**

**Pursuant to 3382.05 of the Columbus Municipal Code**, applicant seeks to erect the sign on the south corner of the lot of the subject property, as indicated in the graphic depiction (attached). Positioning the sign elsewhere on the property would create undue hardship and would interfere with the particular circumstances of the property's historic architectural integrity. Applicant's request is warranted because the placement of the commercial structure on the lot is distinct from neighboring properties, as it is uniquely regressed from the street. This results in a visual void as passers-by see the neighboring properties but not the subject property. Therefore, the proposed sign's position is required in order to provide a reasonable assurance that passers-by will be able to locate the business from the street.

Granting this request will not be injurious to neighboring properties, nor will it be contrary to the public interest or to the intent and purpose of this Graphics Code. The adjacent business to the north has signage protruding from its structure directly facing the street. The adjacent business to the south has a sign positioned on the north corner of its property - next to the proposed sign on the south corner of the subject property. However, the neighboring sign was grandfathered to be a substantially greater height of approximately 10 (or more) feet. Therefore, at six (6) feet tall, applicant's sign would be dwarfed by the adjacent neighboring sign, would not create visual clutter but would support the new business's success, and therefore would not be injurious to neighboring property or to the Brewery District development efforts.





Site Plan

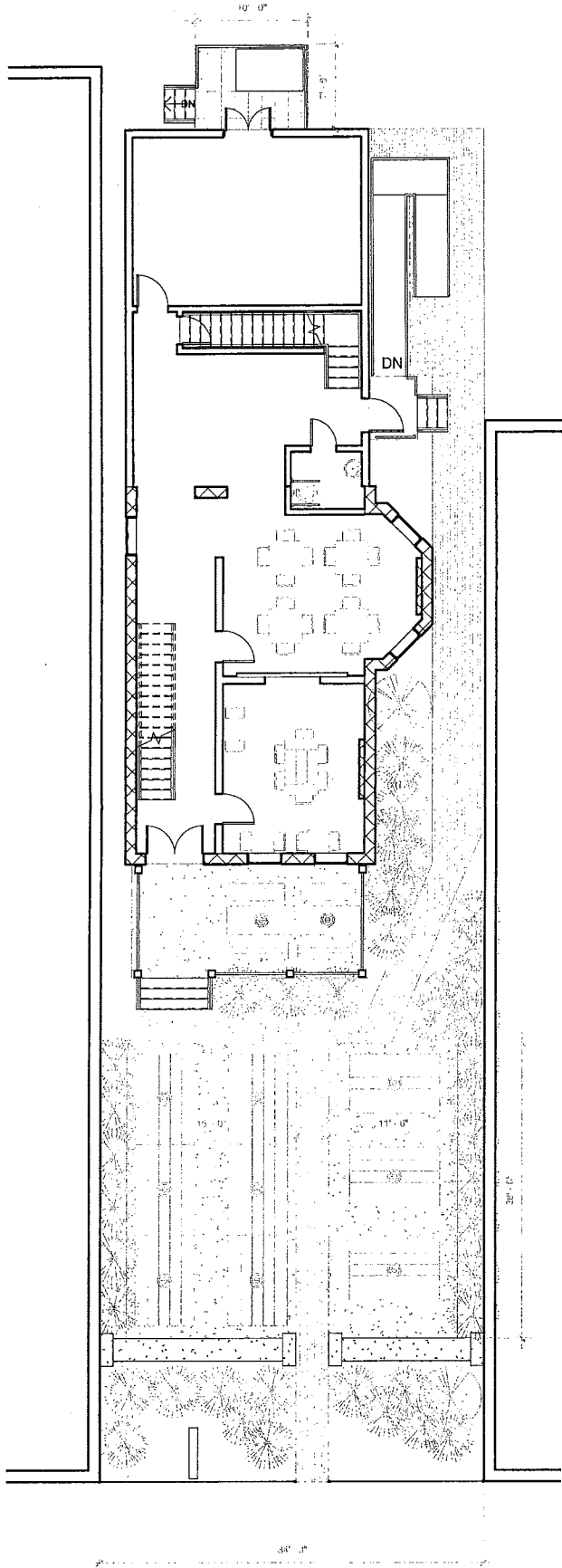
Project number 030  
Date 10/30/2015  
Drawn by L. Carfagna  
Checked by  
Scale 1/16" = 1'-0"

No.	Description	Date

Smoked on High  
755 S. High

① Site  
1/16" = 1'-0"

② Site Proposed  
1/16" = 1'-0"



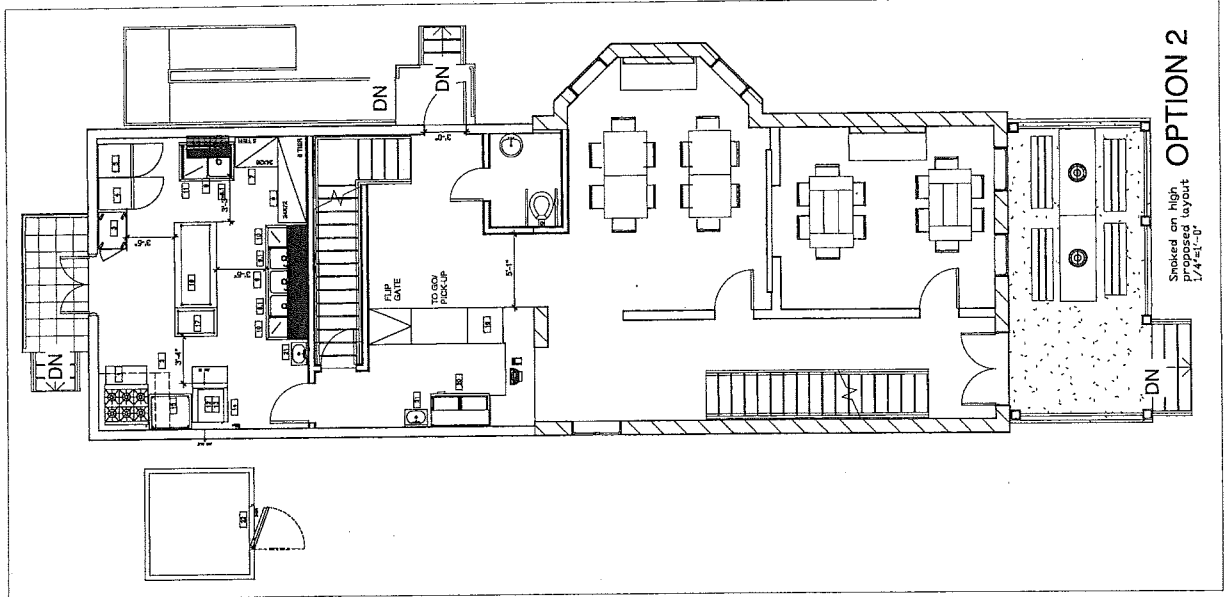
① Level 1 Proposed - Full Site  
1" = 10'-0"



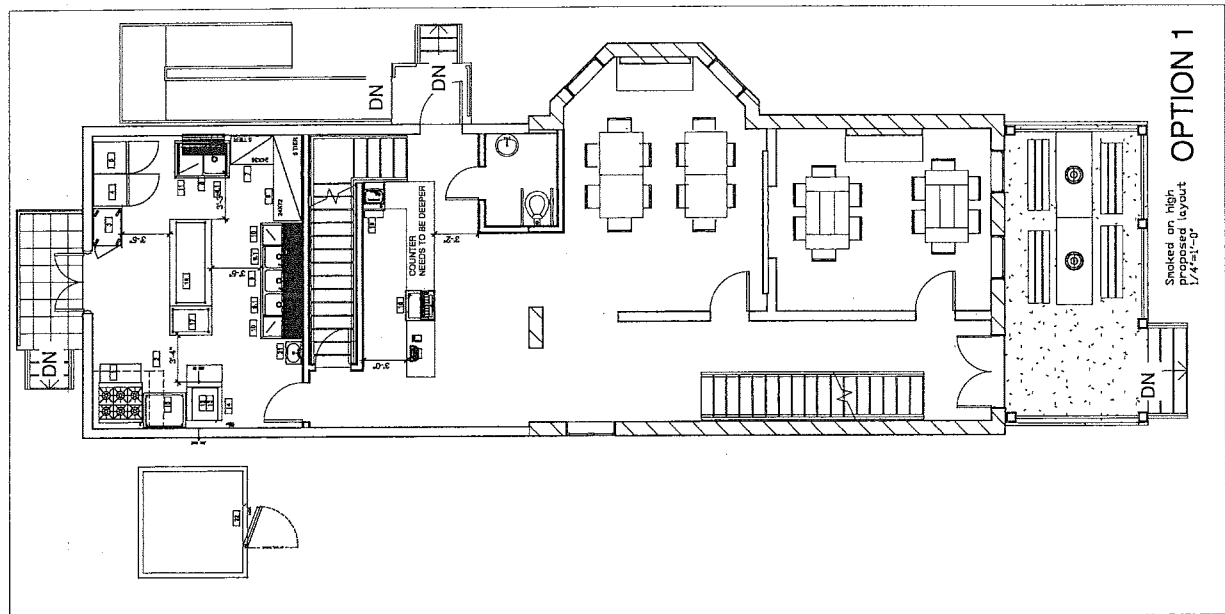
First Floor Plan - Full Site	
Project number	030
Date	10/3/2015
Drawn by	L. Carfagna
Checked by	Checker
S104	
Scale 1" = 10'-0"	

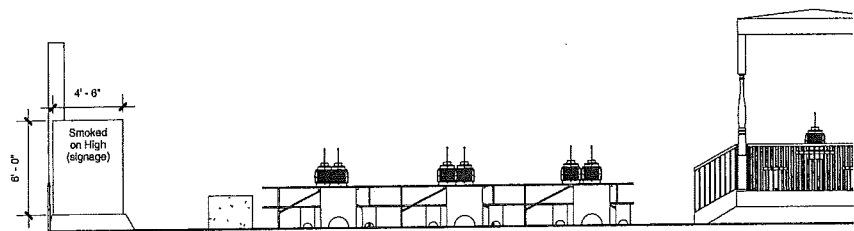
No.	Description	Date

Smoked on High  
755 S. High

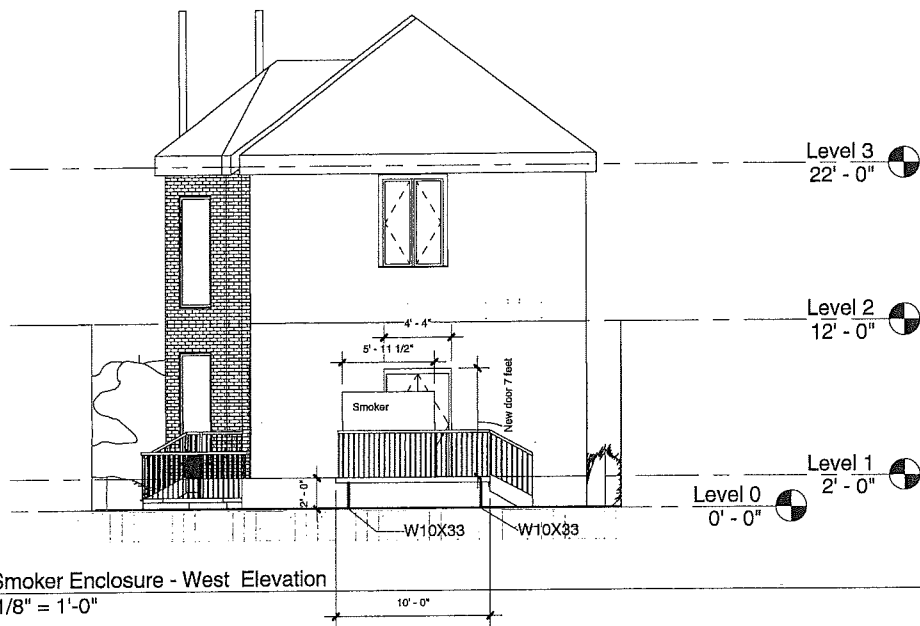


ITEM NO	EQUIPMENT CATEGORY	MANUFACTURER	MODEL NUMBER	ITEM NO
1	RANGE, RESTAURANT, GAS	HOODMAN	AS10	1
2	WALL MOUNTED	HOODMAN	AS10	2
3	OVEN, COOK AND HOLD	COOK COR	1000-CH-A-C-RE	3
4	REFRIGERATOR, REACH-IN	TRUE FOOD SERVICE	T-23	4
5	PRETZER, REACH-IN	TRUE FOOD SERVICE	T-23P	5
6	WALL MOUNTED	HOODMAN	AS10	6
7	SINK, SILLERY, 1 COMPARTMENT	EAGLE GROUP/AMBA MASTERS	214-18-1-24	7
8	SINK, SILLERY, 3 COMPARTMENTS	EAGLE GROUP/AMBA MASTERS	214-18-3-18	8
9	SINK, SILLERY, 3 COMPARTMENTS	EAGLE GROUP/AMBA MASTERS	214-18-3-18	9
10	SINK, SILLERY, 3 COMPARTMENTS	EAGLE GROUP/AMBA MASTERS	214-18-3-18	10
11	WALL MOUNTED	HOODMAN	AS10	11
12	WALL MOUNTED	HOODMAN	AS10	12
13	WALL MOUNTED	HOODMAN	AS10	13
14	WALL MOUNTED	HOODMAN	AS10	14
15	WALL MOUNTED	HOODMAN	AS10	15
16	WALL MOUNTED	HOODMAN	AS10	16
17	WALL MOUNTED	HOODMAN	AS10	17
18	WALL MOUNTED	HOODMAN	AS10	18
19	WALL MOUNTED	HOODMAN	AS10	19
20	WALL MOUNTED	HOODMAN	AS10	20
21	WALL MOUNTED	HOODMAN	AS10	21
22	WALL MOUNTED	HOODMAN	AS10	22
23	WALL MOUNTED	HOODMAN	AS10	23
24	WALL MOUNTED	HOODMAN	AS10	24
25	WALL MOUNTED	HOODMAN	AS10	25

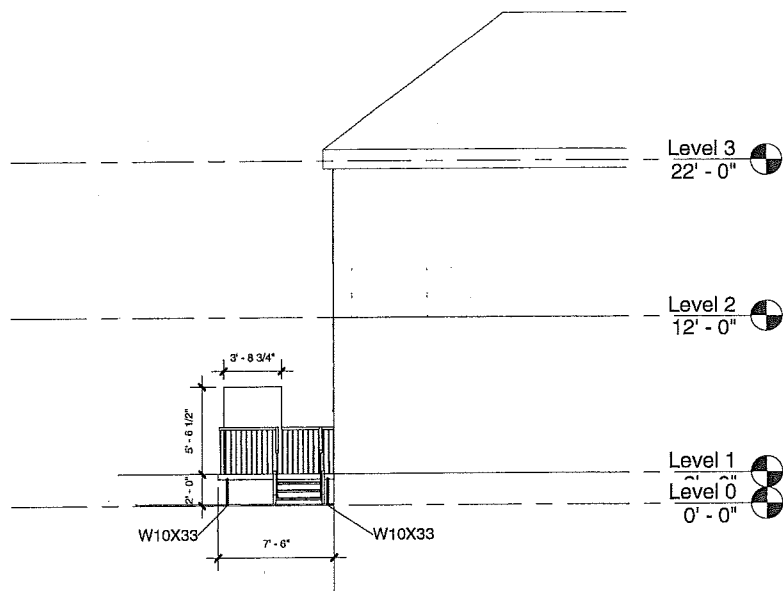




① Front sign - North Elevation  
1/8" = 1'-0"



② Smoker Enclosure - West Elevation  
1/8" = 1'-0"



③ Smoker Enclosure - South Elevation  
1/8" = 1'-0"

Elevations

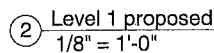
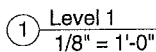
Project number	030
Date	10/30/2015
Drawn by	Author
Checked by	Checker

S105

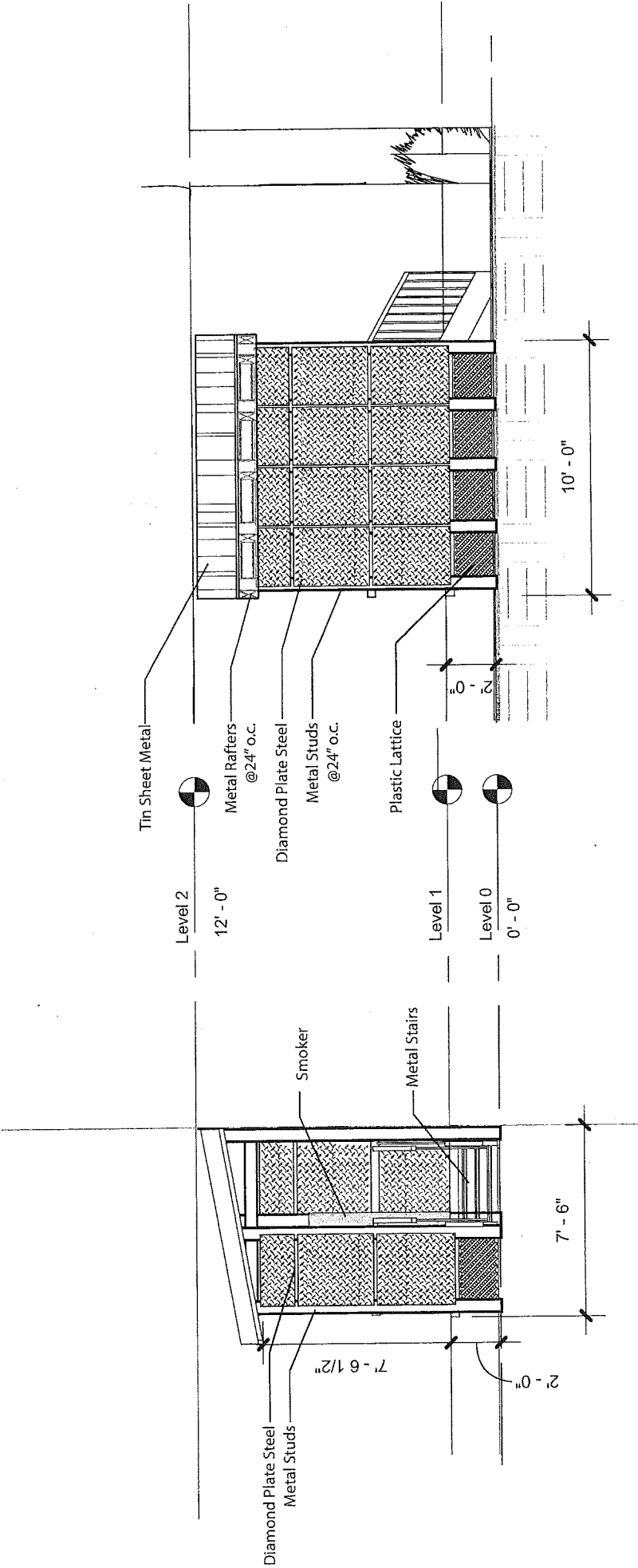
Scale 1/8" = 1'-0"

No.	Description	Date

Smoked on High  
755 S. High



Total Seating  
No. =28



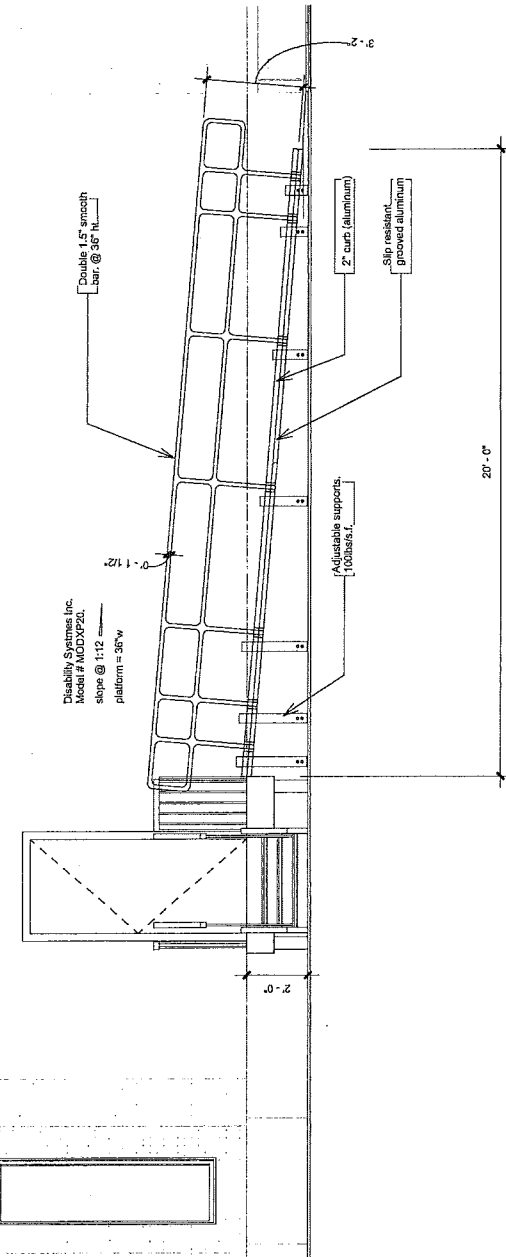
3 Smoker Enclosure - South Elevation

2 Smoker Enclosure - West Elevation

Smoked on High  
755 S. High

Smoker Enclosure			
Project number	030	S105	
Date	10/30/15		
Drawn by	Author		
Checked by	Checker		
Scale 1/8" = 1'-0"			

No.	Description	Date



Pre-manufactured ramp from Disability Systems, Inc.

WIDTH- 36" standard - custom widths are available  
 LENGTH - As Needed - 4' minimum, 60' maximum  
 LOAD CAPACITY - 100 lbs. per square foot  
 SLOPE - Adjustable - as required (1:12 recommended)  
 FLOOR SURFACE - Slip Resistant grooved aluminum  
 EDGE PROTECTION - 2" Curb  
 HANDRAILS - Double 1.5" bar - standard height 36" - 38"

<http://www.disabilitysystems.com/ramps/modular.html>

Ramp will be secured to existing platform using provided hardware. Can be easily moved and reconfigured.

1 Ramp Detail - North Elevation  
 1/4" = 1'-0"

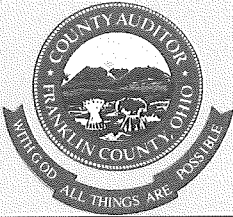
Smoked on High  
 755 S. High

Ramp Detail

Project number	030
Date	10/3/2015
Drawn by	Author
Checked by	Checker

S107

Scale 1/4" = 1'-0"



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: c

DATE: 11/9/15



Disclaimer

Scale = 30



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



----- Forwarded message -----

From: **Kise, Todd** <[KiseT@grangeinsurance.com](mailto:KiseT@grangeinsurance.com)>  
Date: Thursday, November 12, 2015  
Subject: Follow up  
To: Max McGarity <[maxamcgarity@gmail.com](mailto:maxamcgarity@gmail.com)>

Hi Max,

You're more than welcome to use the garage.

Todd

----- Forwarded message -----

From: **Max McGarity** <[maxamcgarity@gmail.com](mailto:maxamcgarity@gmail.com)>  
Date: Monday, November 9, 2015  
Subject: Follow up  
To: "Kise, Todd" <[kiset@grangeinsurance.com](mailto:kiset@grangeinsurance.com)>

Hi Todd,

I thought it might be helpful for you to see the language currently included in my request to City Zoning for a parking variance.

".... Grange Insurance Company, 671 S. High Street Columbus, has granted Smoked on High patrons, without limit, access to its 900 space parking garage. Therefore, even if the unusable square footage on the building's second floor would be factored to increase the variance request to 31 spaces, the Grange Insurance allowance would more than off-set."

If you agree, it would be very helpful if you could provide a number that approximates the capacity of your garage, and if you could send me an email that confirms your permission.

The deadline for me to get my completed packet to the City is 10:00 a.m. Monday November 16.

Thank you for your prompt reply. There is much barbeque in your future!

Max

**Max McGarity**

Owner

**614-316-6126**

**[Max@PapayaBBQ.com](mailto:Max@PapayaBBQ.com)**

**[www.PapayaBBQ.com](http://www.PapayaBBQ.com)**

***"Home Style with More Style!"***

**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 # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) \_\_\_\_\_  
of (COMPLETE ADDRESS) \_\_\_\_\_

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 and their mailing addresses:

**NAME**

**COMPLETE MAILING ADDRESS**

Lauren T. McBarney: 5724 Autumn Hill Ct. Columbus, OH 43235  
Michael W. McBarney: 5724 Autumn Hill Ct. Columbus, OH 43225  
Maxwell A. McBarney: 5724 Autumn Hill Ct. Columbus, OH 43235

SIGNATURE OF AFFIANT Max McBarney

Sworn to before me and signed in my presence this 16<sup>th</sup> day of November, in the year 2015

David J. Reiss  
SIGNATURE OF NOTARY PUBLIC

DAVID J. REISS  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION EXPIRES MAY 30, 2020  
Notary Seal Here