

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Fri Dec 4 2015

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 21 E DUNCAN ST COLUMBUS, OH

Mailing Address: 360 ADENA BROOK LN
COLUMBUS OH 43214-2812

Owner: NISWONGER STEVEN S

Parcel Number: 010004252

ZONING INFORMATION

Zoning: ORIG, Commercial, C4
effective 2/27/1928, Height District H-35

Historic District: N/A

Board of Zoning Adjustment (BZA): N/A

Historic Site: No

Commercial Overlay: UNIVERSITY UCO

Council Variance: N/A

Graphic Commission: N/A

Flood Zone: OUT

Area Commission: University Area Commission

Airport Overlay Environs: N/A

Planning Overlay: University/Impact

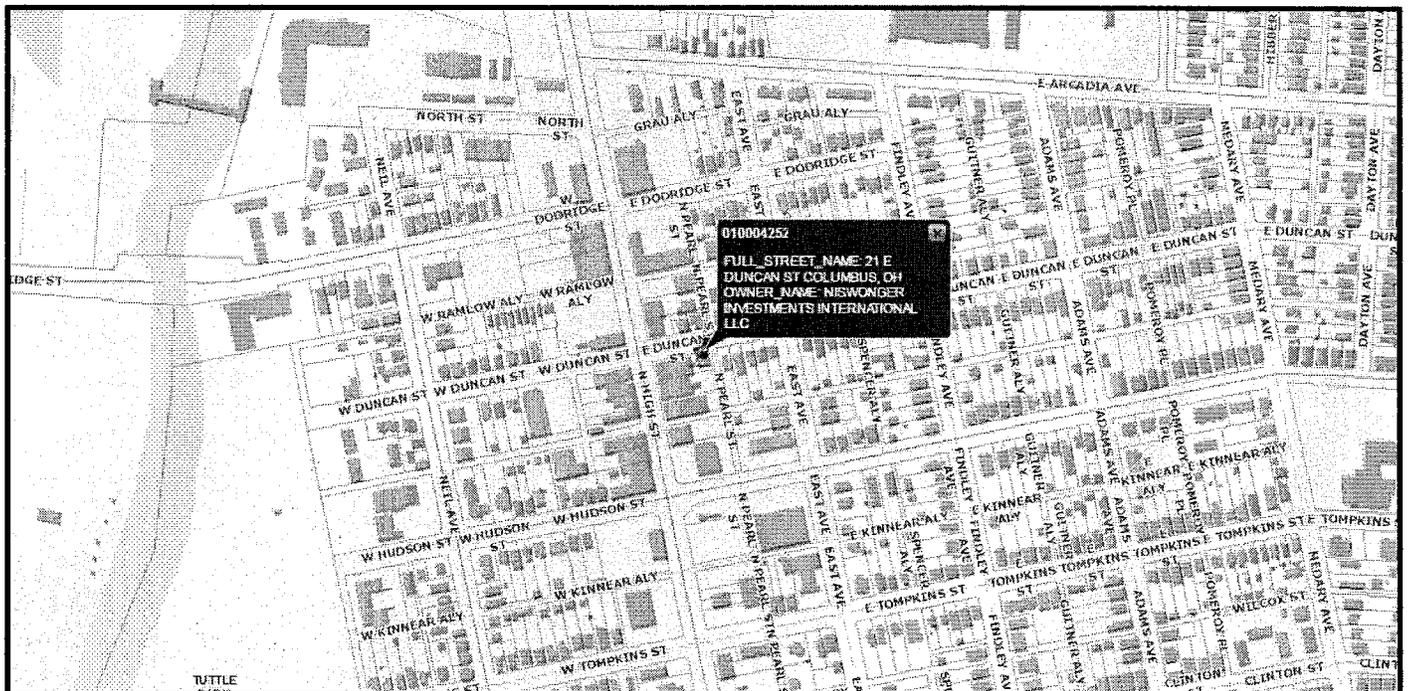
PENDING ZONING ACTION

Zoning: N/A

Council Variance: N/A

Board of Zoning Adjustment (BZA): N/A

Graphic Commission: N/A



Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

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

OFFICE USE ONLY

Application Number: BZA15-135 Date Received: 3 DEC. 2015
Application Accepted by: UAC Fee: \$1900
Commission/Civic: _____
Existing Zoning: _____
Comments: _____

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

Variance Special Permit

Indicate what the proposal is and list applicable code sections:

3312.49 - TO REDUCE FROM 23 TO 0
14 for building, 9 for patio

LOCATION

Certified Address: 19-21 E. Duncan St. City: Columbus Zip: 43202

Parcel Number (only one required): 010-064252

APPLICANT (If different from Owner):

Applicant Name: Andrew Briggs Phone Number: 614 546 5151 Ext.: _____

Address: 502 Wilson Ave City/State: Columbus, OH Zip: 43205

Email Address: Creamale614@gmail.com Fax Number: _____

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

Name: Steve Niswonger Phone Number: 614 266 5633 Ext.: _____

Address: 360 Cooke Rd. City/State: Columbus, OH Zip: 43214

Email Address: _____ Fax Number: _____

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

Name: Aley Waske Phone Number: 614 557 9639 Ext.: _____

Address: 1421 W. 3rd Ave City/State: Columbus, OH Zip: 43212

Email Address: _____ Fax Number: _____

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

APPLICANT SIGNATURE [Signature]

* PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

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

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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Andrew Bragg
of (1) MAILING ADDRESS 502 Wilson Ave Cols. OH 43205

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 19-21 Duncan St. Cols OH 43202

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) Steve Niswonger
360 Cooke Rd
Cols. OH 43214

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

Andrew Bragg 614 546 5151

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

(5) University Area Commission
Doreen/has-Sauer (614) 477-1124
2111 Tule Ave., Columbus, OH 43208

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
<u>See Attached</u>	_____	_____
_____	_____	_____
_____	_____	_____

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

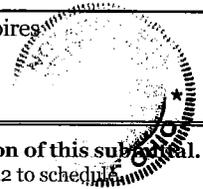
(8) SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 11th day of November, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC [Signature]

My Commission Expires n/a

Notary Seal Here



ALEXANDER H. HASTIE, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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Board of Zoning Adjustment Application

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:

See attached.

Signature of Applicant _____ Date _____

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Please make checks payable to the Columbus City Treasurer

November 13, 2015

Cream Ale, LLC
c/o Andrew Bragg, Managing Member
19-21 E. Duncan St.
Columbus, OH 43202

Department of Building and Zoning Services
c/o Board of Zoning Adjustment
757 Carolyn Ave.
Columbus, OH 43224

Re: 19-21 E. Duncan St. BZA Application
Statement of Hardship

To Whom It May Concern:

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. **Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.**

My proposed restaurant and café will require parking in the neighborhood of customers for on premises dining. The property at 19-21 E. Duncan St. has no available parking specifically designated for that property or its customers. In order to conduct business and serve the community properly we would require a parking variance as there's no way to meet the Zoning Code's requirements. Our special circumstances or conditions, as a café, do not apply to other properties in the same zoning district that have available parking. Additionally we are requesting to add a walk-in cooler, a back patio with a large amount of space unused on the back of the property and if possible, using the front of the property for 2-3 tables and chairs.

2. **The special circumstances or conditions are not the result of the property owner or applicant.**

The special circumstances are not due to my or the landlords actions. This property is in a densely populated area in the OSU Campus/Clintonville area and has never had appropriate parking for customers of any business that has been housed at 19-21 E. Duncan St. The property has never been used for a café/restaurant previously so the walk-in cooler, back patio and front seating area have not been necessary nor requested previously of the City of Columbus.

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.**

The special circumstances associated with 19-21 E. Duncan St.'s variance request are based on the proposed use of the property, a restaurant/bar or café. In order to even open such a business a parking variance would be need to be granted to this property. Without the variance my property cannot be used for the intended use for the property I have leased. Numerous other property's in the same zoning district are operating the same type of business as I intend to run at the property and some have the same parking variance need as my property. Variances have been granted in this same zoning district as 19-21 E. Duncan St. for back patio areas and front sidewalk seating areas.

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.

The Columbus Zoning Code, according to Section 3301.01 of the Columbus Municipal Code was the important duties to *"...adopt land use and control measures, is enacted to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted pursuant to a comprehensive plan designed to, among other purposes, encourage the orderly growth and development of the city; provide for adequate light, air, open space and convenience of access; protect against fire and natural hazards; and maintain and enhance the value of buildings, structures and land throughout the city."*

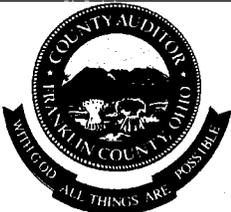
The granting of this variance will not be injurious to the neighboring properties nor will be contrary to the public interest or the intent and purpose of this Zoning Code. The restaurant/café is located just off of N. High St. within the OSU Campus area. We are working with the University Impact District Board and will be additionally governed by the University Urban Commercial Overlay. These high standards for the property will help to ensure that the granting of this variance will not be injurious to neighboring properties and fit in with the intent and purpose of the Zoning Code. None of our neighbors are likely to object due to the improvements to the neighborhood the business will provide. We are hopefully this will become a walking destination for many in the neighborhood.

We plan to conduct extensive renovations and improvements to the property. We believe the granting of this variance will add to the orderly grove and development of this portion of the city. A large financial commitment has been made to this project and we respectfully request that the Board grant our request for the variance.

Sincerely,



Andrew Bragg
Managing Member, Cream Ale, LLC



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: s

DATE: 11/12/15



Disclaimer

Scale = 60



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.

A Mortgage Location Survey prepared for and certified to:

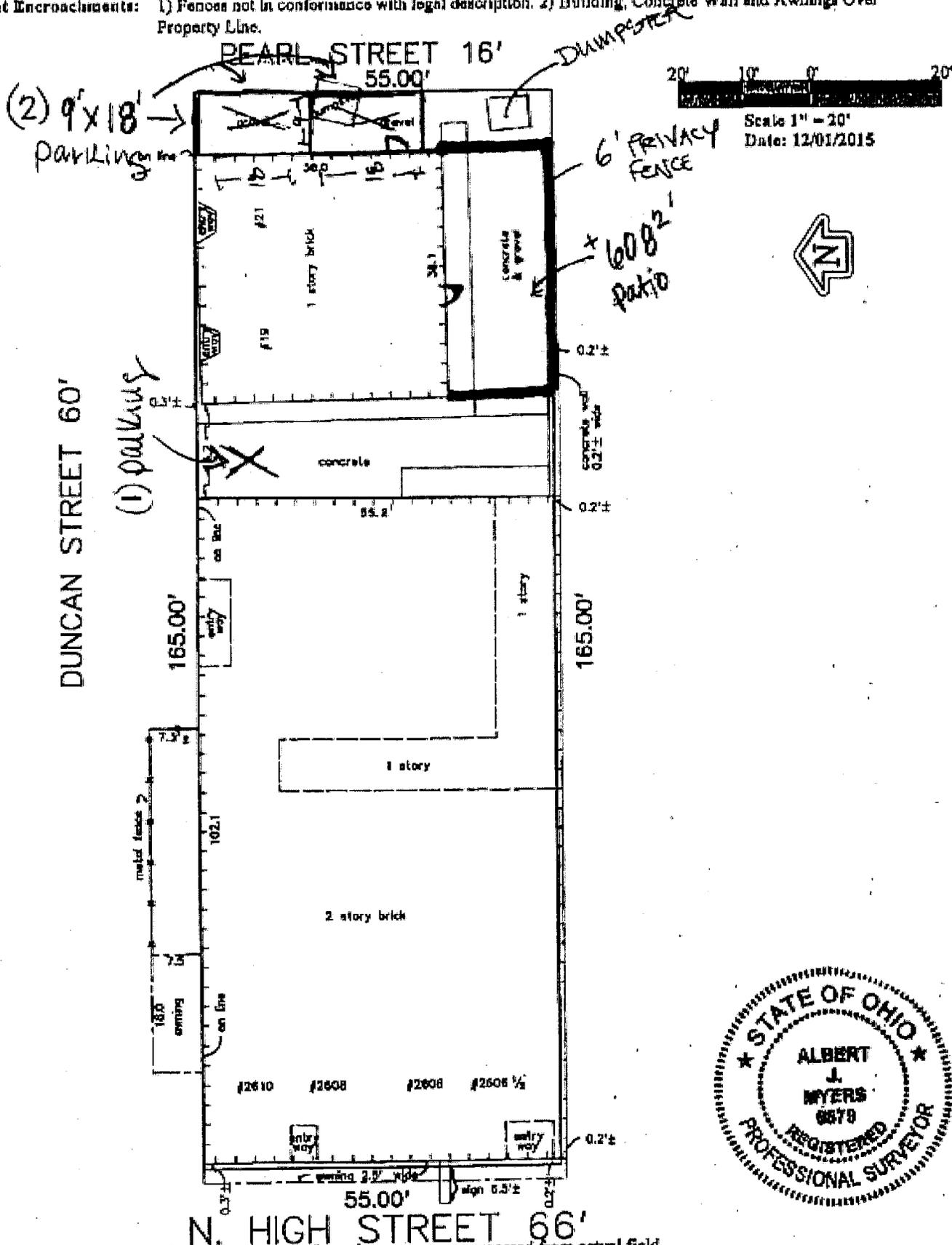
Chicago Title Ins. and/or US Bank

Legal Description: Situated in The State of Ohio, County of Franklin, City of Columbus Being Lot 6 Amended Subdivision of George Williams Northwood Heights Addition, Plat Book 2 Page 270

Applicant:

Posted Address: 19-21 Duncan St./2606-2610 N. High St., Columbus, Ohio

Apparent Encroachments: 1) Fence not in conformance with legal description. 2) Building, Concrete Wall and Awning Over Property Line.



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a

Myers Surveying Co., Inc.

THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR

Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

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) Andrew Bragg
of (COMPLETE ADDRESS) 502 Wilson Ave

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

See attached Project Disclosure Statement

Andrew Bragg 19 - 21 Duncan St.
Columbus 43202

SIGNATURE OF AFFILIANT



Sworn to before me and signed in my presence this 11th day of November, in the year 2015

Alex Hastie
SIGNATURE OF NOTARY PUBLIC

n/a
My Commission Expires

Notary Seal Here



ALEXANDER H. HASTIE, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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