

## COUNCIL VARIANCE APPLICATION

### Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV16-023 Date Received: 4/5/16  
Application Accepted by: TD & SP Fee: \$1600  
Comments: Assigned to Michael Maret; 645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1157-1159 Oak Street, Columbus, Ohio Zip: 43205

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

**If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.**

Parcel Number for Certified Address: 010-017750-00

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

Current Zoning District(s): ARLD

Area Commission or Civic Association: Near East Area Commission

Proposed Use or reason for Council Variance request:

Restaurant or office use in addition to ARLD

Acreage: .12

#### APPLICANT:

Name: Nina Masseria Phone Number: 614-296-5784 Ext.: \_\_\_\_\_

Address: 806 Bryden Road City/State: Columbus Zip: 43205

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

Name: Nina Masseria Phone Number: 614-296-5784 Ext.: \_\_\_\_\_

Address: 806 Bryden Road City/State: Columbus, Ohio Zip: 43205

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

Name: Amanda Dunfield, AIA Phone Number: 614-461-3126 Ext.: \_\_\_\_\_

Address: 3126 Derby Road City/State: Columbus, Ohio Zip: 43221

Email Address: amanda@adunfielddesign.com Fax Number: \_\_\_\_\_

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

APPLICANT SIGNATURE Nina Masseria

PROPERTY OWNER SIGNATURE Nina Masseria

ATTORNEY / AGENT SIGNATURE Amanda Dunfield

*My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.*

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

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

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

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CV16-023

### STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

#### **Section 3307.10 Variances by City Council**

A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.

B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:**

See attached.

Signature of Applicant

Date

4/5/2016

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CV16-023

Statement of Hardship:

The subject property is currently zoned ARLD. Located on the property, at the corner of Oak Street and S. Champion Avenue, is a two-story building, which was constructed in 1882. As originally constructed, the building sits on the lot line at Oak Street. As shown on the attached site plan (Appendix I), there is approximately 2' of side yard between the building and the ROW for S. Champion Avenue, and approximately zero (0) feet of side yard between the building and the west property line. The current use of the building as approved by Council Variance (CV10-034) is for a baked-goods store with seating and a real estate office. This Council Variance seeks to replace (CV10-034) to allow the building to be used as an eating and drinking establishment and/or an office while still allowing for the potential future use to return to residential. As typical of a building in a neighborhood of this age, the subject property does not have full surface parking spaces however the back yard is currently used for a gravel lot to support (4) cars with an additional paved accessible parking space. The first floor of the building has historically been used for retail purposes and the second floor has historically been used for residential or office purposes.

The applicant is requesting this Council Variance in order to allow for the entire building on the subject property to be used for the operation of a restaurant or a restaurant with a bar, onsite kitchen, onsite consumption of food and beverages (including alcohol), and retail sale of goods and products, including the sale of food and beverages (excluding alcohol) for offsite consumption. The applicant is also requesting that this Council Variance allow the building to be used as an eating and drinking establishment and/or an office while still allowing for the potential future use to return to residential. The applicant is requesting to turn a majority of the existing gravel back yard and the front courtyard into patio seating area. The applicant requests to relocate the accessible parking space to beyond the proposed patio, adjacent to the dumpster enclosure, providing an accessible route from the parking space, through the patio to the accessible entrance at the back of the building.

In order to fulfill the intended use of the property by the applicant, the applicant requests the following variances:

1. Variance from section 3333.02 to permit a restaurant or a restaurant with bar to be operated throughout the entire building of the subject property, to permit an onsite kitchen, to permit onsite consumptions of food and beverages (including alcohol) and also to allow for retail sale of goods and products, including the sale of food and beverages (excluding alcohol) for offsite consumption.
2. Variance from 3312.27 to permit the existing zero (0) foot parking setback line for the relocated accessible parking spaces along S. Champion Avenue.
3. Variance from 3312.49 to permit one (1) accessible parking space near rear property line and not provide any additional parking.
4. Variance from 3321.01 to permit the dumpster to be located in the back yard as shown in the site plan.
5. Variance from 3333.09 to maintain the existing lot width of thirty-nine feet four inches (39'-4").
6. Variance from 3333.18 (E) to maintain the existing zero (0) setback along Oak Street.
7. Variance from 3333.19 (a) (1) to maintain the minimum building line of two (2) feet along South Champion Avenue.

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8. Variance from 3333.22 to maintain the existing two (2) fee side yard of the existing building.
9. Variance from 3333.23 to maintain the zero (0) side yard setback at the west property line.
10. Variance from 3333.27 to maintain the existing building which encroaches into the clear vision triangle at the intersection of Oak Street and South Champion Avenue.

The proposed variances will not have any significant impact on the existing conditions of the site. The proposed variances will not be injurious to neighboring properties or contrary to public interest or the intent and purpose of the City of Columbus Zoning Code, nor will the proposed variances impair the supply of light, endanger the public safety, or unreasonably diminish or impair public health, safety, comfort or welfare of City of Columbus residents.

## COUNCIL VARIANCE APPLICATION

### Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-023

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Amanda Dunfield, AIA

of (1) MAILING ADDRESS 3126 Derby Road, Columbus, Ohio 43221

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 1157-1159 Oak Street, Columbus, Ohio 43205

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 4/5/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Nina Masseria

806 Bryden Road

Columbus, Ohio 43205

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

Nina Masseria, 614-296-5784

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

(5) Near East Area Commission

Annie Ross-Womack

874 Oakwood Avenue, Columbus, Ohio 43206

and that the attached document (6) is a list of the **names and complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

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

(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 5th day of April, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires



VAUGHN C. ELLIS  
NOTARY PUBLIC  
STATE OF OHIO  
Commission Expires  
January 05, 2021

This Affidavit expires six (6) months after the date of notarization.

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CV16-023

Applicant

Property Owner

Agent

Nina Masseria  
806 Bryden Road  
Columbus, Ohio 43205

Nina Masseria  
806 Bryden Road  
Columbus, Ohio 43205

Amanda Dunfield, AIA  
3126 Derby Road  
Columbus, Ohio 43221

Area Commission

Near East Area Commission  
Annie Ross-Womack  
874 Oakwood Ave.  
Columbus, Ohio 43206

Surrounding Property Owners

Jeremy & Judith Mitchell  
2247 Woodstock Road  
Columbus, Ohio 43221

LG Venture Ohio LLC  
141 Stanberry Ave  
Columbus, Ohio 43209

Greater Faith Temple  
1186 Oak Street  
Columbus, Ohio 43205

Sherman Ohio Enterprises, LLC  
199 Northmoor Pl  
Columbus, Ohio 43214

SIJ Partnership LLC  
3540 E. Fulton Street  
Columbus, Ohio 43227

Betty Carter  
175 S. Champion Ave  
Columbus, Ohio 43205

1150 Oak LLC  
1349 Dennison Ave  
Columbus, Ohio 43201

Jean Kruskamp  
1153 Oak Street  
Columbus, Ohio 43205

David Tweet  
1725 Franklin Ave.  
Columbus, Ohio 43205

Robert M. Wilson  
5277 Sundale Pl N  
Columbus, Ohio 43232

Roxster LTD.  
753 E. Broad Street  
Columbus, Ohio 43205

S & S Meat Purveyors, Inc.  
1117 Oak Street  
Columbus, Ohio 43205

Carlos Glass  
PO Box 328778  
Columbus, Ohio 43232

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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # CV16-023

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Amanda Dunfield, AIA

of (COMPLETE ADDRESS) 3126 Derby Road, Columbus, Ohio 43221

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

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

1. Nina Masseria 806 Bryden Road Columbus, Ohio 43205	2.
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 5<sup>th</sup> day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



VAUGHN C. ELLIS  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
January 05, 2021

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CV16-023

Parcel No: 010-017250-00

1157-59 Oak Street, Columbus, Ohio 43205, being .012+/- acres located at the southwest corner of Oak Street and South Champion Avenue.

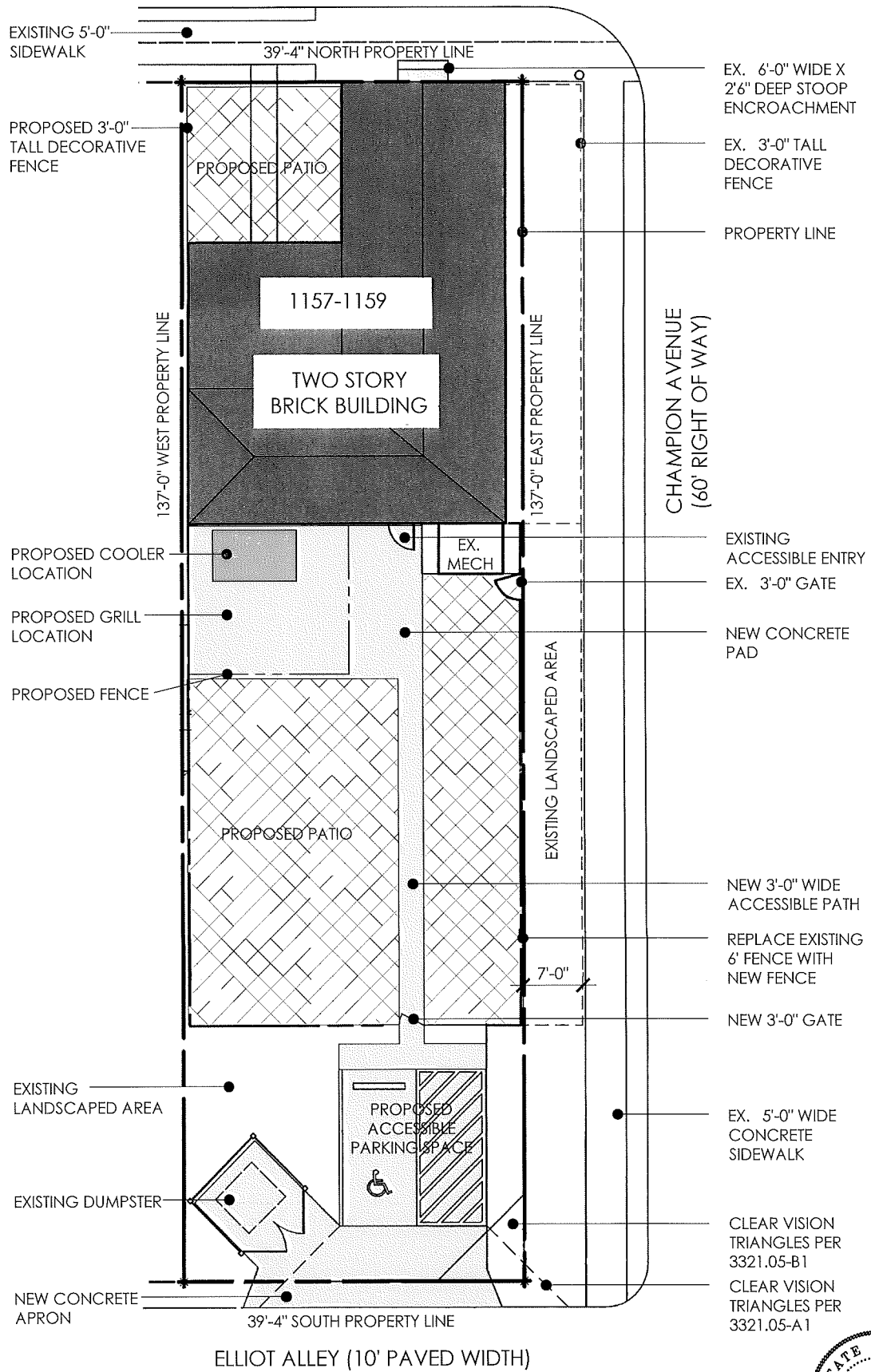
Situated in the County of Franklin, State of Ohio and City of Columbus described as follows:

Being Lot Number Two Hundred Eleven (211) in HOFFMAN & MCGREWS SECOND AMENDED ADDITION to said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 207, Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at the Northwest corner of said Lot Number 212, thence southerly along the East line of said Lot Number 212 to the South line of said lot, thence westerly along said South line a distance of One (1) foot to a point; thence northerly along a line parallel to and One (1) foot west of the East line of said Lot 212 to a point in the North line of said lot; thence easterly along said North line to the place of beginning.



OAK STREET (50' RIGHT OF WAY)



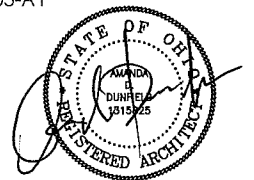
1  
A1

# 1157-1159 SITE PLAN

1/8"=1'-0"

APRIL 5, 2016

ARLD DISTRICT  
PARCEL #010-017250  
0.12 ACRES



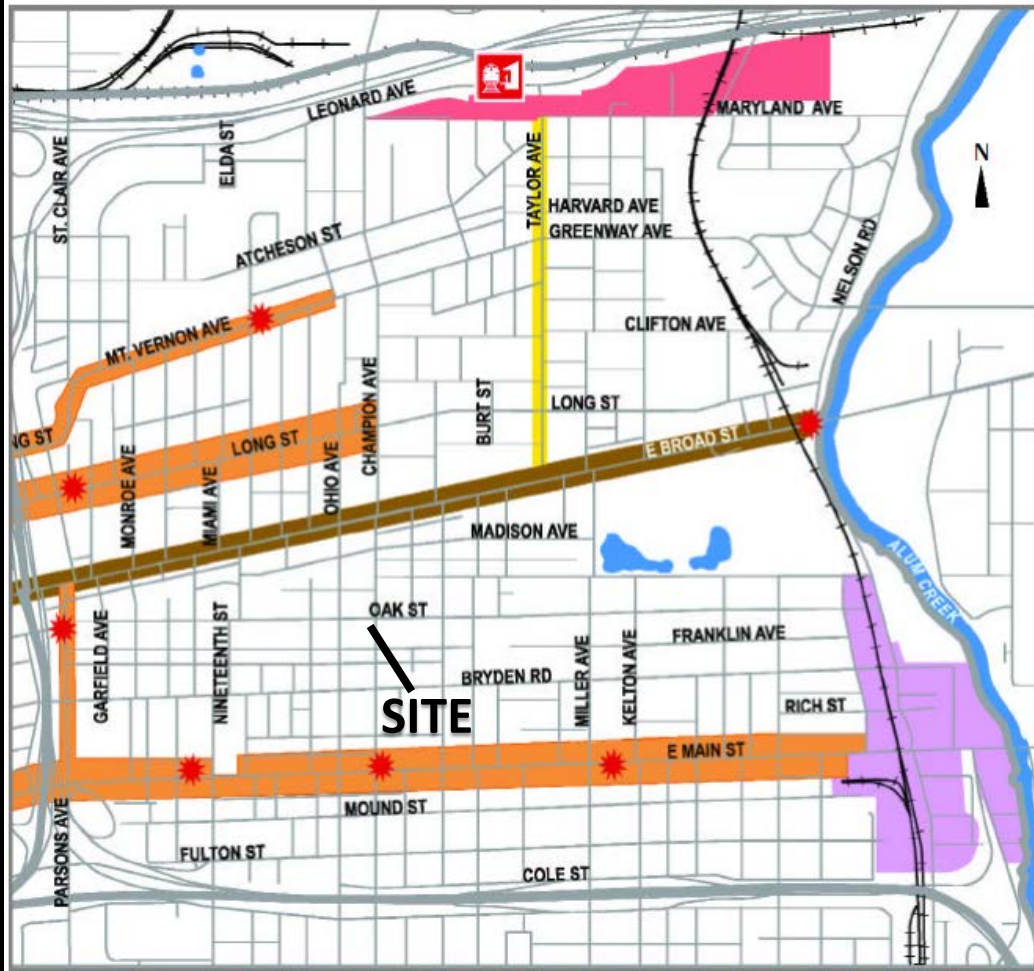
AMANDA D. DUNFIELD  
# 1315825  
EXPIRATION: 12.31.17

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CV16-023  
1157-1159 Oak Street  
Approximately .12 Acres

## DEVELOPMENT STRATEGY

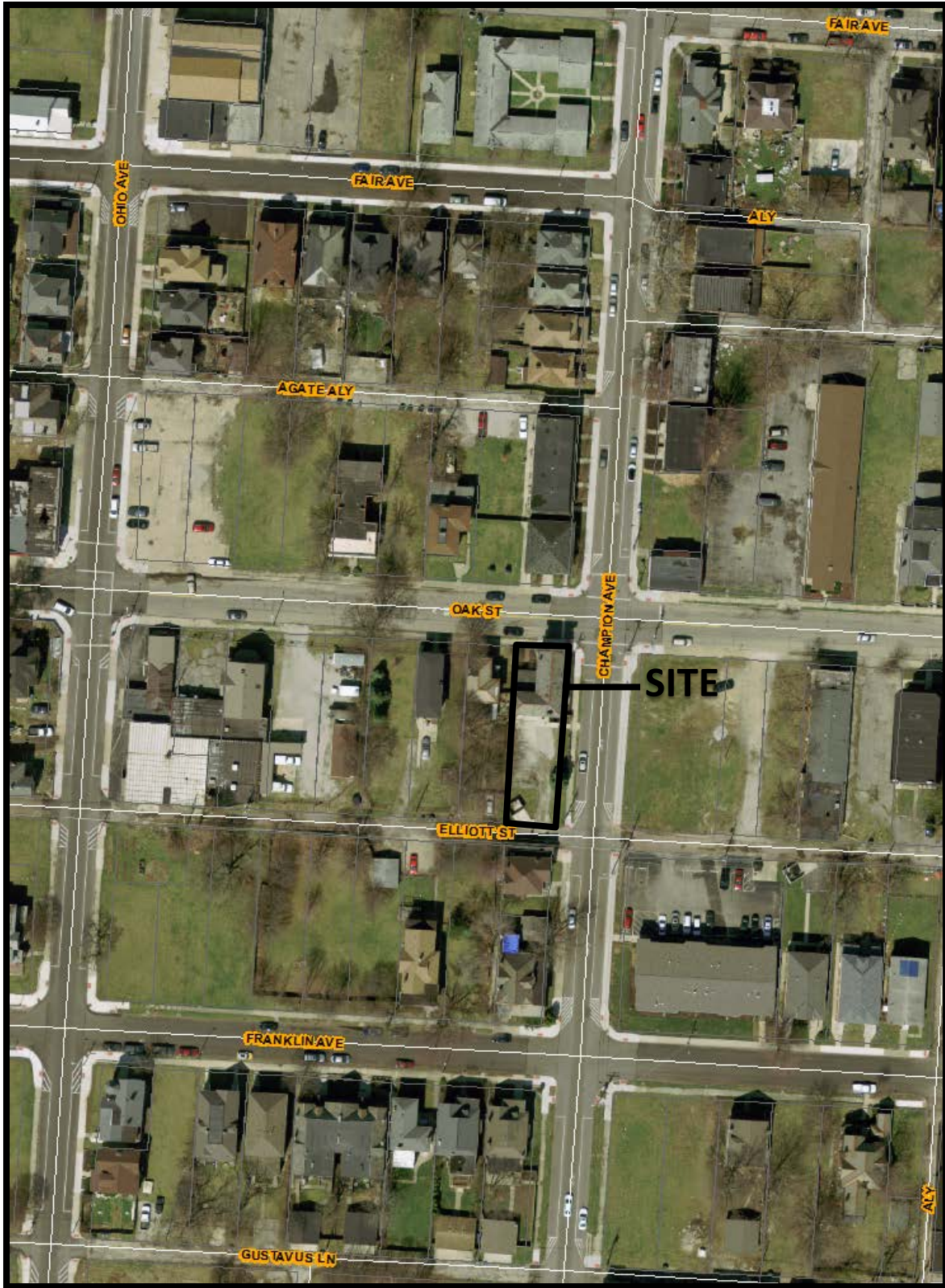


- Lower and Medium Density Residential
- East Broad Street:
- Higher Density Residential/  
Mixed Use Development:
- ★ Commercial District Nodes
- Office/Light Industrial/Mixed Uses
- Light Industrial/Commercial
- 🚂 Potential Light Rail Station

**\*No Recommendation\***  
**at site location**

CV16-023  
1157-1159 Oak Street  
Approximately .12 Acres





CV16-023  
1157-1159 Oak Street  
Approximately .12 Acres