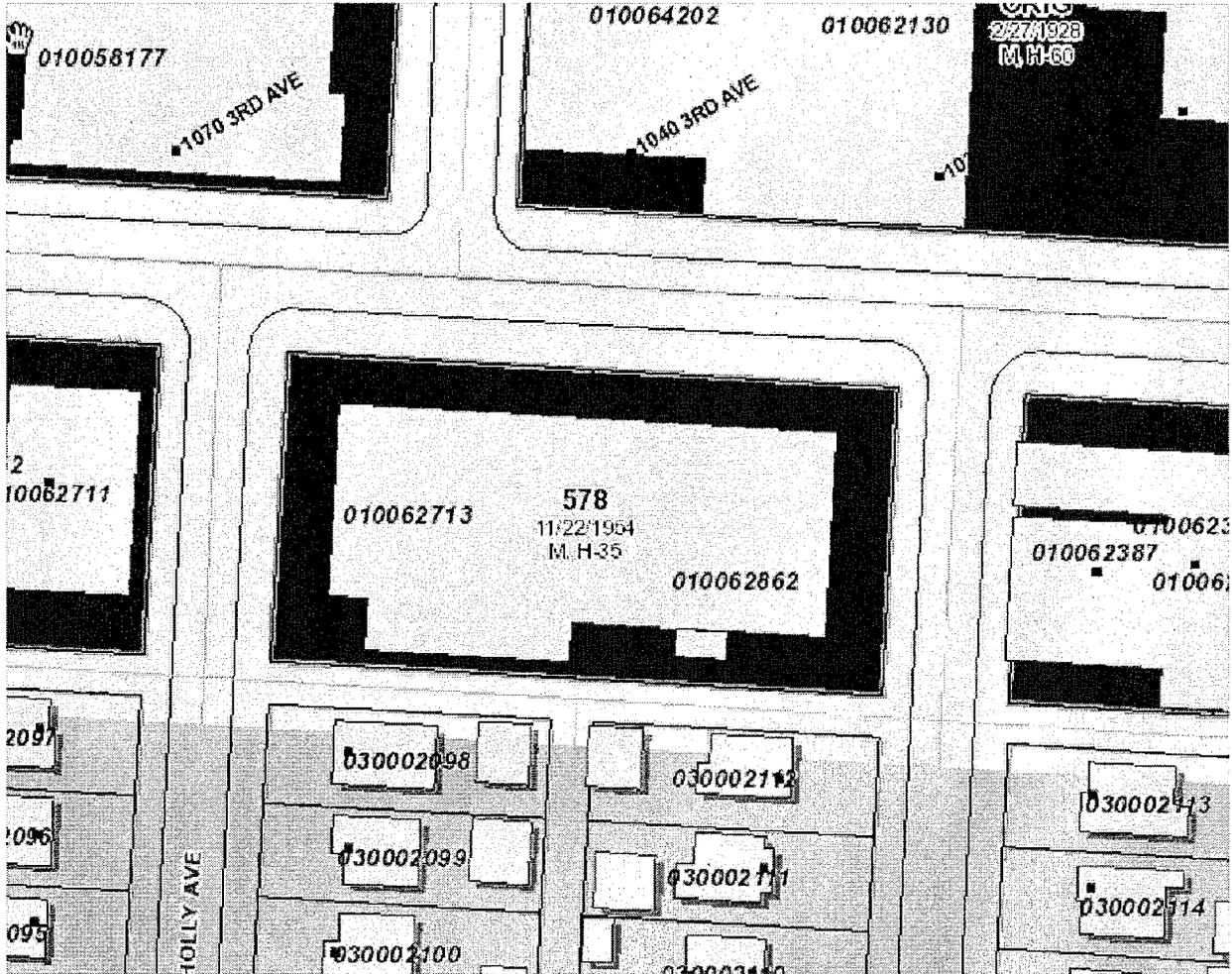


**BZA16-055**  
**1055 WEST THIRD AVENUE**



Address: 1055 W. Third Street

Zoning: M, Manufacturing

Area Commission: 5<sup>th</sup> by Northwest

Parcel ID: 010-062713

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: BZA16-055 Date Received: 19 Apr. 2016
Application Accepted by: 5th by Northwest 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:

Relief from 3312.03C parking number required for Change of Intensity from Retail to Eating and Drinking Establishment (refer to attached )

LOCATION

Certified Address: 1055 West Third Avenue City: Columbus, Ohio Zip: 43212

Parcel Number (only one required): 010-062713-00

APPLICANT (If different from Owner):

Applicant Name: Six-3 Collective Phone Number: 614-260-5610 Ext.:

Address: 1055 West Third Avenue City/State: Columbus, Ohio Zip: 43212

Email Address: jon@six3collective.com Fax Number:

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

Name: Mainstay, LLC Phone Number: Ext.:

Address: City/State: Zip:

Email Address: Fax Number:

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

Name: Bass Studio Architects Phone Number: 614-294-4893 Ext.:

Address: 36 King Avenue City/State: Columbus, Ohio Zip: 43201

Email Address: info@bassstudioarchitects.com Fax Number: n/a

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

APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE William DiBlasi managing member Mainstay LLC

ATTORNEY / AGENT 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

1055 WEST THIRD AVENUE Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

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AFFIDAVIT

STATE OF OHIO COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME TIMOTHY A. BASS, AIA of (1) MAILING ADDRESS 30 King Avenue Columbus, Ohio 43201

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 1055 W. THIRD AVE - Columbus, OH 43212 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) William D. Bass 2007 Arlington Ave Columbus, OH 43220

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

Six-3 Collective 1055 W. THIRD AVE - Columbus, OH 43212

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

(5) FIFTH BY NORTHWEST BRUCE MCKIBBIN 1094 Lincoln RD Columbus, OH 43212

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:

Table with 3 columns: (6) PROPERTY OWNER NAME, (6a) PROPERTY ADDRESS, (6b) PROPERTY OWNER MAILING ADDRESS. Includes empty rows for listing owners.

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

(8) SIGNATURE OF AFFIANT

[Handwritten signature]

Sworn to before me and signed in my presence this 19th day of April, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC [Handwritten signature]

My Commission Expires 01/11/2021



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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...
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...
4. The grant of a variance will not be injurious to neighboring properties...
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...
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 refer to attached "Expanded application Sheet"

Multiple horizontal lines for providing details on the variance criteria.

Signature of Applicant

Handwritten signature of the applicant.

Date

4.19.2016

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Attachment

## Board of Zoning Adjustment Application

### Expanded Application Sections

**Date:** 18 March 2016

**Parcel ID:** 010-062713-00  
**Address:** 1055 West Third Avenue  
 Columbus, Ohio, 43212  
**Owner:** Mainstay, LLC  
**Applicant:** Six-3 Collective  
**Proposed Business:** Six-3 Arts Space

#### General:

#### Brief description of Zoning Ordinance sections from which relief is requested:

3312.03C, Change of intensity - Existing Retail Store (current administrative history) to include a new Eating and Drinking function in part of the existing space.

Tables 1 and 2 illustrate the current and proposed mix of uses, with the respective parking demands. The calculation following the tables indicates a parking demand of 26. The applicant has 7 dedicated full time spaces.

The specific relief requested from 3312.03C is a request to allow the applicant to satisfy parking demand through a covenant/lease with his Landlord (property owner) granting a right to use all the parking on the site after the adjacent businesses are closed. The times granted coincide with the period of greatest demand.

**Table 1; Parking Analysis of Existing Mixed Uses:**

Space	Size Sq. Ft.	Use	Parking Formula sq.ft. per space	Demand	UCO Reduction	Sub Total
office1	254	offices	450.00	1	0.75	1
manufacturing	3375	printing	750.00	5	0.75	4
retail (gallery)	1812	mercantile	250.00	8	0.5	4
<hr/>						
total size	5187		total space	14	total required	9
Required				14	required	9
Provided				7	provided	7
			Surplus	-7	Surplus	-2

**Table 2; Parking Analysis with Proposed Uses:**

Space	Size Sq. Ft.	Use	Parking Formula sq.ft. per space	Demand	UCO Reduction	Sub Total
office1	0	offices	450.00	0	0.75	0
manufacturing	3375	printing	750.00	5	0.75	4
eating/drinking	2066	bar/food	75.00	27.5	0.75	21
Future patio	403	patio	150.00	3.00	0.75	3
total size	5844	total space		32.5	total required	28
Required					required	28
Provided					provided	7
					Surplus	-21

**Per Example**

3312.03c calculation (3312.49)

required spaces for existing use history = 9 refer to Table 1 Above

required spaces for proposed use mix with Eating and drinking

space included = 28 refer to Table 2 Above

existing available spaces = 7

difference between intensities (28 - 9) = 19

Total parking spaces required for new use (7 + 19) =	<b>26</b>
--	-----------

Parking space Deficiency	<b>19</b>
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Spaces permanently assigned to Applicant	<b>7</b>
--	----------

Additional Spaces available to Applicant in the evening hours

associated with new demand **38 (double the increase in demand)**

<b>Total parking available during hours of eating and drinking</b>	<b>45</b>
--	-----------

**Narrative:**

The Applicants have established an arts organization in the subject property. The existing and proposed mix of uses is described in Tables 1 and 2, respectively.

The Applicant wishes to add an eating and drinking function to the existing gallery space to expand the opportunities for engaging the community. The focus of the business remains the arts, but the proposal will create an opportunity to augment the arts function by offering eating and drinking as an attractive amenity. The food selection will be limited to pre-prepared and packaged foods. There will be no lunch service.

The Applicant expects the impact of the change to be realized in the evenings and weekends; the times the adjacent businesses on his Landlord's two contiguous parcels are closed. The Applicant has entered into a covenant with his Landlord by which he is granted use of all of the parking on these two contiguous parcels after 6:00 PM, seven days a week.

The Applicants respectfully request relief from the 19 additional spaces triggered by the addition of the eating and drinking function. With the parking spaces available by covenant, the Applicant will have 45 available where the 3312.03C demand is 26.

## STATEMENT OF HARDSHIP

### General:

The proposed Use is an acceptable Use in the M District (a C4 Use – restaurant).

### Character of the Business:

The business is a community oriented business shaped around an arts mission. The primary function of the space in which the new eating and drinking function will occur is an art gallery. The space will continue to function as an art gallery. The applicant will establish a small bar and minimal food service operation to augment the gallery function. The space will be open for patrons who may come just for the food and bar function though this is not the goal of the effort.

There will be no lunch service. Dinner/evening food service will be limited to small plates and pre-prepared foods.

### The Proposed Use is complimentary, compatible and consistent with Uses in the vicinity:

West Third Avenue is an older Manufacturing District that is beginning to attract professional offices, neighborhood oriented businesses, arts oriented activities and other commercial uses. Six-3 is an arts organization hoping to build relationships with, and engage the community in the arts. The proposed use is an extension of this effort, is compatible and complimentary to the other businesses developing on West Third Avenue. Six-3 will close each night by Midnight.

### Blend of Uses and Hours:

Six-3 is located in a structure that occupies two contiguous parcels. The mix of uses includes Six-3's print shop, adjacent offices and a small retail component. The retail and office functions are active during the day and closed at nights. The primary activity of the proposed Six-3 function is evening; allowing for a relative balance in the intensity of the uses on site throughout any given day.

### Walkable District:

The site benefits from robust urban neighborhoods within comfortable walking distances. A portion of the clientele can be expected to be neighbors walking to visit the gallery/lounge.

### Additional Parking:

Six-3 will have use of all of the parking on the two parcels during the hours of their greatest demand - a total of 45.

## Board of Zoning Adjustment Conditions for Approval:

**1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.**

The building is an aged structure in an existing Manufacturing District/Corridor. The majority of buildings/sites in the district/corridor were constructed in a time, and for a uses that did not anticipate parking demands associated with the more desirable business uses that are finding their way to the corridor. The M district properties on the south side of West Third occupy a very shallow footprint in contrast to the properties on the north side and throughout the center of the district. A variance for parking is required for the properties on the south side of Third to accommodate uses that are otherwise achievable throughout the other properties in the district.

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

The hardship resides with the property. As described above, for the size of the existing leasehold and associated parking facility, there are few uses that could be compliant with parking requirements (even with the UCO the existing low intensity mix of uses is deficient).

The hardship is a result of original development pattern and lot depths on the south side of the corridor; applicant did not create or contribute to this hardship.

**3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.**

The proposed business/Use is similar to, but less intense than other eating drinking establishments on the corridor. The proposed small, and limited, eating and drinking function associated with the arts mission is a desirable addition to the corridor and is compatible and complimentary to the mix of businesses being attracted to this old Manufacturing corridor. The depth of the lots on the south side of Third is limited along this corridor, making parking accommodation a challenge on the entirety of the south side of the street. The variance is required to accommodate this business.

Other uses in the corridor have benefitted from similar variances and future uses will require the same as the corridor improves.

Granting of a variance will not confer special privilege to this Applicant; it will preserve a property right granted and possessed by other Owners on this corridor.

**4. That the granting 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.**

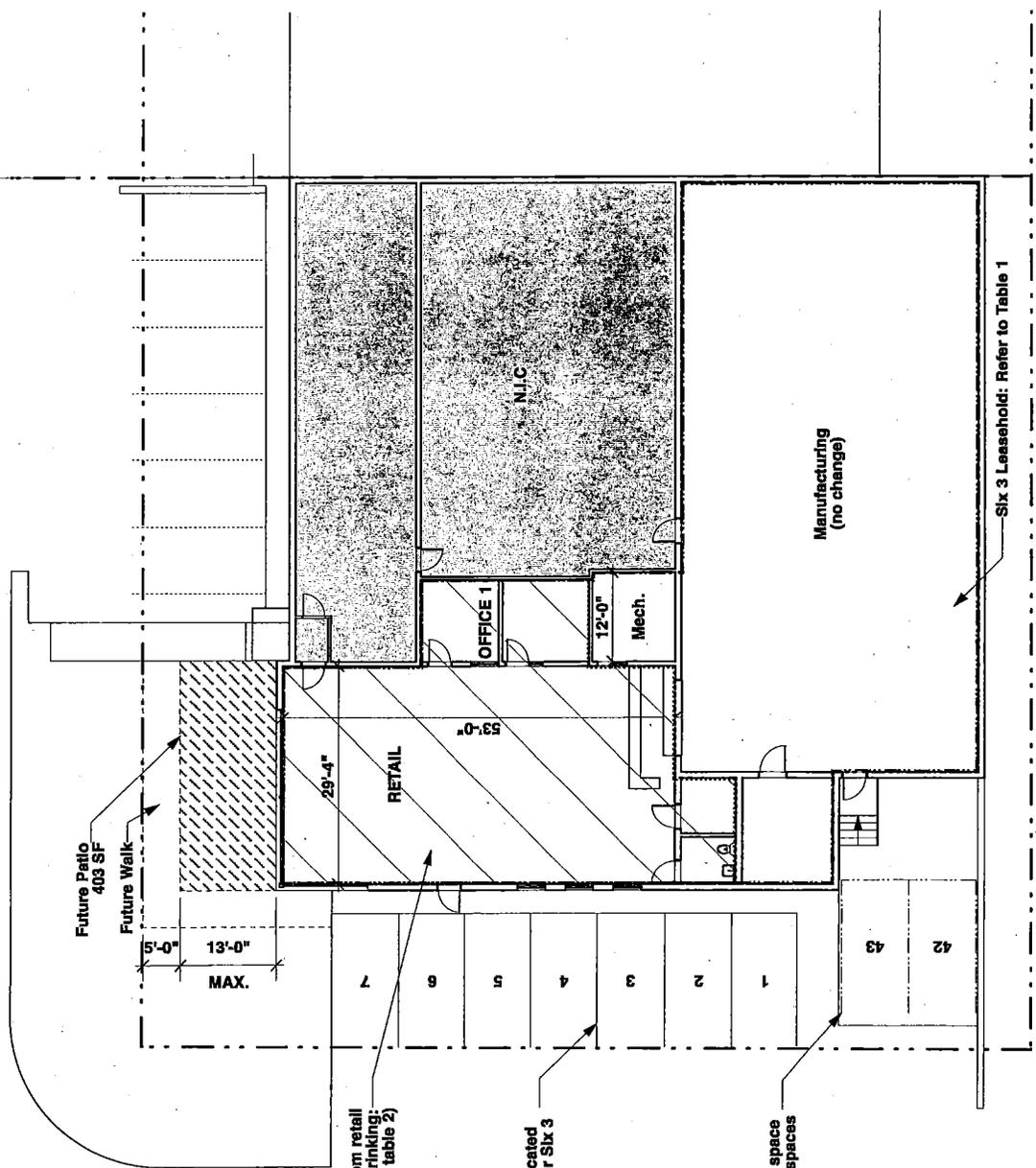
More parking than is required for this use is available on the site on which the use is proposed (28 required 43 available). The parking is available for the applicant to use during the hours anticipated to generate the need –by covenant attached to this application. The variance is required because the parking is not designated for this business during all hours of each day. The variance is needed to recognize that adequate parking for the use will be available on the two contiguous parcels during the hours that it will be required.

Given that the parking required by the limited additional function is accommodated during the hours of generated need at 165% of that required, the variance will not be injurious to neighboring properties.

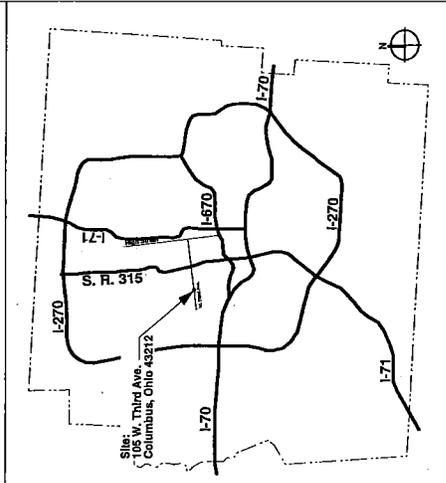
This proposal will require no physical changes to the property, will not impair the use of neighboring properties and will not be contrary to the public interest.



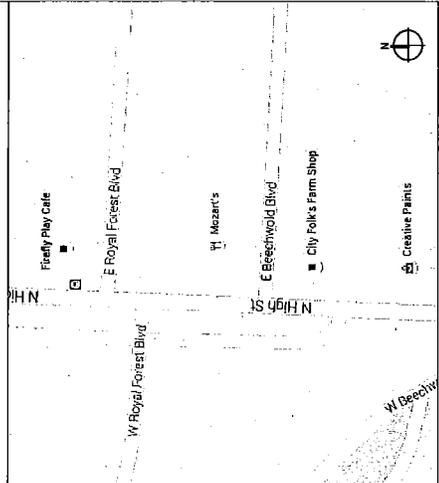
Parcel 1 Parcel 2



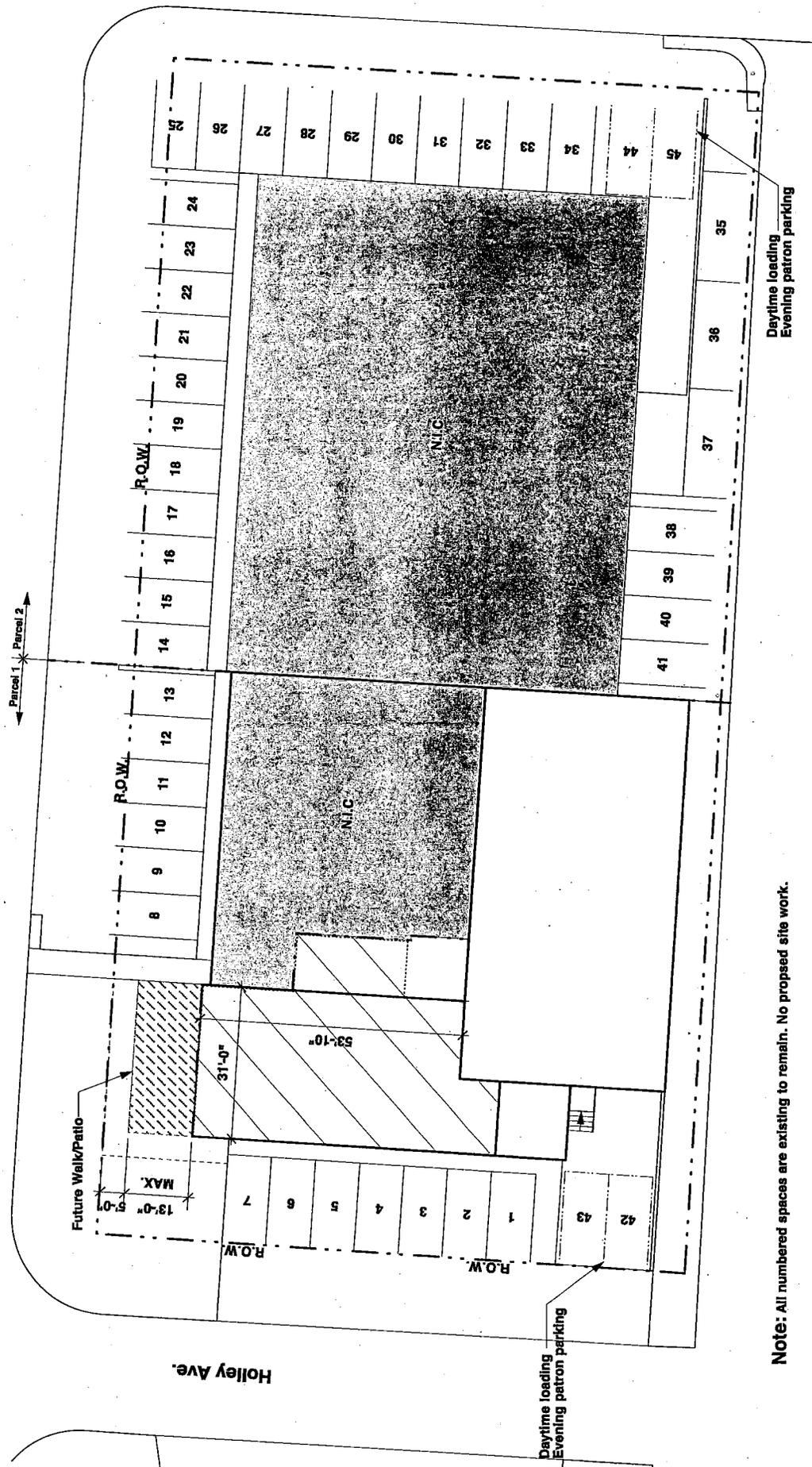
Site Location



Vicinity Map



Third Ave.



Daytime loading  
Evening patron parking

Daytime loading  
Evening patron parking

Note: All numbered spaces are existing to remain. No proposed site work.

THE CITY OF COLUMBUS ANDREW J. GENTNER, 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) Jonathan Burgess of (COMPLETE ADDRESS) 165 Crestview Rd Columbus, OH 43202

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:

Table with 2 columns: NAME, COMPLETE MAILING ADDRESS. Rows include Jonathan Burgess, Callie Burgess, and Six 3, LLC.

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 18th day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC [Signature]

September 14th, 2020 My Commission Expires

Notary Seal Here



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