

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: CV16-046 Date Received: 7/5/16

Application Accepted by: SP Fee: \$1600

Comments: Assigned to Michael Maret; 614-645-2749; mjmare@colombus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1485 Oak St. 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: 010-023518-00

☐ 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 and bar first floor. office/residential /
on second floor.

Acreage: .04

APPLICANT:

Name: Ma H Lutz Phone Number: 614 286 4315 Ext.: _____

Address: 139 Franklin Park West City/State: Columbus Oh Zip: 43205

Email Address: urban.columbus@gmail.com Fax Number: _____

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

Name: 1485 Oak Street Ltd. Phone Number: _____ Ext.: _____

Address: (same as applicant) City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

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

Name: _____ Phone Number: _____ Ext.: _____

Address: _____ City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

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

APPLICANT SIGNATURE M. H. Lutz

PROPERTY OWNER SIGNATURE M. H. Lutz

ATTORNEY / AGENT SIGNATURE _____

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

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

CV16-046

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

MMDf

Date

7/5/16

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

Statement of Hardship and Variances Requested for 1485 Oak Street

The subject property is currently zoned ARLD. Pursuant to utility records, the building has been vacant for at least 25 years. The structure was constructed as drug store with two apartments on the second floor. The building has a gross floor area of about 1,584 square feet per floor. The building is brick with a storefront facing Oak Street. The building occupies all of its land area excepting a 10 foot side yard along the west side of the lot.

The applicant is requesting this Council Variance to allow for the entire first floor of the building to be used for the operation of a restaurant or restaurant with a bar, onsite kitchen, onsite consumption of food and beverages including alcohol, and the retail sale of good and products, including the sale of food and beverages (not including alcohol) for offsite consumption and the second floor to be used for office, while allowing for the potential reversion of the office use to residential use. The revitalization of this historic commercial node on Oak Street is consistent with the Near East Area Plan and enhances the vibrancy of the neighborhood.

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

Variance 1: Section 3333.02 Allowable Uses. A variance is requested to allow for the entire first floor of the building to be used for the operation of a restaurant or restaurant with a bar, onsite kitchen, onsite consumption of food and beverages including alcohol, and the retail sale of good and products, including the sale of food and beverages (not including alcohol) for offsite consumption and the second floor to be used for office, while allowing for the potential reversion of the office use to residential use.

Variance 2: Section 3312.49 Parking Requirements. The existing site is almost wholly occupied by the building and therefore does not meet the parking requirements for commercial use. This is a pedestrian oriented neighborhood and most customers are expected to walk to the restaurant. On street parking is available throughout the area. Churches with off street parking occupy two of the other corners of the intersection. Numerous unimproved and vacant properties dominate along Oak Street, meaning that the street parking is very lightly utilized.

Estimated parking required for 1485 Oak:

Level	Use	Sq ft	Required Parking
First Floor	Restaurant	1,584 sq ft	22 (1:75sqft)
	Patio	360 sq ft	4 (1:150)
Second Floor	Office	1,584 sq ft	4 (1:450 sq ft)

A variance is requested to reduce the required off-street parking for 1485 Oak Street to 0 spaces.

Variance 3: Section 3321.01 Dumpster area. The proposed dumpster location does not meet placement requirements. A variance is requested to permit the dumpster to be located in the required front setback and side yard as shown on the site plan.

Variance 4. Section 3321.05(B)(2) Vision clearance at intersections. The existing building does not meet the vision clearance triangle requirement as the building occupies the entire corner of the lot. A variance is requested to eliminate the vision clearance triangle.

Variance 5: Section 3333.09 Area Requirements. The existing lot width does not meet the area requirements for the ARLD district. A variance is requested to eliminate the minimum area requirement and allow a lot width of less than 50 feet.

Variance 6: Section 3333.11 ARLD area district requirements. The existing lot size does not meet the lot area requirements for square feet per unit for two apartment units. A variance is requested to permit two second-story apartment units on a 2,093 sq ft lot (1,046.5 sq ft per dwelling).

Variance 7: Section 3333.15(c) Basis of computing area. The existing building does not meet the lot coverage requirements for no more than 50 % lot coverage. A variance is requested to permit the existing lot coverage of 75.7 %.

Variance 8. Section 3333.18(D) Building Setbacks. The existing building does not meet the setback requirements for the ARLD district. A variance is requested to reduce the building setback requirements to the existing building footprint, and to permit a dumpster within the required setback area.

Variance 9: Section 3333.23 Side Yard. The existing building does not meet the requirements for minimum side yard setback. A request is made to permit an outdoor dining patio and dumpster within an enclosure to be located in the side yard as shown in the site plan.

Variance 10: Section 3333.24 Rear yard. The existing building does not meet the 25% rear yard requirement. A variance is requested to permit the existing 0% rear yard.

The proposed variances will not have any significant impact on the existing conditions of the site. The proposed variances will not be injurious to the 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: CV16-046

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Matthew D. Lutz
of (1) MAILING ADDRESS 139 Franklin Park West 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 1485 Oak Street Ltd.

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) 1485 Oak St. Ltd
139 Franklin Park West
Columbus Ohio 43205

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Matt Lutz
614-286-4315

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Near East Area Commission
Annie Ross - Urmak
874 Oakwood Avenue (614)-531-2700
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

M. Lutz

Sworn to before me and signed in my presence this 29th day of June, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

Coletta A. Black

August 25, 2018
My Commission Expires

Notary Seal Here



COLETTA A. BLACK
NOTARY PUBLIC
STATE OF OHIO
Commission Expires
August 25, 2018
Recorded in
Franklin County

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

APPLICANT/PROPERTY OWNER**AREA COMMISSION**

CV16-046

1485 Oak Street Ltd
Matt Lutz
139 Franklin Park West
Columbus Ohio 43205

NEAR EAST AREA COMMISSION
Annie Ross Womak
874 OakWood Avenue
Columbus Ohio 43206

SURROUNDING PROPERTY OWNERS

PROMISE LAND BELIEVERS FELLOWSHIP
ASSEMBLIES
1478 OAK ST
COLUMBUS OH 43205

James Petti and John McAllister
438 Arbors Circle
Columbus, Ohio 43230

Roberson Cleophas Jr.
1473 Grovewood Dr.
COLUMBUS OH 43207

L&N UP ALUM CREEK LLC
3540 E. Fulton Street
Columbus, Ohio 43227

Trio Investment Group
P.O. Box 59
Newark, Ohio 43058

Miller Avenue LLC
139 Franklin Park West
Columbus, Ohio 43205

Miller Avenue East LLC
139 Franklin Park West
Columbus, Ohio 43205

Miller Avenue South LLC
139 Franklin Park West
Columbus, Ohio 43205

International Gospel Center of Ohio
PO BOX 6887
Columbus, Ohio 43205

COMMUNITY RESEARCH CENTER LLC
1707 FRANKLIN PARK S
Columbus, Ohio 43205

Glen A Robbins
939 S HIGH ST
Columbus, Ohio 43206

James Petti and John McAllister
3715 Montclair Dr.
Columbus, Ohio 43219

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

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 # CV16-046

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Matthew D. Lutz
of (COMPLETE ADDRESS) 139 Franklin Park West Columbus 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 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. <u>1485 Oak Street LLC</u> <u>139 Franklin Park West</u> <u>Columbus Ohio 43205</u> <u>☐</u> <u>Mat Lutz 614-286-4315</u>	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 29th day of June, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



COLETTA A. BLACK
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
August 25, 2018
Recorded in
Franklin County

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

TRANSFERRED

APR 03 2012

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

201204100049356
Pgs: 2 \$28.00 T20120025278
04/10/2012 2:31PM BXAMERITITLE
Daphne Hawk
Franklin County Recorder

4311

Conveyance
Mandatory- 20.00
Permissive- 20.00 BD
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

CV16-046

AmeriTitle Box
1203077-ORLH

GENERAL WARRANTY DEED
(By a Corporation)
(Ohio Revised Code 5302.05 and 5302.06)

Olde Village Express, Inc, a corporation organized and existing under the laws of the State of Ohio (Grantor), for valuable consideration paid, grants with General Warranty Covenants, to 1485 Oak Street Ltd. (Grantee), whose tax mailing address is _____, the following REAL PROPERTY:

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

Being part of Lot Numbers One Hundred Thirty (130) and One Hundred Thirty-one (131) in JAMES NELSON'S ADDITION to the City of Columbus, Ohio, as said lots are numbered and delineated upon the recorded plat of said addition, of record in Plat Book 2, Page 322 and re-recorded in Plat Book 4, Page 166, Recorder's Office, Franklin County, Ohio; the premises hereby conveyed are more particularly described as follows:

Beginning at the intersection of the south line of Oak Street with the west line of Miller Avenue; thence south along the west line of Miller Avenue a distance of 45 1/2 feet to a point; thence west on a line parallel with the south line of Oak Street, a distance of 46 feet to a point in said Lot No. 130; thence north in a line parallel with the west line of Miller Avenue to a point in the south line of Oak Street 10 feet west from the northeast corner of said Lot No. 130; thence east along the south line of Oak Street 46 feet to the Place of Beginning.

Tax Parcel Number: 010-023518
Street Address: 1485 Oak Street Columbus, OH 43205

Subject to taxes and assessments after date hereof, all legal highways, conditions, covenants, restrictions and easements of record, if any.

Prior Instrument of Reference: Instrument No. 200712270220349

I-016
ALL OF
(010)
023518

DESCRIPTION VERIFIED
DEAN C. REIGEL, P.C.
BY: <i>DR</i>
DATE: 04/03/2012

CV16-046



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 6/29/16



Disclaimer

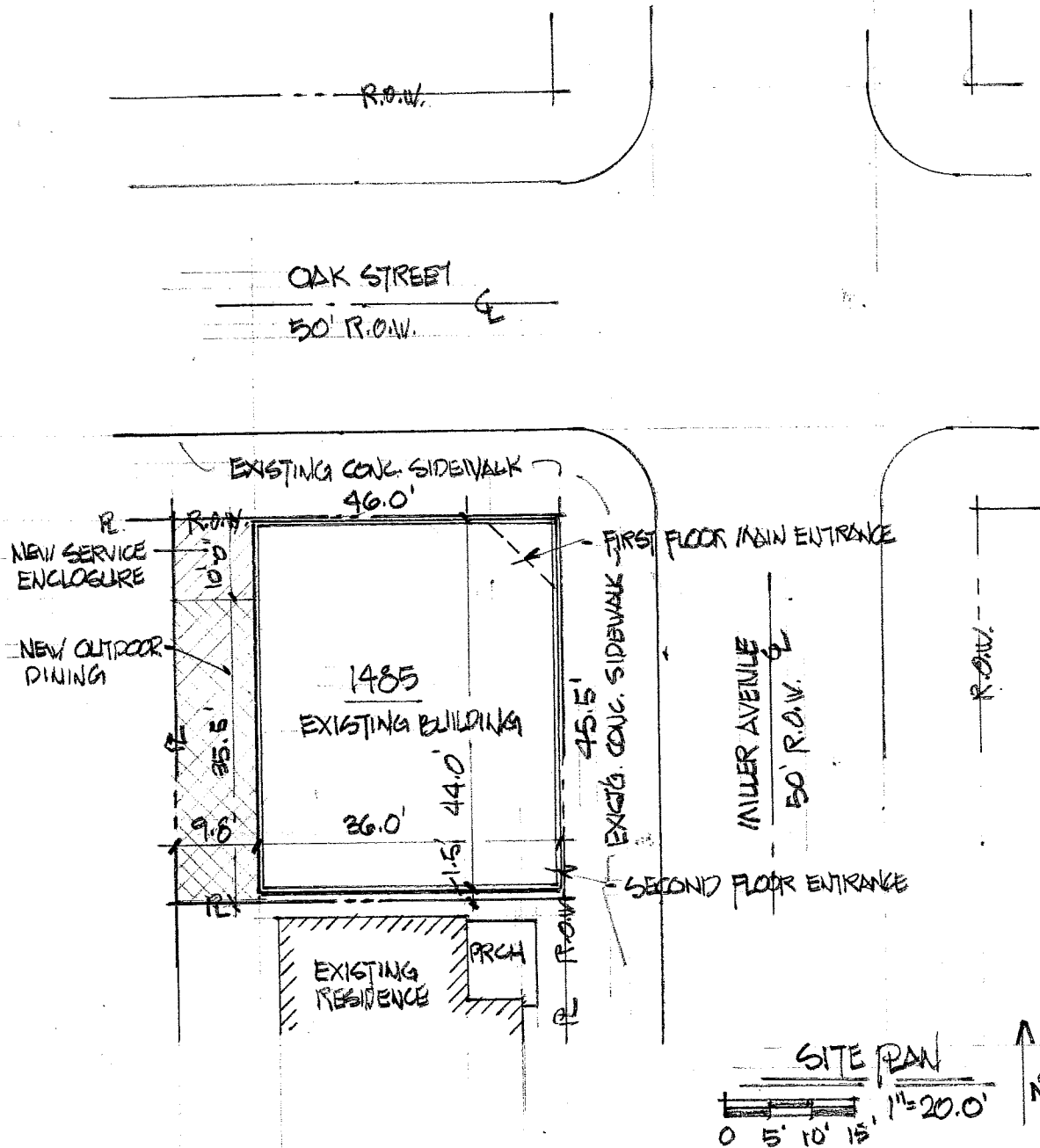
Scale = 60



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.

Real Estate / GIS Department

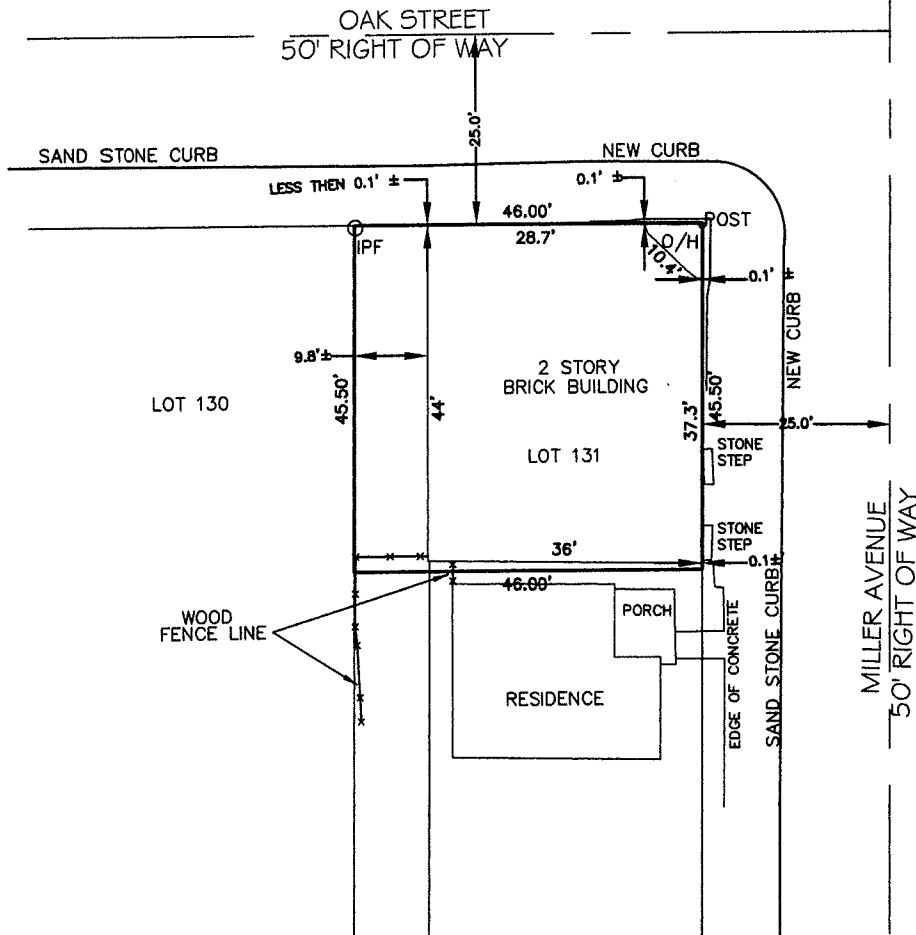
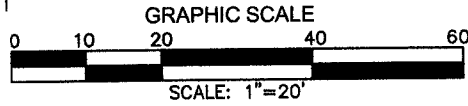
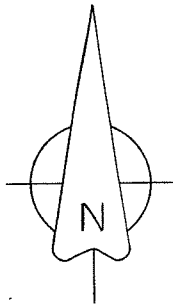
CV16-046



Mortgage Location Survey

Part of Lots 130 & 131, James Nelson's Addition
to the City of Columbus, Plat Book 4, Page 166
Franklin County Recorders Office.

CV16-046



APPARENT ENCROACHMENTS
WOODEN FENCE AT SOUTHWEST PROPERTY
CORNER ON TO SUBJECT PROPERTY

POSSIBLE ENCROACHMENT
THE SUBJECT BUILDING INTO THE RIGHT-OF-WAY OF OAK STREET AND/OR MILLER AVE.
AN ACCURATE DETERMINATION OF THE RIGHT-OF-WAY LINES REQUIRE A BOUNDARY SURVEY
AS DEFINED IN CHAPTERS 4733-37, OHIO ADMINISTRATIVE CODE.

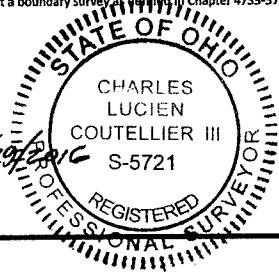
THIS IS NOT A BOUNDARY SURVEY
THIS MAP SHALL NOT BE USED FOR
CONVEYANCE OR RECORDING PURPOSES OR
OTHERWISE USED FOR BOUNDARY INFORMATION.

NO TITLE REPORT FURNISHED. SUBJECT TO ALL
EASEMENTS AND CONDITIONS OF RECORD.

CERTIFICATION: We hereby certify that this Mortgage Location Survey was prepared from actual field measurements in
accordance with Chapter 4733-38, Ohio Administrative Code. This is not a boundary survey as defined in Chapter 4733-37
Ohio Administrative Code.

Date on site: 6/27/2016

Charles Coutellier, P.S. 5721



1485 OAK STREET, COLUMBUS, OHIO



4353 Shire Landing Road
Hilliard, Ohio 43026
www.gisopc.com
614.319.3014
Firm Number 03523

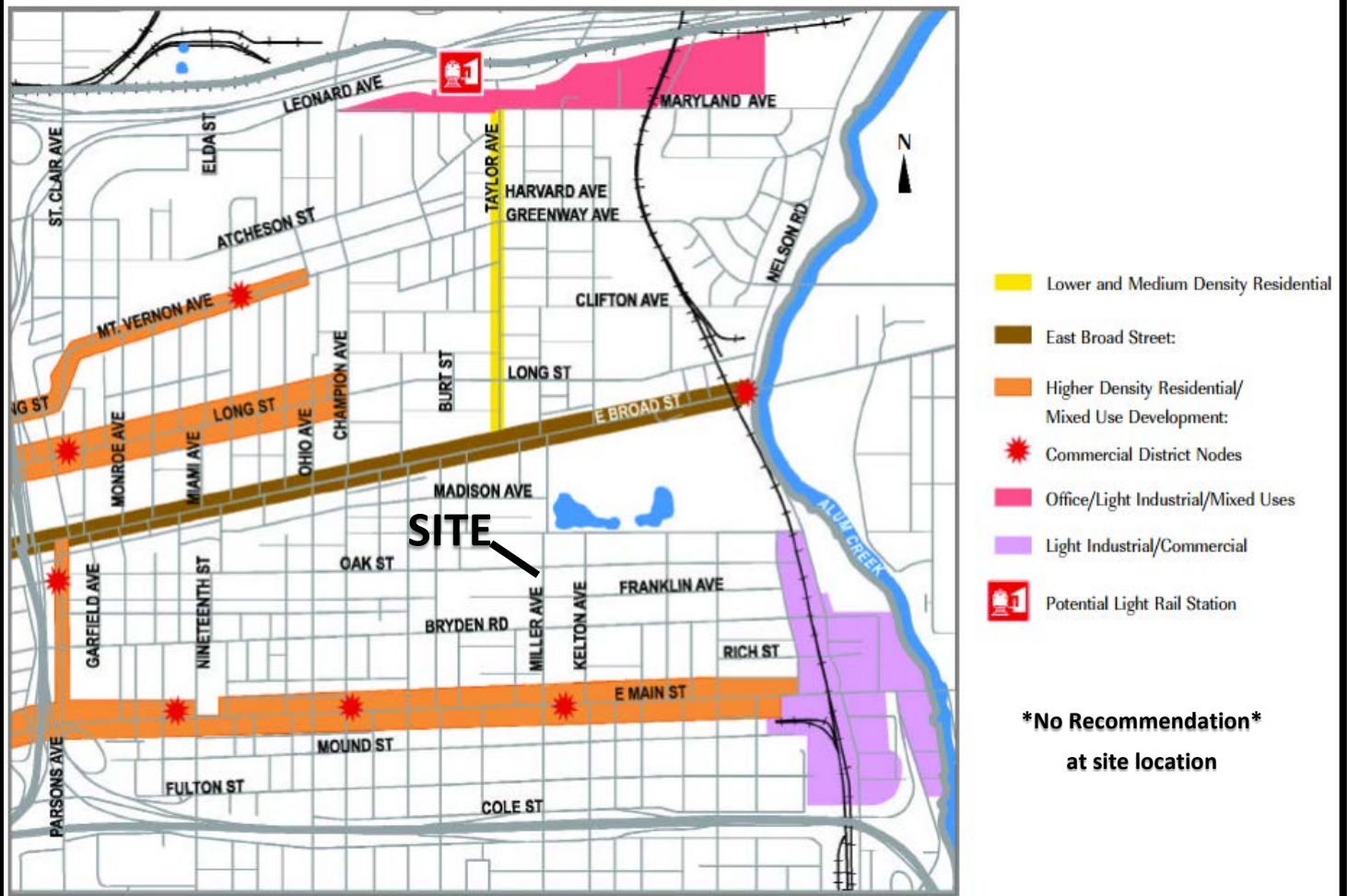
Date: 6/29/16
Scale: 1"=20'
Drawn: SRP
Chk: CLC
Proj. No: 16006C

MORTGAGE LOCATION SURVEY
1485 OAK STREET LTD
139 FRANKLIN PARK W.
COLUMBUS, OHIO
43205-1547



CV16-046
1485 Oak Street
Approximately 0.04 Acres

DEVELOPMENT STRATEGY



CV16-046
1485 Oak Street
Approximately 0.04 Acres



CV16-046
1485 Oak Street
Approximately 0.04 Acres