

THE CITY OF  
**COLUMBUS**  
 ANDREW J. GINTHER, MAYOR

DEPARTMENT OF  
 DEVELOPMENT

## Zoning Report

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### Site Information

Address	1015 W FIFTH AV
Mailing Address	3363 TREMONT RD STE 305 COLUMBUS OH 43221-2110
Owner	CENTRO INC HIGHPEARL INC
Parcel Number	010061577
In Columbus?	Yes
County	FRANKLIN

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### Zoning Information

Zoning	ORIG, Manufacturing, M, 2/27/1928, H-60
Historic District	None
Council Variance	CV13-028, Passed
Board of Zoning Adjustment (BZA) Variance	None
Commercial Overlay	WEST FIFTH AVENUE UCO
Planning Overlay	None
Graphics Variance	None
Area Commission	5th by Northwest Area Commission
Historic Site	No
Flood Zone	Out
Airport Overlay Environs	None

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### Pending Zoning Action

Zoning	None
Board of Zoning Adjustment (BZA) Variance	None
Council Variance	None
Graphics Variance	None

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THE CITY OF  
**COLUMBUS**  
ANDREW J. GANTHER, 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

OFFICE USE ONLY

Application Number: BZA16-167 Date Received: 19 Dec 2016  
Application Accepted by: SH/N.W.T.F. Fee: \$1900-  
Commission/Civic: M-  
Existing Zoning: M-  
Comments: \_\_\_\_\_

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

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

A variance to C.C.3312.49, minimum number of parking spaces required, to allow a reduction of seven parking spaces occurring as a result of a restaurant occupying a space previously planned as retail.

**LOCATION**

Certified Address: 1005 West Fifth Avenue, City: Columbus, Ohio Zip: 43212

Parcel Number (only one required): 010-061577

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

Applicant Name: Spartan Restaurant Group Phone Number: 614.563.5590 Ext.: \_\_\_\_\_

Address: 5218 Blessing Court City/State: Galena, Ohio Zip: 43021

Email Address: miwaszkiewicz.yourpie@gmail.com Fax Number: \_\_\_\_\_

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

Name: Centro, Inc./Highpearl, Inc. Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: 3363 Tremont City/State: Columbus, Ohio Zip: 43221

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

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

Name: David Hodge, Underhill & Hodge LLC Phone Number: 614.335.9320 Ext.: \_\_\_\_\_

Address: 8000 Walton Parkway, Suite 260 City/State: New Albany, Ohio Zip: 43054

Email Address: david@uhlfirm.com Fax Number: 614.3359329

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

APPLICANT SIGNATURE By: David Hodge - attorney

PROPERTY OWNER SIGNATURE By: David Hodge - by authority

ATTORNEY / AGENT SIGNATURE David Hodge

**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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### AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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 1005 West Fifth Avenue, Columbus, Ohio 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) Centro, Inc./Highpearl, Inc.

3363 Tremont

Columbus, Ohio 43221

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

Spartan Restaurant Group

614.563.5590

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

(5) 5th by Northwest Area Commission

Bruce McKibben

1094 Lincoln Road, Columbus, Ohio 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:

(6) PROPERTY OWNER NAME

(6a) PROPERTY ADDRESS

(6b) PROPERTY OWNER MAILING ADDRESS

Please see attached list.

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

(8) SIGNATURE OF AFFIANT

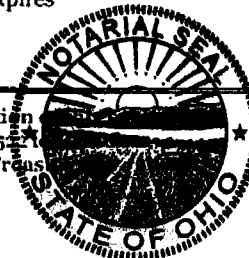
Sworn to before me and signed in my presence this 15<sup>th</sup> day of December, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC

1-11-2021  
My Commission Expires

Notary Seal Here

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KIMBERLY R. GRAYSON  
Notary Public, State of Ohio  
My Commission Expires  
January 11, 2021  
cmf 12/15

**PROPERTY OWNER:**

Centro, Inc.  
Highpearl, Inc.  
3363 Tremont  
Columbus, Ohio 43221

**APPLICANT:**

Spartan Restaurant Group  
5218 Blessing Court  
Galena, Ohio 43021

**ATTORNEY:**

David Hodge  
Underhill & Hodge LLC  
8000 Walton Parkway, Suite 260  
New Albany, Ohio 43054

**AREA COMMISSION:**

5<sup>th</sup> by Northwest Area Commission  
Bruce McKibben, Zoning Chair  
1094 Lincoln Road  
Columbus, Ohio 43212

**SURROUNDING PROPERTY OWNERS:**

Shoppes LLC  
1480 Dublin Road  
Columbus, Ohio 43215

1020 Fifth II LLC  
1480 Dublin Road  
Columbus, Ohio 43215

Mary Joseph Properties  
1132 West 3<sup>rd</sup> Avenue  
Columbus, Ohio 43212

Fifth Avenue Design Center LLC  
4844 Adele Court  
Woodland Hills, California 91364

RTR of Columbus, Ltd.  
1356 Norton Avenue  
Columbus, Ohio 43212

Holly Ave. Living LLC  
470 Olde Worthington Road, Suite 200  
Westerville, Ohio 43082

BET Investments I LLC  
20 North Street  
Dublin, Ohio 43017

1404 Holly Ltd.  
7051 Coffman Road  
Dublin, Ohio 43017

Grimesbach Properties Ltd.  
1390 Holly Avenue  
Columbus, Ohio 43212

1341 Norton WD LLC  
536 South Wall Street, Suite 300  
Columbus, Ohio 43215

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### STATEMENT OF HARDSHIP

APPLICATION #

#### 3307.09 Variances by Board.

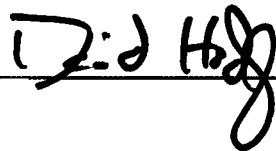
- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance 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 Statement of Hardship.

Signature of Applicant

By:



Date

12/15/16

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**Statement of Hardship**

The applicant, Spartan Restaurant Group, is a Your Pie franchisee opening a new restaurant in the building known at The View on Fifth. The tenant space that Your Pie will be occupying was originally planned as a retail use, which under the Zoning Code requires less parking spaces than a restaurant. After Your Pie goes into the space, there will remain 9,640 square feet of vacant retail space, and 4,305 square feet of vacant restaurant space. At full occupancy the expectation is that many retail and restaurant users will be in combined trips. The developer has also worked with the City, and neighborhood, to provide ample bicycle parking for this development.

The following variance is requested:

C.C. 3312.49, Minimum number of parking spaces required. To reduce the parking requirement for this development by 7 parking spaces.

The View on Fifth is an overlay compliant development still working on creating the right synergy in the commercial space. In terms of the current commercial vacancy, ample parking is provided on site. At full occupancy the development will have a 7 parking space shortfall under the parking code, it is unlikely that all of the commercial users will be in peak demand during the same times such that this parking reduction will not have either a detrimental effect on either The View on Fifth, or the neighborhood in general. There are 10 separate commercial tenant spaces in this building that will house different types of restaurant uses, different types of retailers, and currently an exercise facility. Demand on the provided parking will therefore be spread out throughout different times of day such that the parking allotted in this development for the commercial space will remain adequate.

These special circumstances do not apply generally to other M, Manufacturing zoned but commercially used properties, they are not the result of the action of the property owner or applicant, and they make it necessary and appropriate that a variance be granted to preserve the right to make reasonable use of the property with a reasonable mix of commercial tenants. The grant of this 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.

The applicant respectfully requests that the variance be granted.

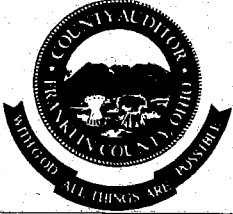
Spartan Restaurant Group

By:

Signature of Applicant:

Date:

David Hodge - attorney  
12/15/16



# CLARENCE E MINGO II

## FRANKLIN COUNTY AUDITOR

MAP ID: s

DATE: 12/13/16



ORTHOPHOTOGRAPHY DATE 2014

Disclaimer

Scale = 100



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



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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 # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge

of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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
Centro, Inc.	3363 Tremont, Columbus, Ohio 43221
Highpearl, Inc.	3363 Tremont, Columbus, Ohio 43221
Spartan Restaurant Group	5218 Blessing Court, Galena, Ohio 43021

SIGNATURE OF AFFLIANT

David Hodge

Sworn to before me and signed in my presence this 15<sup>th</sup> day of December, in the year 2016

Kimberly R. Grayson  
SIGNATURE OF NOTARY PUBLIC

1-11-2021  
My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON  
Notary Public, State of Ohio  
My Commission Expires  
January 11, 2021

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