

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: CV17-035 Date Received: 4/25/17
Application Accepted by: MM + KP Fee: 81760
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 873 N. High Street Zip: 43201

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: 010-033280

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

Current Zoning District(s): AR-O and C-4

Area Commission or Civic Association: Victorian Village Commission

Proposed Use or reason for Council Variance request: To allow construction of proposed mixed-use development.

Acreage: 1.251

APPLICANT:

Name: Pizzuti Companies c/o Dan Gore Phone Number: 614-280-4009 Ext.: _____

Address: 629 North High Street, Suite 500 City/State: Columbus, Ohio Zip: 43215

Email Address: dgore@pizzuti.com Fax Number: 614-280-5009

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

Name: (#1) Meccs Store, LLC (#2) BSSJ Ventures LLC Phone Number: _____ Ext.: _____

(#1) 47 West Third Avenue and (#2) 40 West First Avenue, Columbus, Ohio Zip: 43201
Address: _____ City/State: _____

Email Address: _____ Fax Number: _____

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

Name: Michael Shannon, Esq. Phone Number: 614-229-4506 Ext.: _____

Address: 500 South Front Street, Suite 1200 City/State: Columbus, Ohio Zip: 43215

Email Address: mshannon@cbjlawyers.com Fax Number: 614-229-4559

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

APPLICANT SIGNATURE Michael Shannon (by ESZ)

PROPERTY OWNER SIGNATURE Michael Shannon (by ESZ)

ATTORNEY / AGENT SIGNATURE Michael Shannon (by ESZ)

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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CV17-035

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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

See attached.

Signature of Applicant

Michael Shannon (652)

Date

4-24-17

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Please make checks payable to the Columbus City Treasurer

Statement of Hardship

Property Address: 873 N. High St.
Owner #1: Meccs Store, LLC
47 W. Third Ave.
Columbus, Ohio 43201
Owner #2: BSSJ Ventures LLC
40 W. First Ave.
Columbus, Ohio 43201
Applicant: Pizzuti Companies
c/o Dan Gore
629 N. High St., Ste. 500
Columbus, Ohio 43215
Attorney: Crabbe, Brown & James, LLP
Michael Shannon, Esq.
500 S. Front St., Ste. 1200
Columbus, Ohio 43215
Date of Text: April 25, 2017
Application: CV17-035

The Subject Site consists of three parcels, PIDs: 010-033280, 010-010465, 010-009102. The Site is bounded on the north by Price Ave, on the south by W. First Ave., and on the east N. High St. The Site is situated within the Victorian Village Historic District and subject to the Victorian Village Commission. The Site is also subject to the I-670 Graphics Control Planning Overlay. The Site is not situated within a Commercial Overlay.

On the Site currently stands a single story commercial building occupied by the Grandview Mercantile and offices occupied by ImproveIt!.

The Site is currently classified with two zoning districts. PID 010-033280 is classified C-4 while PIDs 010-010465, 010-009102 are classified AR-O.

Applicant proposes the Site for a mixed-use development providing approximately 46,780 square feet of office space, approximately 11,905 square feet of commercial space, approximately 110 dwelling units, and approximately 162 parking spaces. Individual tenant's retail space shall be limited to a maximum of 2,500 square feet in area. Applicant requests the following variances to allow the construction of the proposed development:

AR-O:

3333.04 – Permitted Uses in the AR-O. Applicant requests a variance to allow parking within the AR-O district to serve commercial uses within the C-3 and C-4 districts.

3333.15(c) – Lot Area. Which section does not allow a residence building to occupy alone or together with any other building greater than 50 percent of the total lot area. Applicant requests a variance to allow the building to occupy a maximum of 84% percent of the lot area.

3321.5(A)(1) – Vision Clearance. Which section provides that there must be unobstructed vision clearance between the elevations of two and one-half to ten feet above the driveway grade within “clear vision triangles,” which are two ten-foot, right-angle triangles formed by the intersection of a driveway pavement edge and street right-of-way line. Applicant requests a variance to allow a minimum 0-foot by 0-foot clear vision triangle on the W. First St. parking garage access, a minimum 6-foot by 6-foot clear vision triangle on the W. First St. access to Wall St., and a minimum 8-foot by 8-foot clear vision triangle on the Price Ave. access.

3333.18 – Building Lines. Which section does not allow a building line less than 10 feet. Applicant requests a variance to allow a minimum building line of 1 foot from Price and W. First St.

3312.29 – Parking Space. Which section provides that a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to allow a reduction of parking space to be a minimum of 8 feet by 16 feet for compact vehicle parking spaces and parking spaces affected by parking garage structure.

3309.14 – Height District. Applicant requests a variance to allow a height of 71 feet, excluding mechanicals, elevator shafts, and parapets.

C-4

3309.14 – Height District. Applicant requests a variance to allow a height of 60 feet, excluding mechanicals, elevator shafts, and parapets.

3321.5(A)(1) – Vision Clearance. Which section provides that there must be unobstructed vision clearance between the elevations of two and one-half to ten feet above the driveway grade within “clear vision triangles,” which are two ten-foot, right-angle triangles formed by the intersection of a driveway pavement edge and street right-of-way line. Applicant requests a variance to allow a minimum 4-foot by 4-foot clear vision triangle on the Price Ave. access from Wall St.

3312.29 – Parking Space. Which section provides that a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to allow a reduction of parking space to be a minimum of 8 feet by 16 feet for compact vehicle parking spaces and parking spaces affecting by garage structure.

3356.11(A)(4) – Building Lines. Which section does not allow a building line less than 10 feet. Applicant requests a variance to allow a minimum building line of 1 foot from Price and W. First St.

A hardship exists because the Applicant cannot develop the Site as proposed while still conforming to the underlying zoning district established by the City’s Zoning Code. Applicant’s requested use variances will not adversely affect the surrounding property or surrounding neighborhood. The requested use variances will not impair supply of light or air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Further, a practical difficulty exists because Applicant cannot develop the Site as propose while still meeting the underlying development standards established by the City's Zoning Code. Applicant's requested area variances will not seriously affect any adjoining property or the general welfare.

Notably, the Victorian Village Commission has granted the Applicant a Certificate of Appropriateness to for demolition of the Site, effectively approving the massing and merits of the proposed development. Applicant shall seek a Certificate of Appropriateness from the Victorian Village Commission for their approval of the requested variances.

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,



Michael Shannon, Esq.

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: CV17-035

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Eric Zartman

of (1) MAILING ADDRESS 500 South Front Street, Suite 1200, Columbus, Ohio 43215

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 873 North High Street

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) (#1) Meccs Store, LLC (#2) BSSJ Ventures LLC

(#1) 47 West Third Avenue (#2) 40 West First Avenue
Columbus, Ohio 43201

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Pizzuti Companies c/o Dan Gore

614-280-4009

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Victorian Village Commission

c/o Cristin Moody

50 W. Gay St.

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)

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

(8) SIGNATURE OF AFFIANT

Eric Zartman

Sworn to before me and signed in my presence this 24th day of April, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

Carol A. Stewart

CAROL A. STEWART

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES 06/28/2019



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

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23 West 2nd Holdings, LLC
30 Warren Street
Columbus, Ohio 43215

Invest Tek Partners, LLC
871 N. Park Street
Columbus, Ohio 43215

Igor Bogin
6169 Chinaberry Drive
Columbus, Ohio 43213

Paul Hinders
Or Current Occupant
54 W. 1st Avenue
Columbus, Ohio 43201

BSSJ Ventures, LLC
40 W. First Avenue
Columbus, Ohio 43201

LPJM Family, LLC
1020 Dennison Ave, Ste. 102
Columbus, Ohio 43201

Price & High, LLC
21 W. Hubbard Ave., Ste. D
Columbus, Ohio 43215

Eric Sanchez
Or Current Occupant
66 W. First Avenue
Columbus, Ohio 43201

Norman Dooley
Or Current Occupant
60-64 W. First Avenue
Columbus, Ohio 43201

Eric Sanchez
Or Current Occupant
916 Harrison Avenue
Columbus, Ohio 43215

Burgess Family Properties, LLC
1142 Mainsail Drive
Annapolis, MD 21403

Exclusive Deuce, LLC
1400 Dublin Road
Columbus, Ohio 43215

Nicholas Bernardo
Or Current Occupant
11 W. First Avenue
Columbus, Ohio 43201

Generation Rentals, LTD
1020 Dennison Ave
Ste. 102
Columbus, Ohio 43201

Jason Calhoun
Or Current Occupant
65 Price Avenue
Columbus, Ohio 43201-3427

Evan Minney
976 Neil Avenue
Columbus, Ohio 43201

53 Price, LLC
P.O. Box 8431
Columbus, Ohio 43201

900 Short North, LLC
1220 Dublin Road
Columbus, Ohio 43215

MECCS Store, LLC
47 W Third Ave
Columbus, Ohio 43201

North CAI Properties, LTD
10 E 17th Avenue
Columbus, Ohio 43201

Rachel Gersper
1781 W. 47th Street
Cleveland, Ohio 44102

JE Meacham Company, LLC
3704 S. Bank Road NE
Millersport, Ohio 43046

EGBG Rent, LLC
P.O. Box 6235
Columbus, Ohio 43206

ATTORNEY

COMMISSION

Victorian Village Commission
Attn: Cristin Moody
50 W. Gay Street – 4th Floor
Columbus, Ohio 43215

Michael Shannon
Crabbe, Brown & James, LLP
500 S. Front St, Ste. 1200
Columbus, Ohio 43215

OWNER

MECCS Store, LLC
47 W. Third Avenue
Columbus, Ohio 43201

OWNER

BSSJ Ventures, LLC
40 W. First Avenue
Columbus, Ohio 43201

APPLICANT

Pizzuti Companies
Attn: Phil Rasey
629 N. High St., Ste. 500
Columbus, Ohio 43215

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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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 # CV17-035

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 500 South Front Street, Suite 1200, Columbus, Ohio 43215

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. Pizzuti Companies c/o Dan Gore 629 North High Street, Suite 500 Columbus, Ohio 43215	2.
3. 614-280-4009	4.

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

SIGNATURE OF AFFIANT

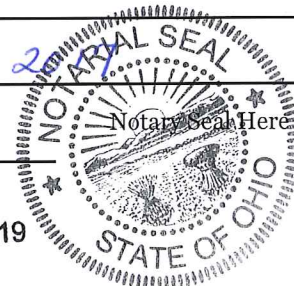
Eric Zartman

Sworn to before me and signed in my presence this 24th day of April, in the year 2017

Carol A. Stewart

SIGNATURE OF NOTARY PUBLIC

My Comm. Expires 06/28/2019
CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2019



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City of Columbus Zoning Plat

CV17-035



ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010033280

Zoning Number: 873

Street Name: N HIGH ST

Lot Number: N/A

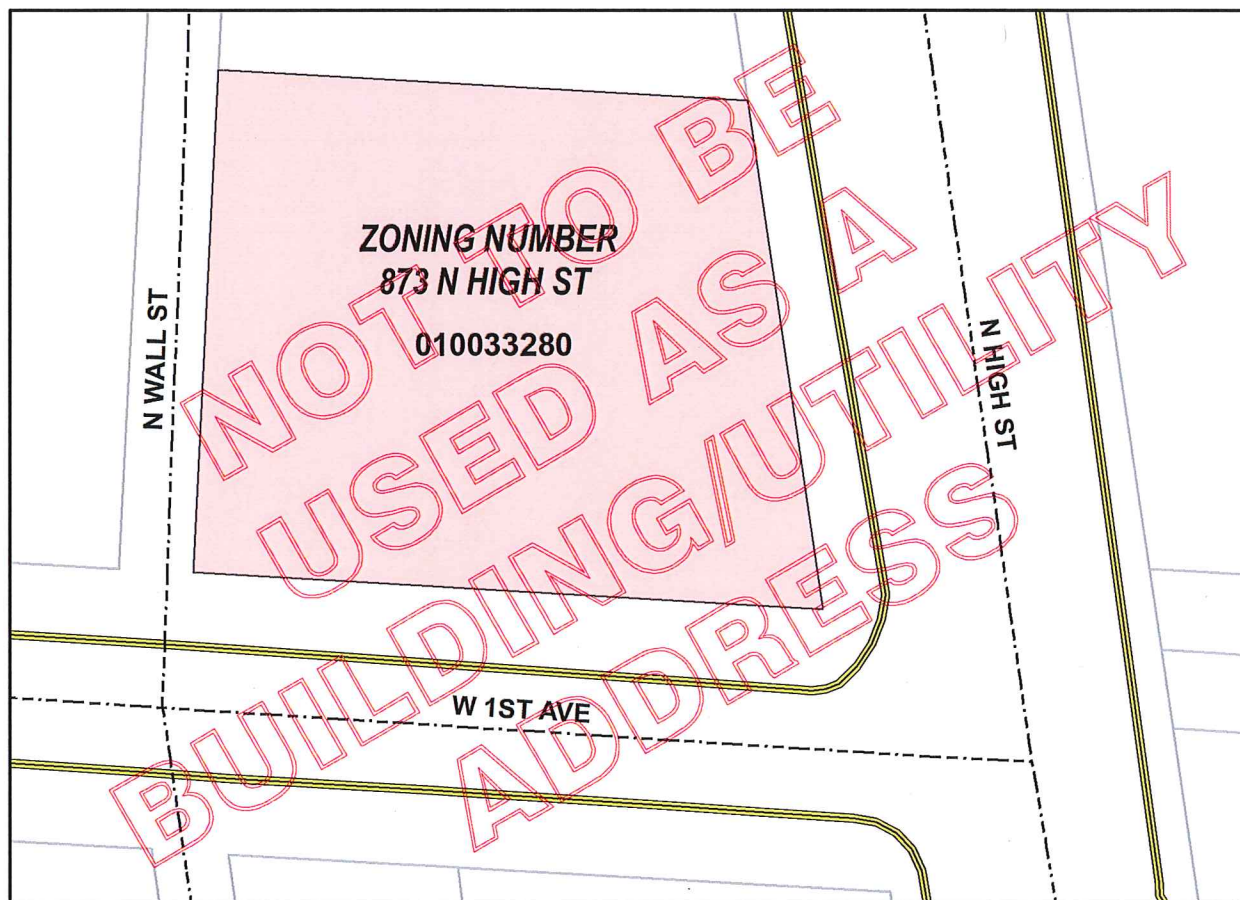
Subdivision: N/A

Requested By: CRABBE, BROWN, JAMES, LLC (ERIC ZARTMAN)

Issued By:

Edyana Amarian

Date: 4/19/2017



FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 90041

LEGAL DESCRIPTION
1.251 ACRES

Parcel I

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

Being Lots Numbers One (1), Two (2) and Three (3) of RICHARD DAVIS' SUBDIVISION of Lots Numbers One (1), Two (2) and Three (3) of JOSEPH T. STARR'S SUBDIVISION, by his administrator, of part of Section 5, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 140 and page 314, Recorder's Office, Franklin County, Ohio.

LESS AND EXCEPTING THE FOLLOWING:

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

Being a strip of land eighty-eight (88) feet fronting on North High Street by ten (10) feet in depth along West First Avenue, and being a strip ten (10) feet wide taken off the West end of Lots Nos. One and Two (1 and 2) of R. and H. Davis' Subdivision of Lot No. 1 of Joseph R. Starr's Subdivision by his Administrator of a part of Section No. 5, in Township No. 5, of Range 22, Refugee Lands, as an Addition to the City of Columbus, Ohio, and as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being a strip ten (10) feet wide taken off the east end of the south half of Lot No. three (3) of Joseph R. Starr's Subdivision by his administrator of a part of Section No. five (5) in Township No. five (5) of Range No. twenty-two (22) Refugee Lands as an addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being a strip of land fronting twenty-three and one-half (23 1/2) feet on North High Street by ten (10) feet in depth, and being a strip ten (10) feet wide taken off the East end of the North half of Lot No. Three (3) of R. and H. Davis' subdivision of Lot No. One (1) of Joseph R. Starr's Subdivision by his administrator of a part of Section No. Five (5) in Township No. Five (5), of Range Twenty-Two (22) Refugee Lands as an addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded amended plat thereof, of record in plat book No. 2, page 314, Recorder's Office, Franklin County, Ohio.

Being Nine (9) feet off the south side of Lot No. One (1) of Richard Davis' Subdivision of Lot Number One (1) of JOSEPH T. STARR'S SUBDIVISION, of a part of Section No. 5, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 314, Recorder's Office, Franklin County, Ohio, as shown in Complete Record 7, Page 263.

PARCEL II

Situated in the State of Ohio, County of Franklin City of Columbus, being all of Lots 2, 3 and 5 and part of Lots 1, 4, and 6 of "JENKINS & LLOYDS SUBDIVISION", as the plat of same is of record in Plat Book 2, page 313, all references being to record in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin at the intersection of the southerly right-of-way line of Price Avenue (50 feet in width) with the westerly right-of-way line of Wall Street (20 feet in width), said iron pin also being the northeasterly corner of Lot 2;

thence south, along said right-of-way line of Wall Street, a distance of 178.00 feet to an iron pin at the intersection of said right-of-way line with the northerly right-of-way line of First Avenue;

thence North 89°53' 13" West, along said right-of-way line of First Avenue, a distance of 111.00 feet to a point;

thence North, a distance of 177.59 feet to a point in the southerly right-of-way line of Price Avenue;

thence North 89° 54' 00" East, along said right-of-way line of Price Avenue, a distance of 111.00 feet to the point of beginning, containing 0.453 acre, more or less.

Subject, however, to all legal right-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on assumed meridian with the westerly right-of-way line of Wall Street being South.

PARCEL III

Situated in the State of Ohio, County of Franklin City of Columbus, being part of Lots 7 and 8 of "RICHARD DAVIS SUBDIVISION", as the plat of same is of record in Plat Book 2, page 140, all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a point in the northerly right-of-way line of First Avenue (70 feet in width) that is located North 89° 53' 13" West, 111.00 feet from an iron pin at the intersection of said right-of-way line with the westerly right-of-way line of Wall Street (20 feet in width);

thence North 89° 53' 13" West, along said right-of-way line of First Avenue, a distance of 80.00 feet to an iron pin;

thence North, a distance of 177.59 feet to a point in the southerly right-of-way line of Price Avenue;

thence North 89° 54' 00" East, along said right-of-way line of Price Avenue, a distance of 80.00 feet to a point;

thence South, a distance of 177.59 feet to the point of beginning, containing 0.326 acre, more or less.

CV17-035

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on an assumed meridian, with the westerly line of the above described tract being North.

Mercantile Legal Description



SITE PLAN



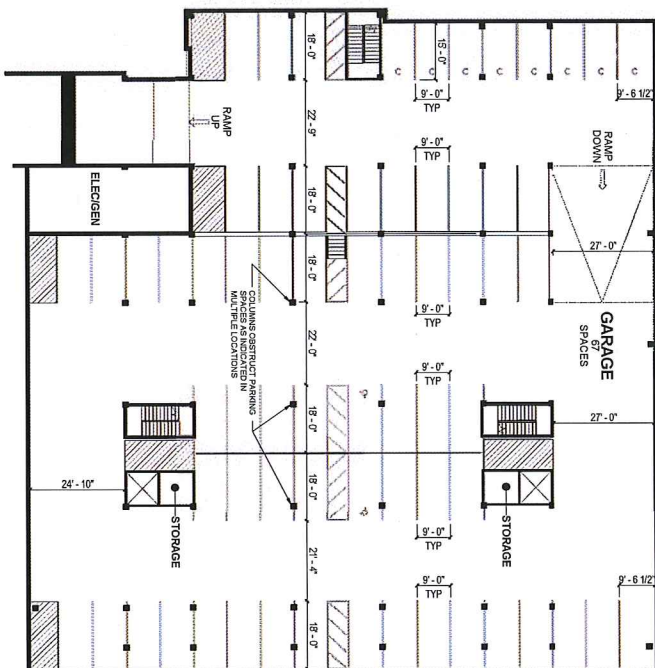
PIZZUTI

THE MERCANTILE

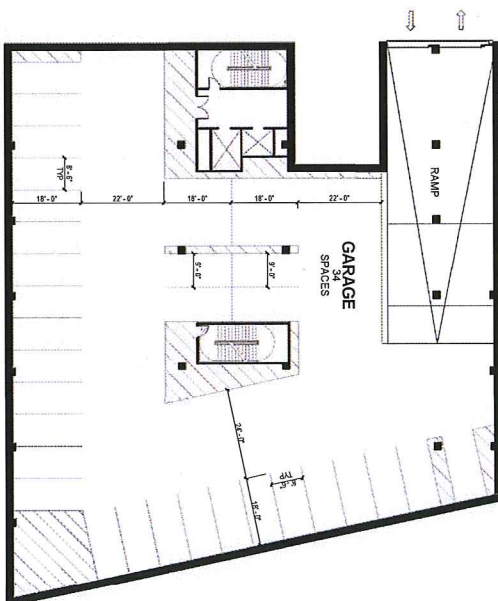
873-881 N HIGH STREET & 40 W 1ST
STREET, CHICAGO, IL 60610
SCHEDULED DESIGN 04/29/2017

LUPTON RAUSCH
ARCHITECTURE +
INTERIOR DESIGN

BASEMENT APARTMENTS



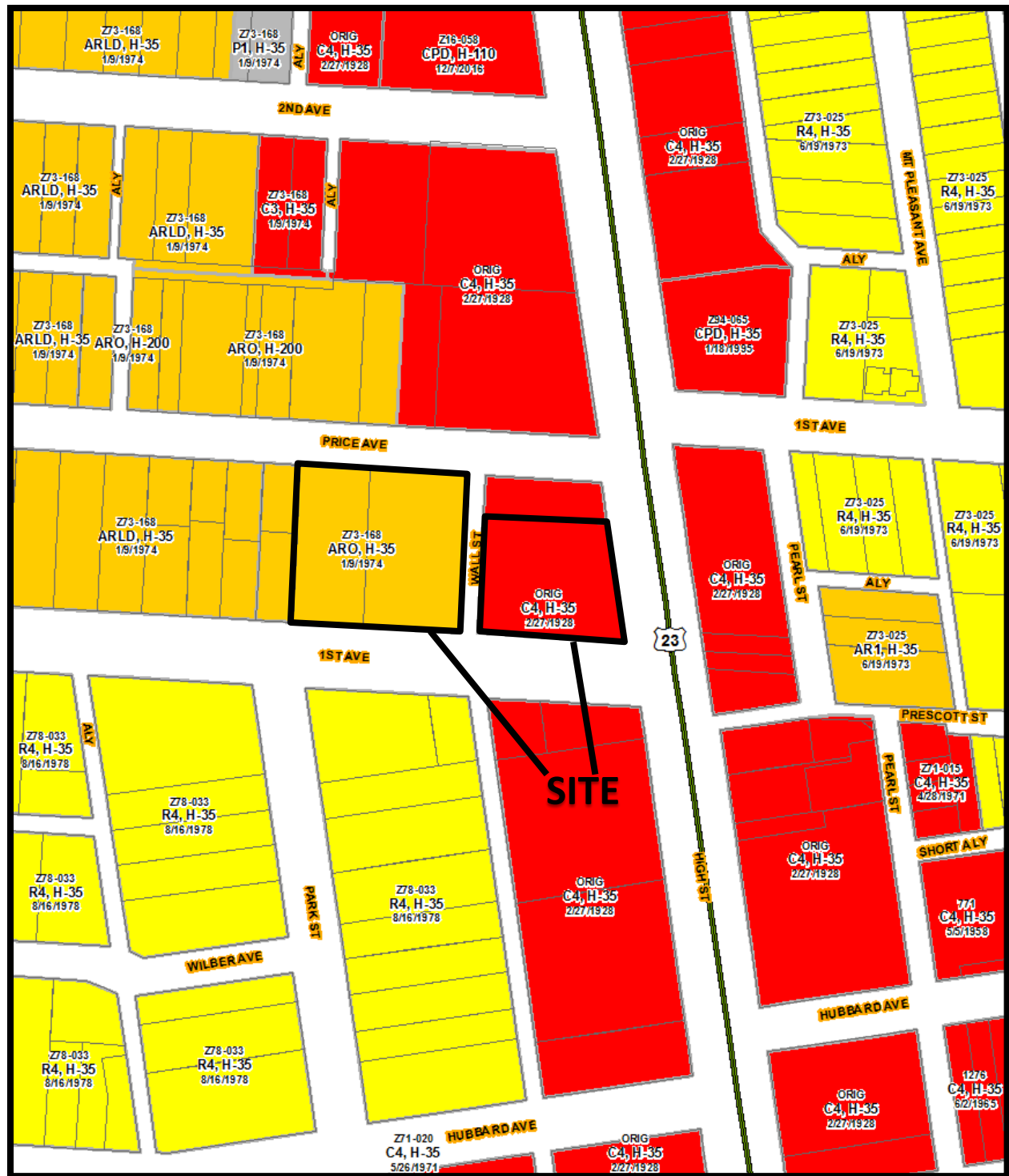
PLAN - BASEMENT OFFICE



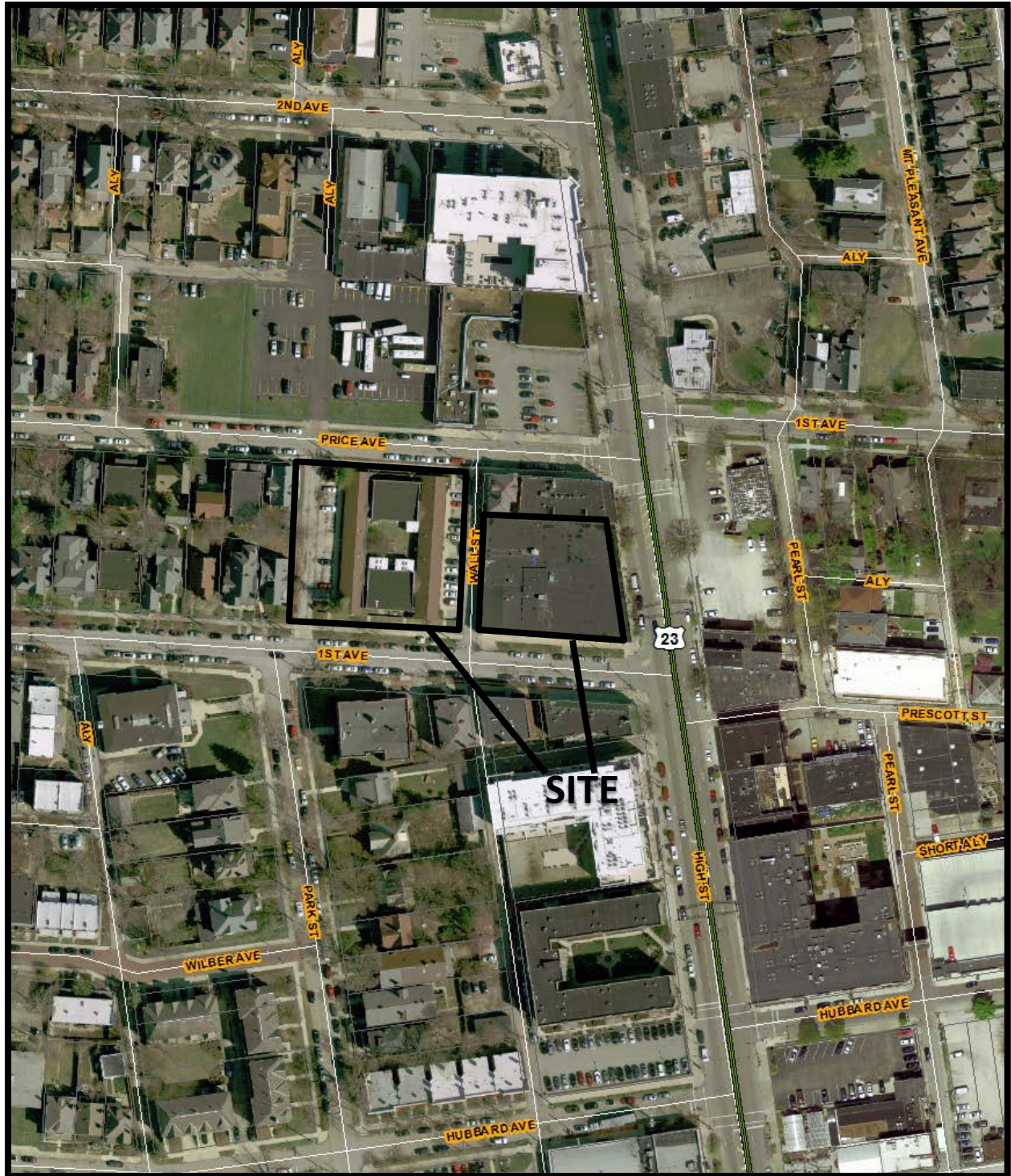
Parking Summary				
Floor	Use	Area	Number of Units	GSF/Parking Space
Office (Floors 2-4)	Office	46,780	-	900
First Floor	Retail*	11,905	-	0
First Floor	Restaurant**	0	-	180
1st-6th Floor	Residential	110,000	110	1.0 Spaces/ Unit
Total		168,685	110	162
				122 + 34 + 6 = 162 Spaces Provided

Handicapped Parking: 7 Spaces Required per OBC Section 1106
 Bicycle Parking: 1 Slot per 20 Parking Spaces (Maximum 20 Slots Required) - 9 Slots 18" x 6'-0" per bike = 13.5 x 6' Area
 Garage Construction Residential: Enclosed PT slab with basement
 Office Area based on BOMA exterior gross area for floors 2-4

* Retail to be comprised of max. 2,500 SF tenant size, no parking required.
 ** No restaurant tenants expected.



CV17-035
 873 North High Street
 Approximately 1.25 acres



CV17-035
873 North High Street
Approximately 1.25 acres