

**THE CITY OF  
COLUMBUS**

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF  
DEVELOPMENT**Zoning Report**

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**Site Information**

Address	338 SIEBERT ST, COLUMBUS, OH
Mailing Address	338 SIEBERT ST COLUMBUS OH 43206-2774
Owner	MISENCIK BRIAN J HITE KEVIN WAYNE
Parcel Number	010004945
In Columbus?	Yes
County	FRANKLIN

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**Zoning Information**

Zoning	Z05-022, Residential, R2F, 2/9/2005, H-35
Historic District	None
Short North Special Parking Area	Out
Council Variance	None
Board of Zoning Adjustment (BZA) Variance	None
Commercial Overlay	None
Planning Overlay	None
Graphics Variance	None
Area Commission	Columbus Southside 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**

DEPARTMENT OF BUILDINGS  
AND ZONING SERVICES

## Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: BZA17-113 Date Received: 11 SEP 2017  
Application Accepted by: JF Fee: \$320-  
Commission/Civic: COLUMBUS SOUTH SIDE Ae  
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:

To build an attached garage with living space above it on the current location of the house's existing  
parking spaces and driveway. Requesting variances to 3332.27 and 3332.22

### LOCATION

Certified Address: 338 Siebert Street City: Columbus Zip: 43206

Parcel Number (only one required): 010-004945-00

### APPLICANT (If different from Owner):

Applicant Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

Name: Kevin Hite & Brian Misencik Phone Number: (614) 449-4764 Ext.: \_\_\_\_\_

Address: 338 Siebert Street City/State: Columbus, Ohio Zip: 43206

Email Address: misencik@hotmail.com & kwmhite@yahoo.com 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 [Signature]

PROPERTY OWNER SIGNATURE [Signature]

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.

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DEPARTMENT OF BUILDING  
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## Board of Zoning Adjustment Application

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### AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Brian Misencik

of (1) MAILING ADDRESS 338 Siebert Street, Columbus, OH 43206

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 338 Siebert 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) Kevin Hite & Brian Misencik

338 Siebert Street

Columbus, OH 43206

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

Kevin Hite (614) 449-4764

Brian Misencik (614) 449-4764

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

(5) Columbus South Side Area Commission

Curtis Davis

584 E. Moler Street, Columbus, OH 43207

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

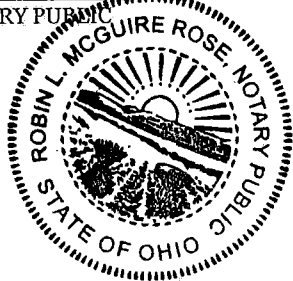
(7) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 7<sup>th</sup> day of September, in the year 2017

Notary Seal Here

(7) SIGNATURE OF NOTARY PUBLIC

no expiration date  
My Commission Expires



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**PROPERTY OWNER:**

BRIAN J MISENICK & KEVIN W HITE  
338 SIEBERT ST  
COLUMBUS OH 43206

**AREA COMMISSION:**

Columbus South Side Area Commission  
c/o Curtis Davis  
584 East Moler Street  
Columbus, OH 43207

Columbus South Side Area Commission  
c/o Curtis Davis  
P.O. Box 7846  
Columbus, OH 43207

**SURROUNDING PROPERTY OWNERS**

HORCHER FAMILY  
318 SIEBERT ST  
COLUMBUS OH 43206

THE BOARD OF EDUCATION  
385 REINHARD AVE  
COLUMBUS OH 43206

TYLER S SMITH  
314 SIEBERT ST  
COLUMBUS OH 43206

MARILYN A SCHMIDT  
353 SIEBERT ST  
COLUMBUS OH 43206

BENJAMIN R HAUCK  
317 REINHARD AVE  
COLUMBUS OH 43206

MARILYN A SCHMIDT  
351 SEIBERT ST  
COLUMBUS OH 43206

GELDIS PROPERTIES LLC  
323 REINHARD AVE  
COLUMBUS OH 42306

SIEBERT STREET LLC  
347 SEIBERT ST  
COLUMBUS OH 43206

BRYAN R BRZOZOWSKI  
327 REINHARD AVE  
COLUMBUS OH 43206

SIEBERT STREET LLC  
349 SEIBERT ST  
COLUMBUS OH 43206

JEFFERY E SNYDER  
331 REINHARD AVE  
COLUMBUS OH 43206

ST PAULS LUTHERAN EVANGELICAL  
322 STEWART AVE  
COLUMBUS OH 43206

LITES-ON REALTY LLC  
335 REINHARD AVE  
COLUMBUS OH 43206

PHILIP A GLENDE  
327 SIEBERT ST  
COLUMBUS OH 43206

**BZA17-113**  
**338 SIEBERT STREET**

SCOTT ZIMMER  
336 REINHARD AVE  
COLUMBUS OH 43206

GERALD J PALLANTE III  
334 REINHARD AVE  
COLUMBUS OH 43206

ST PAULS LUTHERAN EVANGELICAL  
325 SIEBERT ST  
COLUMBUS OH 43206

PAOLO A DEMARIA  
330 SIEBERT ST  
COLUMBUS OH 43206

BRENDON M MCSWEENEY  
321 SIEBERT ST  
COLUMBUS OH 43206

SHAWN BENTON  
339 REINHARD AVE  
COLUMBUS OH 43206

LINDA E JUERGENS  
311 SEIBERT ST  
COLUMBUS OH 43206

VELLA F LEDNEY  
326 SIEBERT ST  
COLUMBUS OH 43206

LINDA E JUERGENS  
315 SEIBERT ST  
COLUMBUS OH 43206

D W MAY  
343 REINHARD AVE  
COLUMBUS OH 43206

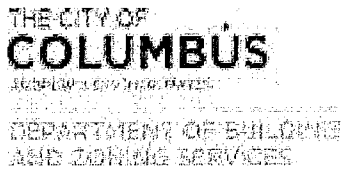
ASHLEY A HOLLAND  
364 REINHARD AVE  
COLUMBUS OH 43206

NORMAN S CARMICHAEL  
360 REINHARD AVE  
COLUMNBUS OH 43206

TRAIAN MUCU  
354 REINHARD AVE  
COLUMBUS OH 43206

KATHRYN BAMBERGER  
344 REINHARD AVE  
COLUMBUS OH 43206

JEFFERY A ROUSCULP  
342 REINHARD AVE  
COLUMBUS OH 43206



## Board of Zoning Adjustment Application

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### STATEMENT IN SUPPORT OF VARIANCE(S)

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). The board shall take into account all of the following facts and conditions when considering variances:
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
  2. Whether the variance is substantial.
  3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
  5. Whether the property owner purchased the property with knowledge of the zoning restriction.
  6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- 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.

**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 not included, a new application (and applicable fees) will be required.**

**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code demonstrates practical difficulty as contemplated by that section, in the following ways (use separate page if needed or desired):**

See Attachment

Signature of Applicant

Date

7/8/17

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**Statement in Support**

338 Siebert St (43206) is located on the north west corner of Bruck St and Siebert St.

Requesting the following variances to build an attached residential 2 car garage with second floor living space of approximately 617 sq. ft. per level. Addition not to extend further/closer to the street than the existing garage structure on the adjacent neighboring property of 343 Reinhard St. The addition to be built on what is the existing concrete parking for the residence.

Variance(s) to Section(s) requested:

**3332.22 Building lines on corner lots-Exceptions.**

(a) Corner Property in Old Subdivisions.

- (1) Corner Property with a width of not over 65 feet and not under 40 feet  
-20% of property width:  $62 \text{ ft.} \times 20\% = 12.4 \text{ ft.}$  Bruck St. building line]

We are asking for a variance to reduce the setback from 12.4 feet to 3.25 feet to align (go no further than) the neighbors existing garage.

This will allow us to maintain more green space in the back yard by keeping the new addition on what is currently the driveway/parking spaces of the property.

Erecting the garage close to the property line does not affect public safety since it will align with an existing structure on the neighbor's property (their existing garage).

**3332.27 Rear Yard.**

We are asking for a variance to reduce the minimum rest yard from 25% (1240 sq. ft.) to 23% (1150 sq. ft.). The house is on a double lot (lots 90-91), with the majority of lot 90 being used as green space and is being used as the main "backyard" of the property. The property's gardens have even been featured in the neighborhood's (Merion Village) annual garden tour in both 2010 and 2015.

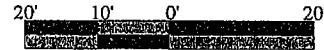
**Myers Surveying Company, Inc.**

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:

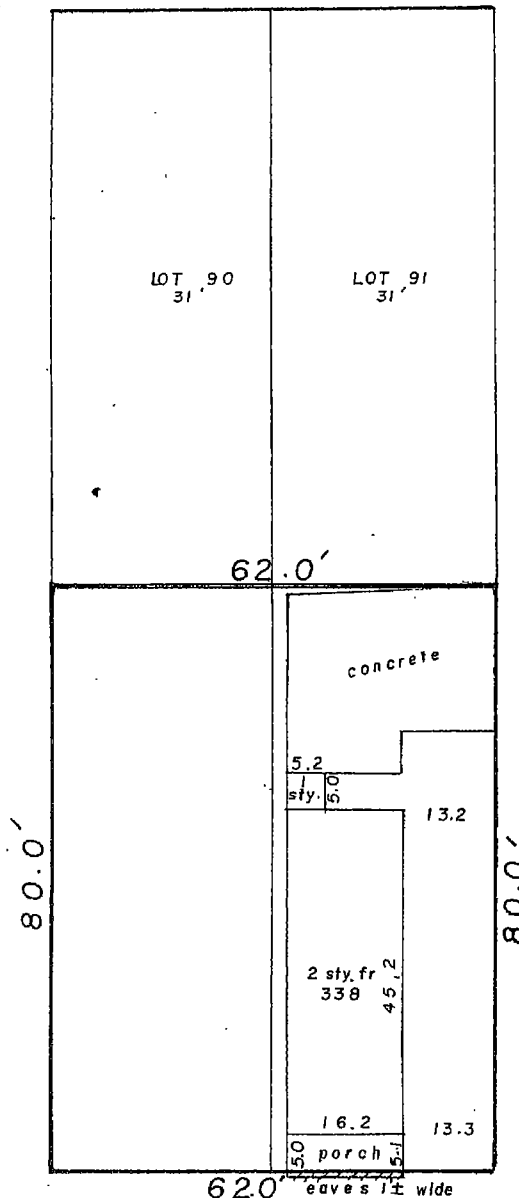
**AmeriTitle, Inc. and/or Merrill Lynch Credit Corporation****Legal Description:** Situated in The State of Ohio, County of Franklin, City of Columbus Being Part of Lots 90 and 91 Bleech and Kramer's Subdivision Plt Book 3, Page 434**Applicant:** Brian Misencik 22773ssrf**Posted Address:** 338 Siebert Street, Columbus, Ohio**F.E.M.A. Flood Zone Designation:** Flood Zone "X" as per F.I.R.M. 390170 0255H**Apparent Encroachments:** 1) Eaves and Gutters Over Property Line.**REINHARD AVE. 50'**

Scale 1" = 20'

Date: 09/10/2005



WE HAVE RECEIVED A COPY OF  
THIS SURVEY AND FIND THE  
CONDITIONS ACCEPTABLE

**SIEBERT ST. 50'**

We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.

THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

Myers Surveying Co., Inc.

By

Professional Surveyor



Myers Order No. - 40-09/09/2005

2005090940

Rec.

Field

DWG

Ltr.

Ck.

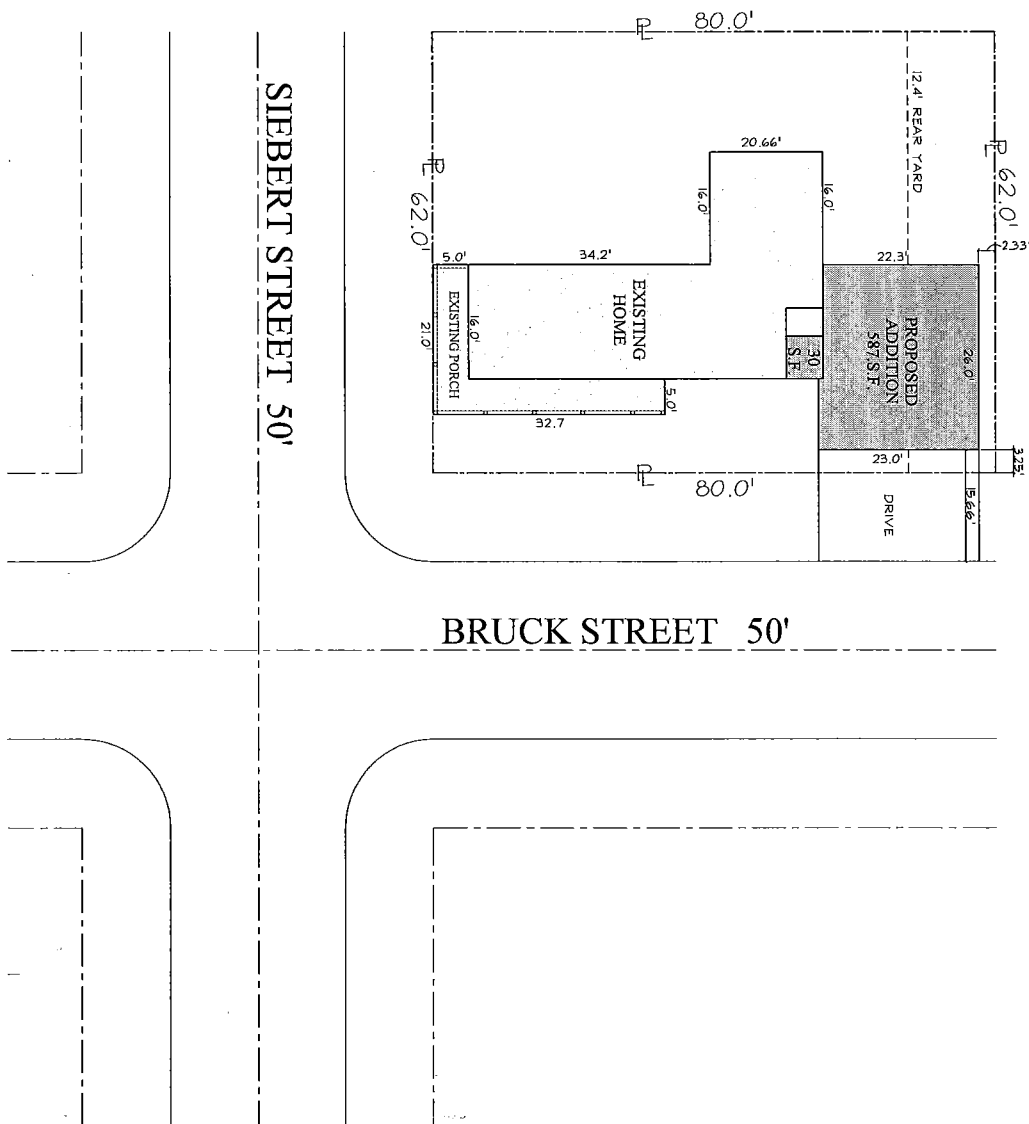
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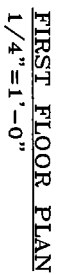
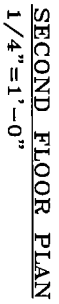


NOTE:  
CONTRACTOR TO VERIFY ALL PROPOSED ELEVATIONS, AND  
NOTIFY THE AGENCY OF ANY DISCREPANCIES.



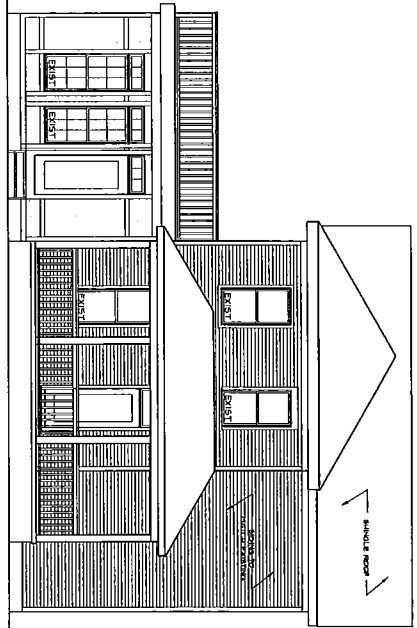
SITE PLAN 1/8"=1'-0"

NOTE:  
CONTRACTORS TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND  
EXISTING CONDITIONS PRIOR TO INITIATING CONSTRUCTION  
AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

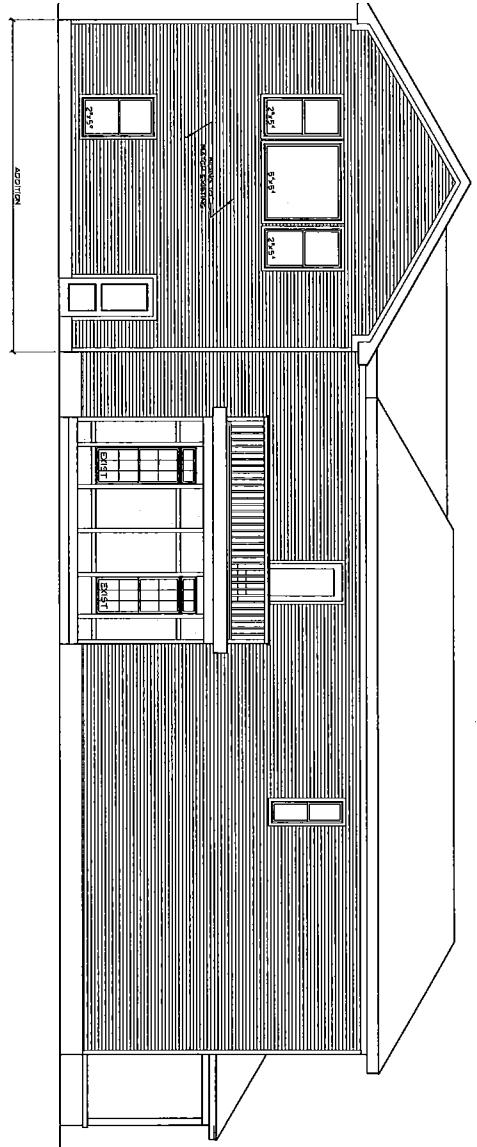


338 SIEBERT STREET

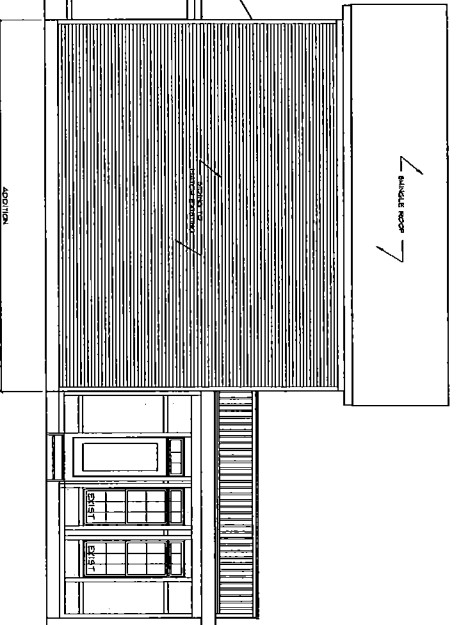
NOTE:  
CONTRACTORS TO VERIFY ALL PERMITS, ELEVATIONS, AND  
DIMENSIONS AND NOT BE RESPONSIBLE FOR ANY DISCREPANCIES  
AND NOT BE RESPONSIBLE FOR ANY DISCREPANCIES



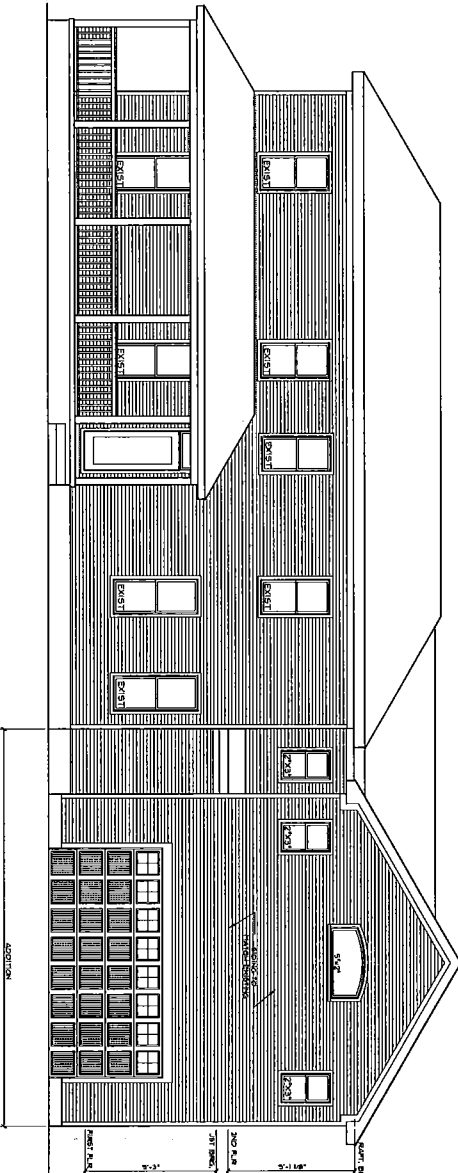
**SOUTH ELEVATION**  
1/4"=1'-0"



**WEST ELEVATION**  
1/4"=1'-0"



**NORTH ELEVATION**  
1/4"=1'-0"



**EAST ELEVATION**  
1/4"=1'-0"

**HITE-MISENICK RESIDENCE**  
ADDITION / REMODEL  
338 SIEBERT STREET  
COLUMBUS, OHIO 43206

**DESIGN DIRECTIVE**  
RESIDENTIAL DESIGN

**DESIGN DIRECTIVE**  
RESIDENTIAL DESIGN  
4800 REED RD  
COLUMBUS, OHIO 43230  
614.252.4077  
info@designdirective.com

**ELEVATIONS**  
A6

THE CITY OF  
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DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Board of Zoning Adjustment Application

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 # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Brian Misencik  
of (COMPLETE ADDRESS) 338 Siebert Street, Columbus, OH 43206  
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**

Brian Misencik

338 Siebert Street, Columbus, OH 43206

Kevin Hite

338 Siebert Street, Columbus, OH 43206

U.S. Savings Bank

P.O. Box 740461, Cincinnati, OH 45274

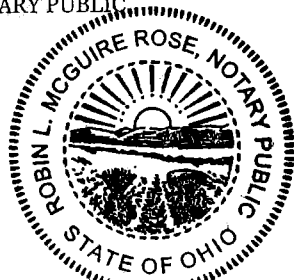
SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 1<sup>st</sup> day of September, in the year 2017

SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



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