

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: CV17-083 Date Received: 12/27/17

Application Accepted by: KP Fee: \$1,600

Assigned Planner: Kelsey Priebe; kpriebe@columbus.gov; 614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1117 Oak Street, Columbus, Ohio 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: Subarea A: 010-011378, 010-080489, 010-007854, 010-007835, 010-032868, 010-007855

☐ Check here if listing additional parcel numbers on a separate page. Subarea B: 010-057375

Current Zoning District(s): ARLD, multi-family

Area Commission or Civic Association: Near East Area Commission

Proposed Use or reason for Council Variance request:
See Exhibit 'B'

Acreage: 0.645 +/- Ac. (Subarea A: 0.587 +/- Ac., Subarea B: 0.058 +/- Ac.)

APPLICANT:

Name: Gallas Zadeh Development, LLC Phone Number: (614) 228-1727 Ext.: -----

c/o Dave Perry (David Perry Company, Inc.)

Address: 411 East Town Street, 1st Floor City/State: Columbus, OH Zip: 43215

Email Address: dave@daveperryco.net Fax Number: -----

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

Name: S&S Meat Purveyors, Inc., et al c/o Allen W. Scott Phone Number: 614-371-0650 Ext.: -----

Address: 1117 Oak Street City/State: Columbus, OH Zip: 43205

Email Address: unitedmeats@sbcglobal.net Fax Number: -----

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

Name: Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----

Address: 411 East Town Street, 2nd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: -----

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

APPLICANT SIGNATURE: Gallas Zadeh Development, LLC by David B. Plank, Agent

PROPERTY OWNER SIGNATURE: S&S Meat Purveyors, Inc. et al, by permission by David B. Plank, Agent

ATTORNEY / AGENT SIGNATURE: Donald Plank

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

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STATEMENT OF HARDSHIP

Application Number: 0V17-083

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 Exhibit 'B'

Signature of Applicant

Donald Plank

Date

12/26/17

Attorney:

(Donald Plank, Plank Law Firm)

Date

Consultant:

Dave Perry

(Dave Perry, David Perry Company, Inc.)

Date

12-26-17

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Exhibit B

Statement of Hardship

CV17-083 , 1117 Oak Street, Columbus, OH 43205

The site is a total area of 0.645 +/- acres with 0.587 +/- acres (Subarea A) at the southeast corner of Oak Street and South Ohio Avenue and 0.058 +/- acres (Subarea B) located south of Subarea A, on S. Ohio Avenue, south of Elliott Alley (16'). The site is zoned ARLD, Apartment Residential Low Density (Z73-197). Residential uses in the area include a broad range of uses including single-family, two-family, and multi-family uses, as well as commercial uses. A zoning variance (CV17-063) for new townhouses at 1112 Oak Street (CV17-063) at the northeast and northwest corners of Oak Street and S. Ohio Avenue, directly across the street from this site, was recently approved at Columbus City Council.

Applicant proposes to develop Subarea A with a new three (3) story building with ground level commercial uses and two (2) ground level apartments and second and third floor apartments with ten (10) units on each floor. The ground level commercial space is for retail and restaurant uses. Subarea A parking will be provided with 24 on-site parking spaces. On-street parking is also available. Also in Subarea A, an existing single story building will be renovated for restaurant use. Subarea B is located south of Elliott Alley (16') and is proposed to be developed with a two (2) family dwelling. While the proposed Subarea B parcel meets the lot of record date for a two-family dwelling in the ARLD, it doesn't meet certain ARLD development standards and the use is cited as a variance to conform a two-family use as a permitted use rather than by exception. A site plan ("Site Plan") depicting the proposed development is submitted with this application.

The site is located in the Near East Area Commission and is part of the Near East Area Plan ("Plan") area. The Plan encourages a mix of land uses and development of new housing. The proposal meets these objectives, in addition to being a substantial investment in the neighborhood.

Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and not also need variances. Applicant has a practical difficulty with compliance to develop the property in a comprehensive, coordinated way, as proposed.

Applicant requests variances from the following sections of the Columbus Zoning Code:

1). Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District use, to permit the use of Subarea A with mixed uses consisting of 22 dwelling units, 13,672 square feet of retail and restaurant commercial uses, and a 291 SF seasonal patio, and to permit a two-family dwelling on Subarea B, as depicted on the Site Plan.

- 2). Section 3309.14, Height Districts, to permit the height of the new three (3) story building in Subarea A to be 40 feet in the H-35 Height District, as measured in Section 3308.08, Letter H, Height.
- 3). Section 3312.21(A)(2),(D)(1), Landscaping and Screening, to reduce the minimum soil area and radius for one (1) parking lot tree in Subarea A from 4' and 145 SF to 1.6 feet and 96 square feet, to reduce a landscaping island with two (2) interior parking lot trees from 290 square feet to 175 square feet, and to reduce the east parking setback in Subarea A from four (4) feet to 1.5 feet, and to permit three (3) foot tall parking lot screening of residentially zoned property in Subarea A.
- 4). Section 3312.27(3), Parking Setback Line, to reduce part of the Oak Street parking setback from ten (10) feet to 3.5 feet.
- 5). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking from 162 spaces for Subarea A to 24 spaces, for 22 dwelling units, 13,672 square feet of retail and restaurant commercial uses, and a 291 SF seasonal patio.
- 6). Section 3312.53(B), Minimum Number of Loading Spaces Required, to reduce loading spaces from one (1) to zero (0).
- 7). Section 3321.05(B)(2), Vision Clearance, to reduce the 30' clear vision triangle at the intersection of S. Ohio Avenue and Oak Street to 0'x0', the parking lot driveway intersection clear vision triangle on Oak Street from 10'x10' to 5'x5' and the 10'x10' clear vision triangle at the southwest corner of Subarea A and Elliott Alley from 10'x10' to 5'x5', all on Subarea A, and on Subarea B to reduce the 10'x10' clear vision triangle at the northwest corner of Subarea B and Elliott Alley from 10'x10' to 6'x6'.
- 8). Section 3321.07(B), Landscaping, to reduce additional trees at the rate of one (1) tree per 10 dwelling units on Subarea A from three (3) trees for 22 dwelling units to zero (0) trees.
- 9). 3333.09, Area Requirements, to permit a two-family dwelling on Subarea B by reducing required lot width from 50 feet to 45 feet.
- 10). 3333.11, ARLD Area District Requirements, to reduce required lot area from 2,500 SF of lot area per dwelling unit to 1,980 square feet and 1,263 square feet per dwelling unit for 22 dwelling units and two (2) dwelling units on Subarea A and Subarea B, respectively.
- 11). 3333.15(C), Basis of Computing Area, to increase lot coverage from 50% to 60% and 72% for Subarea A and B, respectively.

12). 3333.18(D), Building Lines, to reduce the Oak Street building setback line from ten (10) feet to two (2) feet for Subarea A, and to reduce the S. Ohio Avenue building setback from ten (10) feet to zero (0) feet and four (4) feet for Subarea A and B.

13). 3333.22, Maximum Side yard Required, to reduce total side yard from 16 feet to two (2) feet for Subarea A.

14). 3333.23, Minimum Side Yard Permitted, to reduce the minimum side yard from 6.66' (3 story building) to zero (0) for Subarea A and from five (5) feet to four (4) feet for Subarea B.

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: CV17-083

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dave Perry (David Perry Company, Inc.)

of (1) MAILING ADDRESS 411 East Town Street, 1st Floor, 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1117 Oak Street, Columbus, Ohio 43205

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 12/27/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) S&S Meat Purveyors, Inc., et al.

c/o Allen W. Scott

1117 Oak Street

Columbus, Ohio 43205

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Gallas Zadeh Development, LLC

c/o Dave Perry (614) 228-1727

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Near East Area Commission

c/o Annie Ross-Womack

c/o Kathleen Bailey

874 Oakwood Avenue

489 Linwood Avenue

Columbus, Ohio 43206

Columbus, Ohio 43205

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

Sworn to before me and signed in my presence this 26th day of December, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires

Notary Seal



Stacey L. Danza

Notary Public, State of Ohio

My Commission Expires 11-05-2018 months after the date of notarization.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

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Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
1117 Oak Street
CV17- 083
December 26, 2017

APPLICANT

Gallas Zadeh Development, LLC
c/o David Perry
David Perry Company, Inc.
411 E. Town Street, 1st Floor
Columbus, Ohio 43215

PROPERTY OWNERS

S&S Meat Purveyors, Inc.
c/o Allen W. Scott
1117 Oak Street
Columbus, Ohio 43205

Oak Grocery, LLC
c/o Allen W. Scott
1117 Oak Street
Columbus, Ohio 43205

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

COMMUNITY GROUP:

Near East Area Commission
c/o Annie Ross-Womack
874 Oakwood Avenue
Columbus, Ohio 43206

Near East Area Commission
c/o Kathleen Bailey
489 Linwood Avenue
Columbus, Ohio 43205

ATTORNEY FOR PROPERTY OWNERS

Jim Balthaser
Thompson Hine
41 S High Street, Suite 1700
Columbus, Ohio 43215

Betty J Carter
(or current occupant)
171-175 S Champion Avenue
Columbus, OH 43205

David Tweet
(or current occupant)
106 N Nelson Road
Columbus, OH 43219-2936

Jeremy K Mitchell
Judith A Mitchell
(or current occupant)
2247 Woodstock Road
Columbus, OH 43221

1102 Oak, LLC (or current occupant)
150 E Broad Street, Suite 305
Columbus, OH 43215-3617

PROPERTY OWNERS WITHIN 125 FEET

Nina M Masseria (or current occupant)
806 Bryden Road
Columbus, OH 43205-1727

RMW (or current occupant)
1147 Oak Street
Columbus, OH 43205-1344

S&S Meat Purveyors, Inc.
(or current occupant)
1117 Oak Street
Columbus, OH 43205-1359

139, Ltd. (or current occupant)
139 E Main Street, #103
Columbus, OH 43215-5432

Edward W & Jean Kruskamp
(or current occupant)
1153 Oak Street
Columbus, OH 43205-1344

SHIA, Ltd. (or current occupant)
1157 Oak Street
Columbus, OH 43205-1344

Oak Grocery, LLC
(or current occupant)
PO Box 6897
156 S Ohio Avenue
Columbus, OH 43205-1315

1117 Oak Street
CV17- 083 **December 26, 2017**
Exhibit A, Public Notice
Page 1 of 2

LG Venture Ohio, LLC
(or current occupant)
141 Stanbery Avenue
Columbus, OH 43209-1465

SIJ Partnership, LLC
(or current occupant)
3540 E Fulton Street
Columbus, OH 43227-1125

Thomas Waweru (or current
occupant)
1150 Oak Street
Columbus, OH 43205

Milo MacKenzie
(or current occupant)
1092 Franklin Avenue
Columbus, OH 43205-1320

Bako Fitumi (or current occupant)
c/o Lee A Miller
(or current occupant)
1096 Franklin Avenue
Columbus, Ohio 43205-1320

Levi Yhezkel (or current occupant)
141 Stanbery Avenue
Columbus, OH 43209-1465

Paul B Hughes (or current occupant)
1105 Oak Street
Columbus, OH 43205

321 S Ohio, LLC
(or current occupant)
199 Northmoor Place
Columbus, Ohio 43214-4039

ALSO NOTIFY

Gallas Zadeh Deveopment, LLC
c/o Jason Zadeh
245 East First Avenue
Columbus, Ohio 43215

Gallas Zadeh Deveopment, LLC
c/o Gregg Gallas
245 East First Avenue
Columbus, Ohio 43215

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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 Number: CW17083

STATE OF OHIO
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm)

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS) 411 E. Town Street, 2nd Floor, 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. S&S Meat Purveyors, Inc. 1117 Oak Street Columbus, Ohio 43205 # of Columbus Based Employees: 2 Contact: Allen W. Scott (614) 371-0650	2. Oak Grocery, LLC 1117 Oak Street Columbus, Ohio 43205 # of Columbus Based Employees: 2 Contact: Allen W. Scott (614) 371-0650
3. Gallas Zadeh Development, LLC 245 East First Avenue Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Gregg Gallas (614) 545-3679	4. _____

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

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 26th day of December, in the year 2017

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018

Notary Seal Here

My Commission Expires



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

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City of Columbus Zoning Plat



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: 010011378, 010057375, 010080489, 010007854, 010007835, 010032868, 010007855

Zoning Number: 1117

Street Name: OAK ST

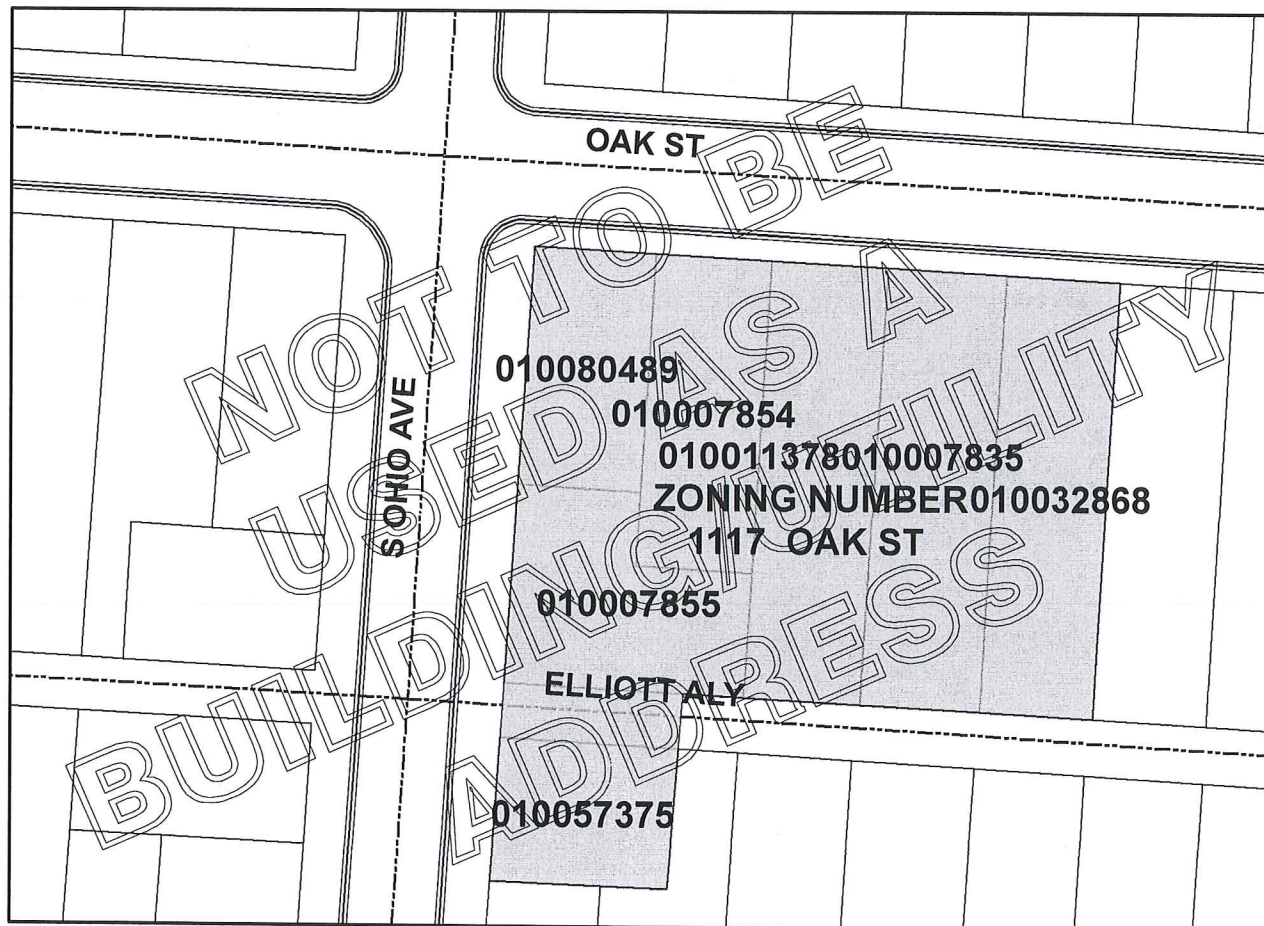
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMP[ANY, INC (DAVE PERRY)

Issued By: *Adyana Ahmarian*

Date: 11/16/2017



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

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 107344

CV17-083

Zoning Description
0.06+/- Acre
South of Oak Street
East of Ohio Avenue
-1-

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Township 5, Range 22, Refugee Lands and being 0.06+/- acres, said 0.06+/- acres being part of Lots 190 and 191, of the Hoffman & McGrew's Second Addition of record in Plat Book 2, Page 200, said 0.06+/- acres also being all of Parcel I as described in the deed to S&S Meat Purveyors, Inc. of record in Official Record 22198, Page 113 and more particularly described as follows;

Beginning at the northwesterly corner of said Lot 190, said corner also being the northwesterly corner of said Parcel I and the intersection of the easterly right-of-way line of Ohio Avenue (60') and the northerly right-of-way line of a 16' Alley as dedicated upon said record plat;

Thence **S 86° 44' 05" E**, with the northerly line of said Lots 190, partially with the northerly line of said Lot 191, with the northerly line of said Parcel I and with the southerly right-of-way line of said 16' Alley, **56.00 feet +/-** to the northeasterly corner of said Parcel I;

Thence **S 03° 45' 07" W**, with the easterly line of said Parcel I and across said Lot 191, **45.00 feet +/-** to the southeasterly corner of said Parcel I;

Thence **N 86° 44' 05" W**, with the southerly line of said Parcel I and across said Lots 191 and 190, **56.00 feet +/-** to the southwesterly corner of said Parcel I, said corner also being in the easterly right-of-way line of said Ohio Avenue (60');

Thence **N 03° 45' 07" E**, with the westerly line of said Parcel I and the easterly right-of-way line of said Ohio Avenue (60'), **45.00 feet +/-** to the ***True Point of Beginning*** and containing **0.06+/- acre** more or less.

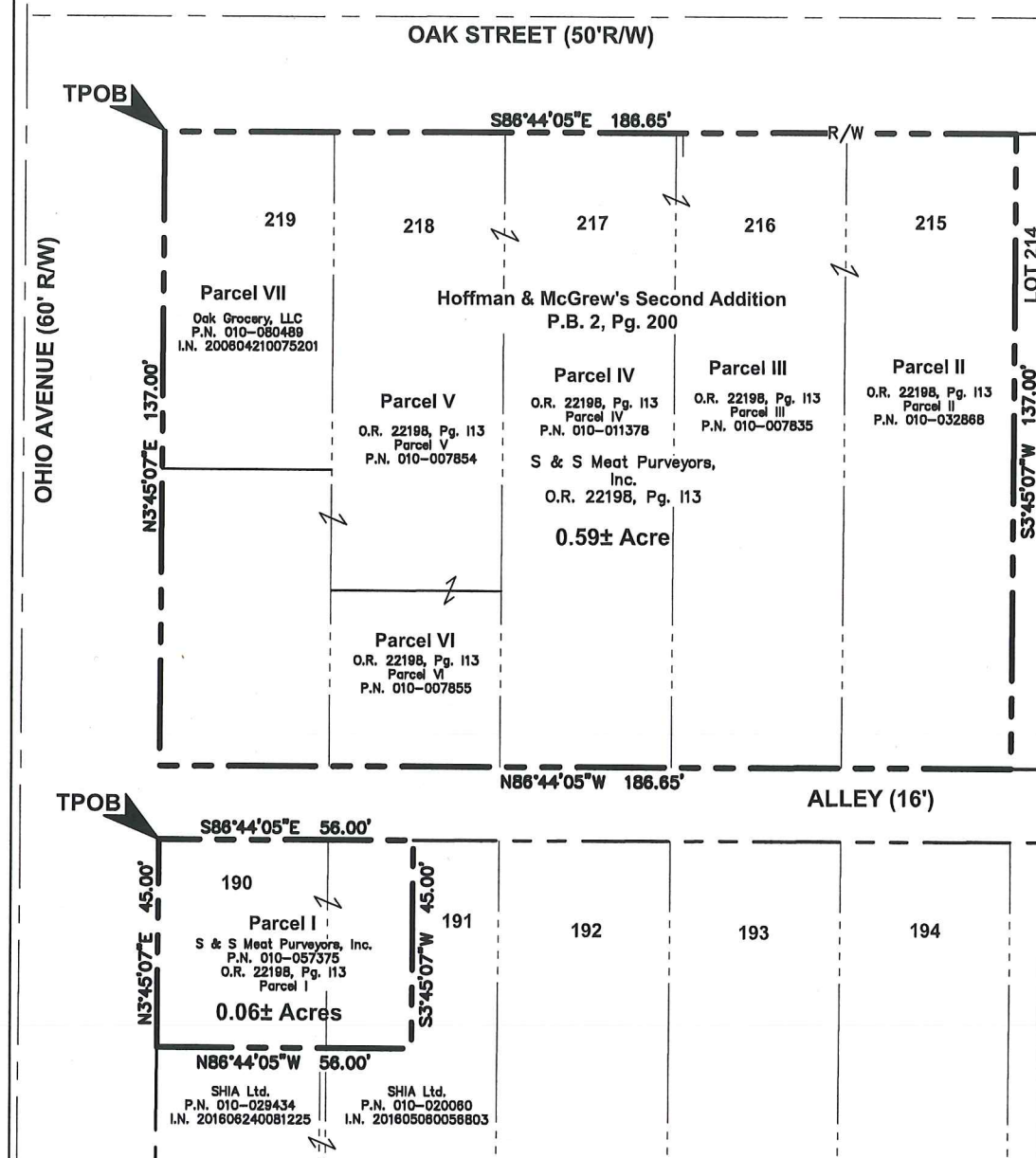
The above description was prepared by Advanced Civil Design Inc. on 12/21/2017 and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

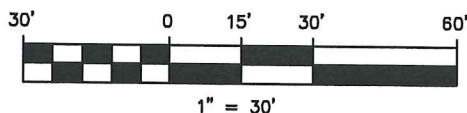
This description is not to be used in the transfer of land.

ADVANCED CIVIL DESIGN INC.

City of Columbus, Franklin County, Ohio
Township 5, Range 22, Refugee Lands



This drawing is based on existing Franklin County records and an actual field survey completed in December 2017.



DRAWN BY: BCK	JOB NO.: 17-0030-412
DATE: 12/21/2017	CHECKED BY: DRB



422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

CV17-083



CV17-083
1117 Oak Street
Approximately 0.65 acres



CV17-083
1117 Oak Street
Approximately 0.65 acres