

Council Variance 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: CV15-02A Date Received: 5/5/15
Application Accepted by: PP & ET Fee: 60 - Fee collected under CV13-032
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 901 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: 010-043084-00

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

Current Zoning District(s): Z93-023A, Residential, R3

Area Commission or Civic Association: Near East Area Commission

Proposed Use or reason for Council Variance request:
Restaurant with liquor license

Acreage: .09 acres

APPLICANT:

Name: Victoria Hink Phone Number: (614) 946-0583 Ext.: _____

Address: 742 Oak Street City/State: Columbus, Ohio Zip: 43205

Email Address: Theangrybaker10@gmail.com Fax Number: _____

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

Name: Oak Street Investors LLC Phone Number: (614) 410-5610 Ext.: _____

Address: 217 Dawson Avenue City/State: Columbus, Ohio Zip: 43209

Email Address: Micha.Bitton@Colliers.com Fax Number: (614) 436-9700

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

Name: Brian E. Linhart Phone Number: (614) 464-4964 Ext.: _____

Address: 52 E. Gay Street City/State: Columbus, Ohio Zip: 43215

Email Address: belinhart@vorys.com Fax Number: (614) 719-4910

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE [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

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CV15-029

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.

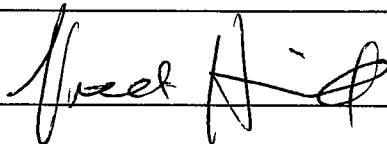
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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



Date

5/4/15

STATEMENT OF HARDSHIP:

The subject property is currently zoned R-3. Located on the property, at the corner of Oak Street and S. 18th Street, is a two-story building, which was constructed in 1930. As originally constructed, the building sits on the lot line along both S. 18th Street and Oak Street. As shown on the attached site plan (Appendix I), there is an approximate three (3) foot side yard when facing the property from Oak Street, and there is an approximate seven (7) foot side yard when facing the property from S. 18th Street. As is typical of a building in a neighborhood of this age, the subject property does not have surface parking spaces, and there is no available space on the subject property for such parking. The first floor of the building has historically been used for retail purposes and the second floor has historically been used for residential purposes.

The applicant is requesting this Council Variance in order to allow for the first floor of the building on the subject property to be used for the operation of a restaurant or a restaurant with a bar, onsite kitchen, onsite consumption of food and beverages (including alcohol), and retail sale of goods and products, including the sale of food and beverages (excluding alcohol) for offsite consumption. The second floor of the subject property will remain residential use (there are currently three living units on the second floor). Except for interior construction work, there will be no new construction on the site. Instead the applicant will maintain the existing structure in the location shown on the site plan.

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

1. Variance from Section 3332.035(A) to permit a restaurant or a restaurant with bar to be operated on the first floor of the subject property, to permit an onsite kitchen, to permit onsite consumption of food and beverages (including alcohol) and also to allow for retail sale of goods and products from the first floor of the subject property, including the sale of food and beverages (excluding alcohol) for offsite consumption.
2. Variance from 3332.05 to reduce the minimum lot width requirement from 50 feet to 43.5 feet.
3. Variance from Section 3321.05(B)(2) to allow the encroachment of the existing building into the clear vision triangle.
4. Variance from Section 3332.13 to allow a principal building to be located on a lot of less than 5,000 square feet in area. The subject property has an area of approximately 3,815 square feet.
5. Variance from Section 3332.18(D) to increase the maximum lot coverage of 50% to a lot coverage of 84%, which is the approximate lot coverage with the existing building.

6. Variance from the setback requirements of Section 3332.20 to allow the current building (ca. 1930) to exist as constructed (i.e., between the current zoning code building setback line and the street property line as established in Section 3332.21).
7. Variance from Section 3332.21, and to the extent applicable for corner lots pursuant to Section 3332.22, to reduce the required building setback line to zero feet to accommodate the existing building, which is located on the subject property lot line (as shown on the attached site plan).
8. Variance from Section 3332.23 to reduce the front yard requirements to zero feet, as the subject building was constructed on the lot line along both S. 18th Street and Oak Street.
9. Variance from Section 3332.25 and Section 3332.26 to reduce the minimum side yard requirement to three (3) feet along Oak Street and seven feet (7) feet along S. 18th Street to conform to the current building location.
10. Variance from Section 3332.27 to exclude the requirement for a rear yard area. The subject building has minimal space between the rear of the building and the rear boundary line of the property, and as such, the subject property is not able to comply with this requirement.
11. Variance from Section 3332.33, Chapter 3312, and specifically Section 3312.49, requiring a certain number of off-street parking spaces. Given the size of the subject property, including the size and location of the building on the subject property, off-street parking cannot be located on the subject property.

The proposed variances will not have any significant impact on the existing conditions of the site as no construction on the site (other than interior remodeling) will occur with respect to the requested variances. The proposed variances will not be injurious to 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
AND ZONING SERVICES

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

AFFIDAVIT (See instruction sheet)

Application Number: CV15-029

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Brian E. Linhart
of (1) MAILING ADDRESS 52 E. Gay Street, 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 901-903 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) 5/5/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Oak Street Investors LLC
217 Dawson Avenue
Columbus, Ohio 43209

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

Victoria Hink
742 Oak Street, Columbus, Ohio 43205

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

(5) Near East Area Commission
Kathleen Bailey
489 Linwood Avenue, 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)

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

(8) SIGNATURE OF AFFIANT

BELT

Sworn to before me and signed in my presence this 4th day of May, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

NA
My Commission Expires

Notary Seal



Deanna R. Cook, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
This Affidavit expires six (6) months after the date of notarization.
Sec. 147.03 R.C.

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

C15-029

APPLICANT

Victoria Hink
742 Oak Street
Columbus, Ohio 43205

PROPERTY OWNER

Oak Street Investors LLC
217 Dawson Avenue
Columbus, Ohio 43209

ATTORNEY

Brian E. Linhart, Esq.
52 E. Gay Street
Columbus, Ohio 43215

AREA COMMISSION

Near East Area Commission
Attn: Kathleen Bailey
489 Linwood Avenue
Columbus, Ohio 43205

SURROUNDING PROPERTY OWNERS

Ralph E. and Roger J. Williams
108 S. Eighteenth Street
Columbus, Ohio 43205

W On Main LLC
139 E. Main Street, Suite 103
Columbus, Ohio 43205

Bernard Frankl and Pamela Scott
917 Oak Street
Columbus, Ohio 43205

Allegheny West Conference
1339 E. Broad Street
Columbus, Ohio 43205

Oak Street Investors LLC
217 Dawson Avenue
Columbus, Ohio 43209

Bernard Frankl and Pamela Scott
915 Oak Street
Columbus, Ohio 43205

Seventh-Day Adventist
1339 E. Broad Street
Columbus, Ohio 43205

Columbus Area Chapter of the
American Red Cross
995 E. Broad Street
Columbus, Ohio 43205

Angela Harris and James Kelly
894 Franklin Avenue
Columbus, Ohio 43205

Daniel J. and Shannon Mikel
905 Oak Street
Columbus, Ohio 43205

Judy L. Sagara, Trustee
Thomas Sherman, Trustee
910 Franklin Avenue
Columbus, Ohio 43205

Christopher J. Weiss
Corezone Properties
P.O. Box 9310
Cincinnati, Ohio 45209

Edward A. Myers
911 Oak Street
Columbus, Ohio 43205

Michael Kositzke
923 Oak Street
Columbus, Ohio 43205

Christopher J. Weiss
883 Oak Street
Columbus, Ohio 43205

Kathy A. Consoliver
880 Franklin Avenue
Columbus, Ohio 43205

Allegheny West Conference et al.
c/o Central Adventist Church
80 S. 18th Street
Columbus, Ohio 43205

Edward A. Myers
911 Oak Street
Columbus, Ohio 43205

L G Venture Ohio LLC
139 E. Main Street
Apt. 103
Columbus, Ohio 43215

William W. Tashcek
878 Franklin Avenue
Columbus, Ohio 43205

LG Venture LLC
141 Stanbery Avenue
Columbus, Ohio 43209

Mark C. and Caroline P. Glover
902 Franklin Avenue
Columbus, Ohio 43205

Allegheny West Conference et al.
c/o Central 7th Day Adventist
P.O. Box 15458
Columbus, Ohio 43215

Roger J. and Ralph E. Williams
108 S. 18th Street
Columbus, Ohio 43205

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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 #

CV15-029

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Brian E. Linhart
of (COMPLETE ADDRESS) 52 E. Gay Street, 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. Micha Bitton 209 Dawson Avenue Columbus, Ohio 43209	2. Kevin James 1320 Weisner Place New Albany, Ohio 43054
3. Tim Maly 67 E. Kossuth St., Apt. B Columbus, Ohio 43206	4. Brian E. Linhart 6275 Commonwealth Drive Westerville, Ohio 43082

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

SIGNATURE OF AFFIANT

Brian E. Linhart

Sworn to before me and signed in my presence this 4th day of May, in the year 2015

Notary Seal Here

SIGNATURE OF NOTARY



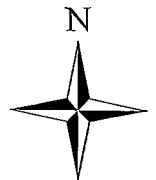
Deanna R. Cook, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

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

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City of Columbus Zoning Plat



CV15-029

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: 010043084

Zoning Number: 901

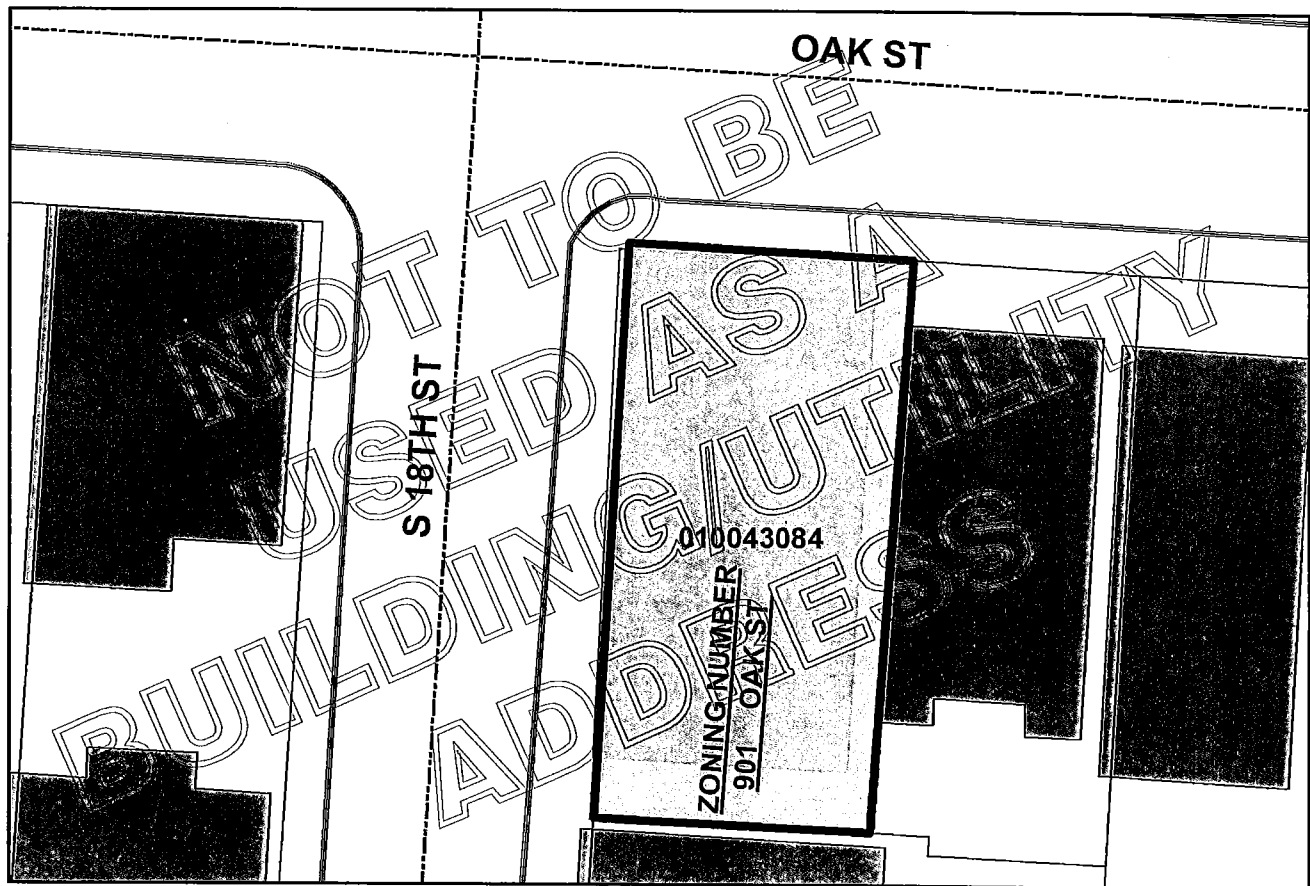
Street Name: OAK ST

Lot Number :N/A

Subdivision: N/A

Requested By: VORYS, SATER, SEYMOUR & PEASE (BRIAN LINHART)

Issued By: *Edyana Chisriam* Date: 5/4/2015



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 30 feet

GIS FILE NUMBER: 33080

CV15-029

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

Being a part of Lots Nos. 32 and 33 of Mitchell, Watson and Morrison's Addition, as amended by Mitchell, Watson and Hoffman, as said Lots Nos. 32 and 33 are designated and delineated upon the recorded plat thereof, of record in Plat Book 2, page 164, Recorder's Office, Franklin County, Ohio, more particularly described as follows:

Beginning at the Northwest corner of said Lot No. 32, thence southerly along the east line of 18th Street 87.70 feet to the Northwest corner of that portion of said Lots Nos. 32 and 33, heretofore conveyed to Jacob Yaekle; thence easterly along the north line of said Yaekle tract 43.5 feet to a point, said point being the southwest corner of that part of said Lot No. 33 heretofore conveyed to Frank E. Waterman; thence northerly along the west line of said Waterman tract 87.70 feet to a point in the south line of Oak Street; thence westerly along the south line of Oak Street 43.5 feet to the place of beginning and being the same premises heretofore conveyed by Warranty Deed from Edith O. Doe and Edwin Doe, her husband to William Loos by deed dated July 27, 1926 and recorded in Deed Book 837, page 246, Recorder's Office, Franklin County, Ohio.

Parcel No. 010-043084

Property Address: 901 Oak Street, Columbus, Ohio 43205

Myers Surveying Company, Inc.

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

614-235-8677

FAX: 614-235-4559

APPENDIX 1

CV15-029

A Mortgage Location Survey prepared for and certified to:

AmeriTitle and/or The Arlington Bank

Legal Description: Situated in The State of Ohio, County of Franklin, City of Columbus Being Part of Lots 32 & 33 Mitchell, Watson & Morrison's Addition, Plat Book 2, Page 164

Applicant: KJMB Group LLC

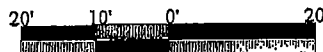
Posted Address: 901 Oak Street, Columbus, Ohio

Apparent Encroachments: 1) Vinyl Shed Over Property Line.

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



16' ALLEY



Scale 1" = 20'

Date: 02/18/2015

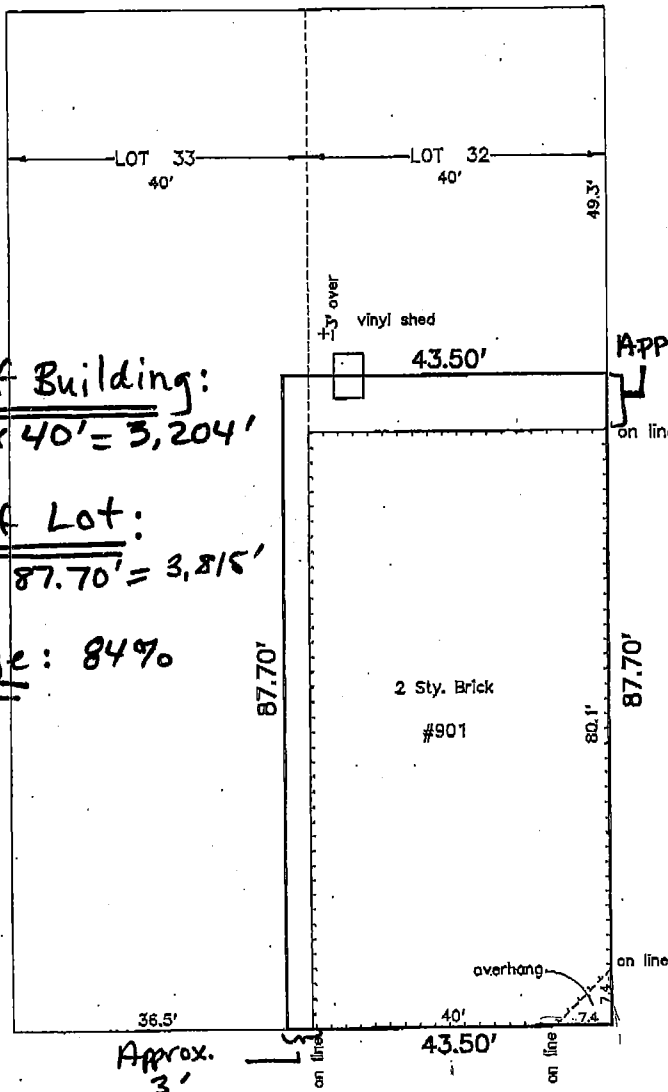
Area of Building:

$$80.1' \times 40' = 3,204'$$

Area of Lot:

$$43.50' \times 87.70' = 3,815'$$

Coverage: 84%



Approx.

on line

S. EIGHTEENTH STREET 50'



Myers Surveying Co., Inc.

By

Professional Surveyor

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 Order No. - 1-02/12/2015

201502121

Rec.

CA

Field

ny

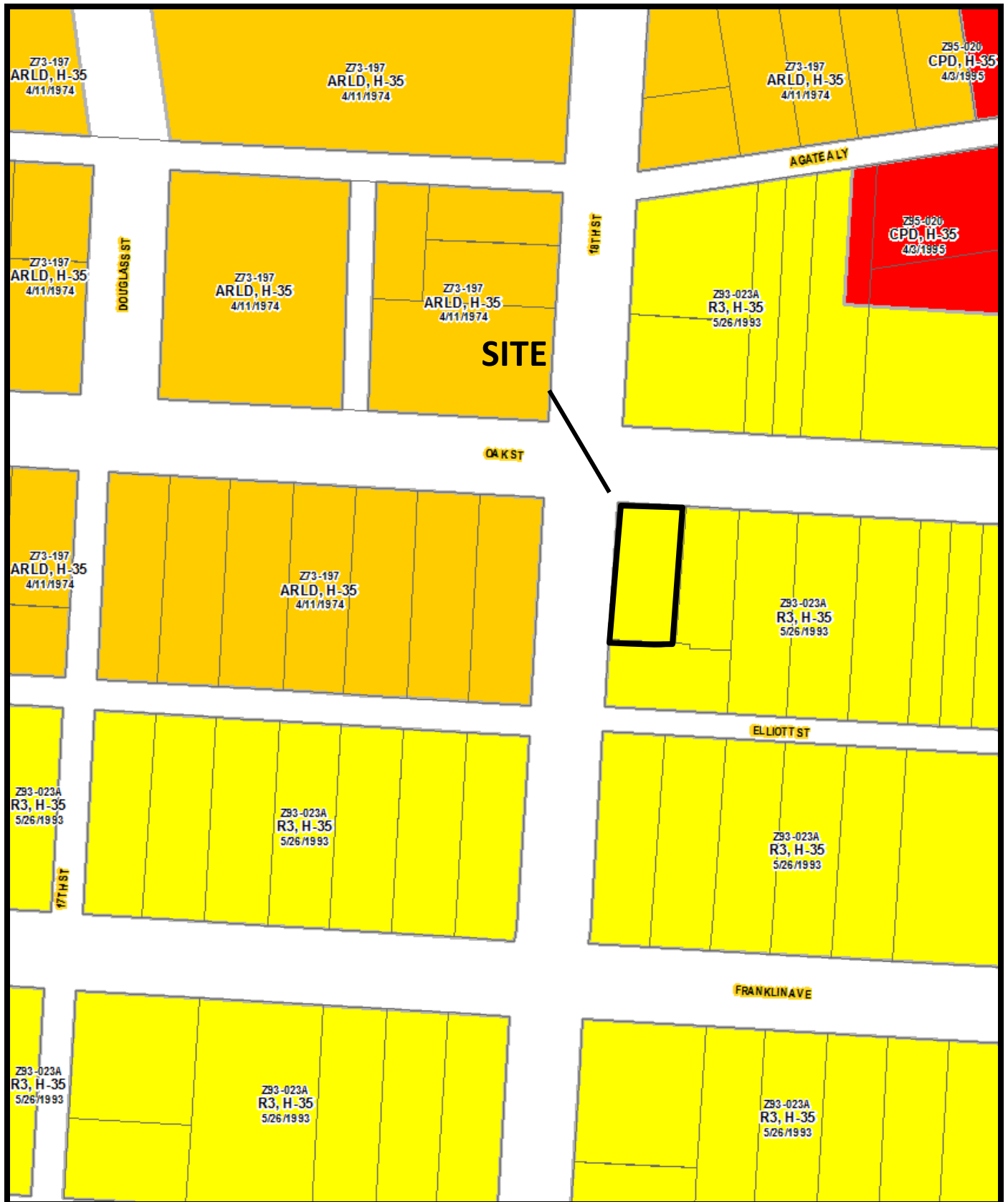
DWG

me

Ltr.

me

Ck



CV15-029
901 Oak Street
Approximately 0.09 acres

DEVELOPMENT STRATEGY

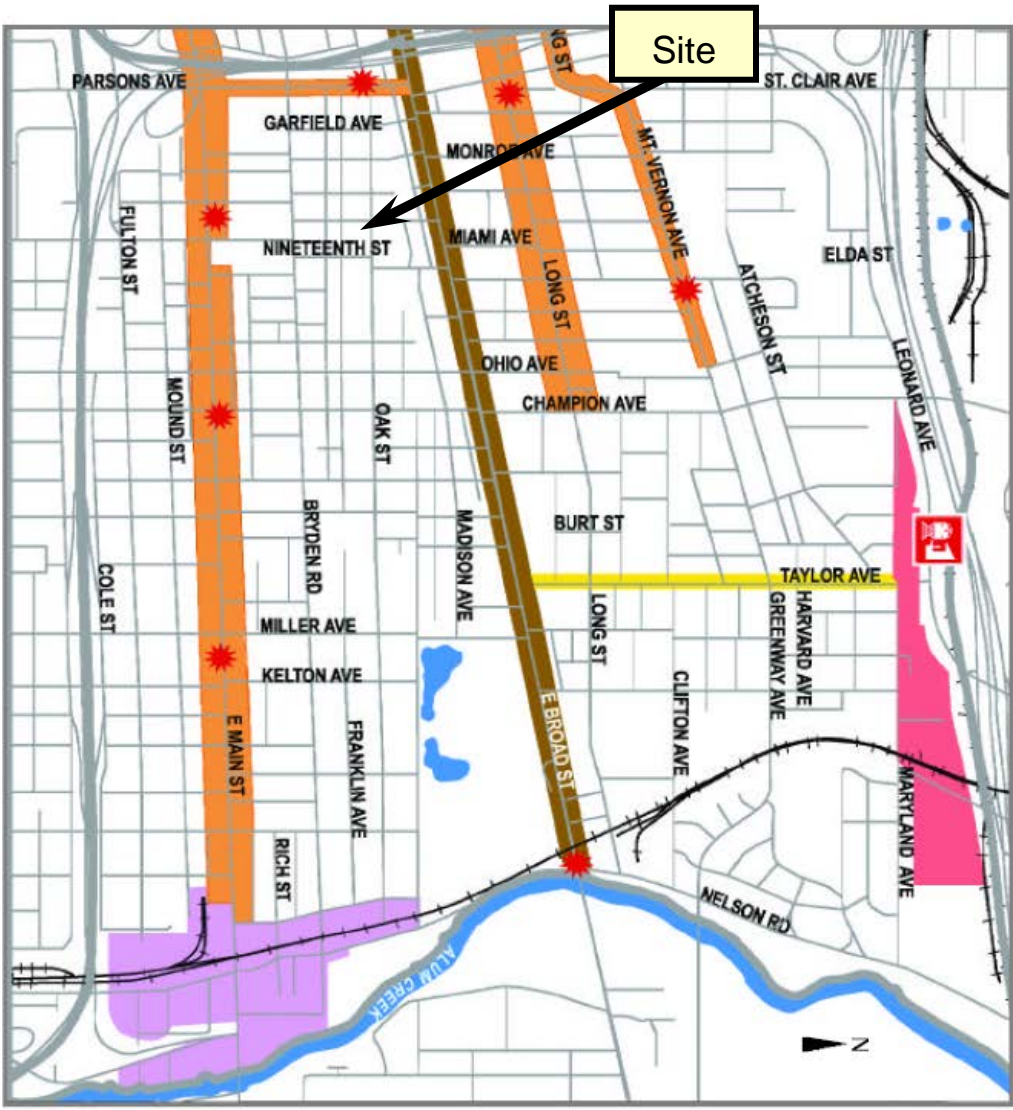
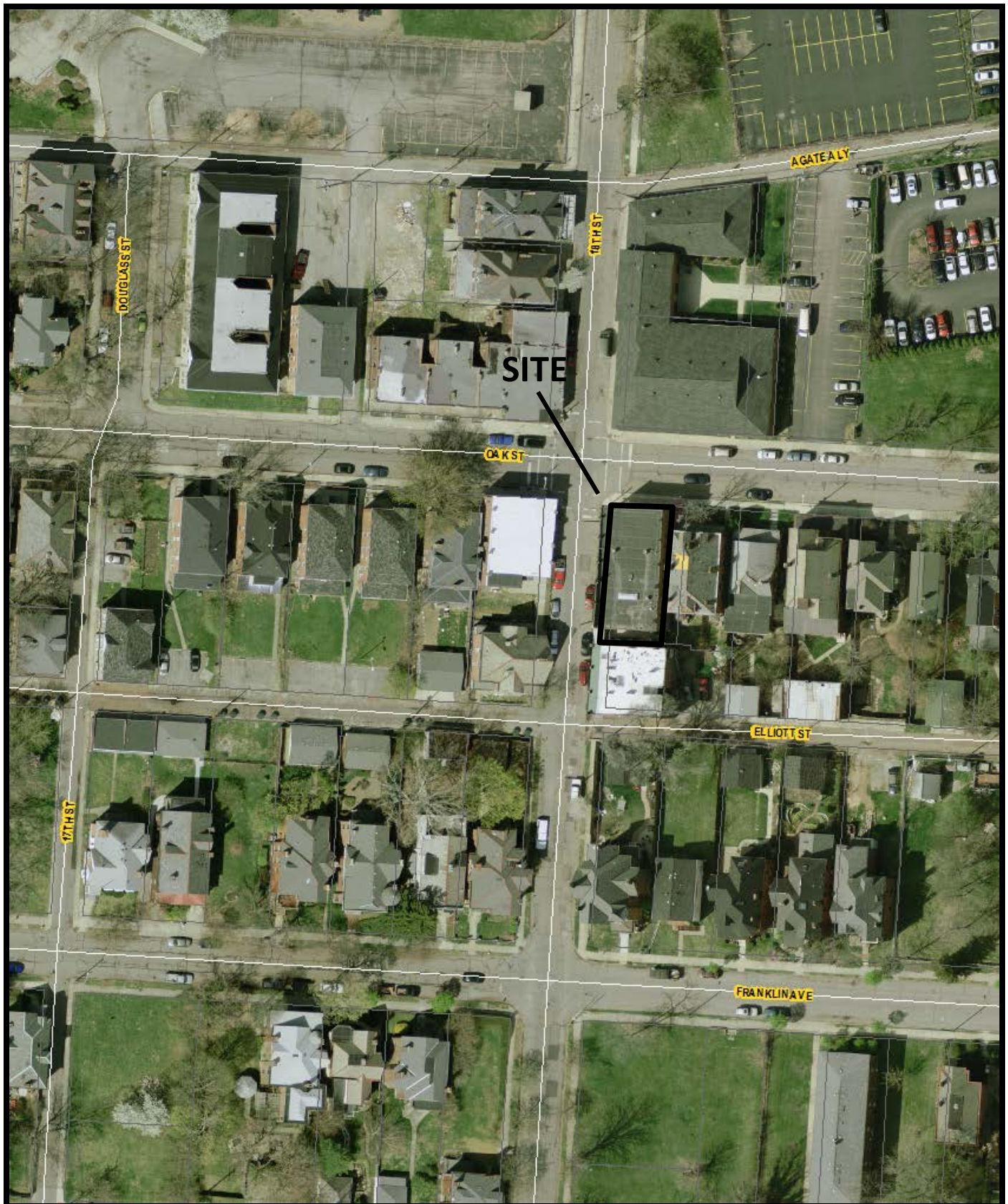


Figure 5

- » **Light Industrial/Commercial:** This area consists largely of light industrial development. Future development should reinforce this land use. Development standards should be utilized to ensure high quality development.
- » **Potential Light Rail Station:** A site in this area should be reserved for a potential light rail station. COTA's Vision 2020 plan anticipates the development of light rail within this corridor and this area could provide a convenient rail station and spur/accommodate commercial and higher density residential development.
- Lower and Medium Density Residential
- East Broad Street
- Higher Density Residential/Mixed Use Development
- Commercial District Nodes
- Office/Light Industrial/Mixed Uses
- Light Industrial/Commercial
- Potential Light Rail Station

CV15-029
901 Oak Street
Approximately 0.09 acres



CV15-029
901 Oak Street
Approximately 0.09 acres