

# 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: BZA 15-041 Date Received: 3/16/15  
Application Accepted by: [Signature] Fee: \$1900.00  
Commission/Civic: 5x NW  
Existing Zoning: C-4  
Comments: 5/26/15

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

Variance  Special Permit

Indicate what the proposal is and list applicable code sections:

See Exhibit B

**LOCATION**

Certified Address: 1417 W. 5th Avenue City: Columbus Zip: 43212

Parcel Number (only one required): 010-063117

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

Applicant Name: Two Caterers Contemporary Cuisine c/o Phone Number: (614) 947-8600 Ext.:  
Donald Plank, Plank Law Firm

Address: 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Fourteen Seventeen LLC c/o Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.:

Address: 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

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

Address: 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

**ATTORNEY/AGENT** SIGNATURE [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.

Please make checks payable to the Columbus City Treasurer

# 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

**BZA15-041**  
**1417 W. 5th Ave.**

## AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank  
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 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 1417 W. 5th Avenue

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 (4) Fourteen Seventeen LLC  
AND MAILING ADDRESS c/o Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

APPLICANT'S NAME AND PHONE # (4) Two Caterers Contemporary Cuisine  
(same as listed on front application) c/o Donald Plank (614) 947-8600

AREA COMMISSION OR CIVIC GROUP (5) 5th by Northwest Area Commission  
AREA COMMISSION ZONING CHAIR Bruce McKibben, Zoning Committee Chair  
OR CONTACT PERSON AND ADDRESS 1094 Lincoln Rd.  
Columbus, OH 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
<u>See Exhibit A</u>	_____	_____
_____	_____	_____
_____	_____	_____

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

(8) SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 13th day of MARCH, in the year 2015

Barbara A. Painter  
(8) SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015  
My Commission Expires



Notary Seal Here  
**BARBARA A. PAINTER**  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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Please make checks payable to the Columbus City Treasurer

**EXHIBIT A, Public Notice**  
**1417 W 5<sup>th</sup> Avenue**  
**BZA15-\_\_\_\_\_**  
**March 12, 2015**

**APPLICANT**

Two Caterers Contemporary Cuisine  
c/o Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Fourteen Seventeen LLC  
c/o Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY FOR APPLICANT**

Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

5<sup>th</sup> by Northwest Area Commission  
c/o Bruce McKibben, Zoning Chairman  
1094 Lincoln Rd.  
Columbus, OH 43212

**PROPERTY OWNERS WITHIN 125 FEET**

Jennifer M. Moyer  
Shawn T. Homan  
1400 Ida Ave.  
Columbus, OH 43212

1434 West Fifth Avenue Ltd.  
Kohr Royer Griffith  
1480 Dublin Rd.  
Columbus, OH 43215

Tri-Village Partners LLC  
Gale L. McMahon  
1400 W. 5<sup>th</sup> Ave.  
Columbus, OH 43212

Suzanne Johns  
1406 Ida Ave.  
Columbus, OH 43212

1395 Enterprises LLC  
5210 Chevy Chase Ct.  
Columbus, OH 43220

MRG Real Estate 1 LLC  
2300 Cardigan Ave.  
Columbus, OH 43215

Harrison & Pruitt Ltd.  
978 Jaeger St.  
Columbus, OH 43206

Christopher M. Will, DDS  
1480 Grandview Ave.  
Columbus, OH 43212

Fifth/Grand (Solihill) LLC  
et al  
1480 Dublin Road  
Columbus, OH 43215

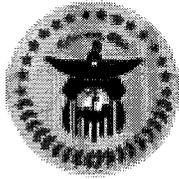
**ALSO NOTIFY**

David B. Perry  
David Perry Co., Inc.  
145 East Rich Street, 3<sup>rd</sup> Floor  
Columbus, OH 43215

Fourteen Seventeen LLC  
c/o Angela Petro  
550 S. High Street  
Columbus, OH 43215

Two Caterers Contemporary Cuisine  
c/o Angela Petro  
550 S. High Street  
Columbus, OH 43215

**BZA15-041**  
**1417 W. 5th Ave.**



# CITY OF COLUMBUS

## DEPARTMENT OF BUILDING AND ZONING SERVICES

**BZA15-041**  
1417 W. 5th Ave.

### One Stop Shop Zoning Report Date: Thu Mar 19 2015

General Zoning Inquiries: 614-645-8637

#### SITE INFORMATION

**Address:** 1417 W 5TH AVE COLUMBUS, OH

**Mailing Address:** 461 BEECHER RD

GAHANNA, OH 43230

**Owner:** FOURTEEN SEVENTEEN LLC

**Parcel Number:** 010063117

#### ZONING INFORMATION

**Zoning:** ORIG, Commercial, C4

effective 2/27/1928, Height District H-35

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** WEST FIFTH AVENUE UCO

**Graphic Commission:** N/A

**Area Commission:** 5th by Northwest Area Commission

**Planning Overlay:** N/A

**Historic District:** N/A

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** OUT

**Airport Overlay Environs:** N/A

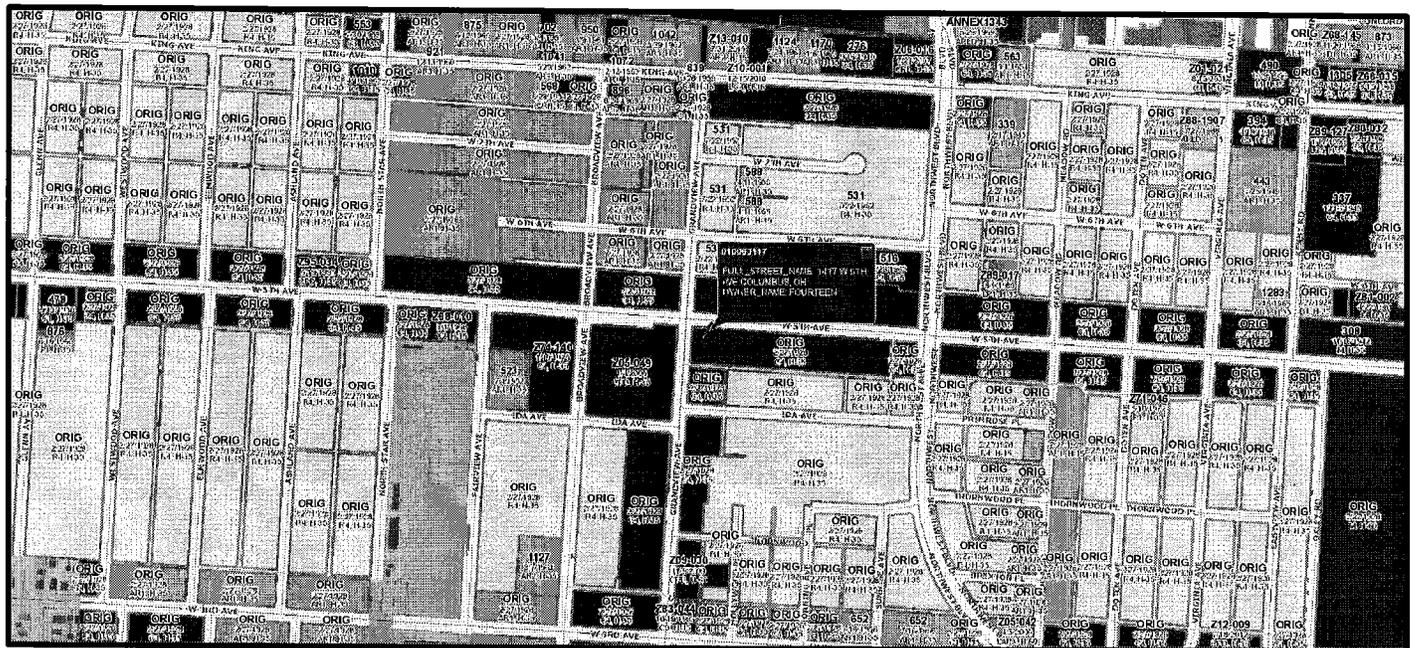
#### PENDING ZONING ACTION

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** N/A

**Council Variance:** N/A

**Graphic Commission:** N/A



## EXHIBIT B

### Statement of Hardship

1417 W 5<sup>th</sup> Avenue, Columbus, OH 43212

BZA15310-\_\_\_\_\_

**BZA15-041**  
1417 W. 5th Ave.

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The site is located at the southeast corner of W. Fifth Avenue and Grandview Avenue. The site was operated as Rife's Market (retail food products) for approximately the last 76 years until the property was sold in December 2014. The property is zoned C-4, Commercial and is in the West Fifth Avenue Urban Commercial Overlay (UCO). The existing building is 3,600 +/- SF. Rife's Market frequently had outside display areas of fresh produce and other merchandise outside the building but under the roof overhang. No expansion or reconstruction is proposed.

Applicant proposes to use 1,984 SF of the building for retail sales/carryout service for food products, 1,492 SF of the building for on-premise dining and 128 SF for seasonal patio seating. The retail sales/carryout area isn't a change of use from the existing retail use and no additional parking is required. The on-premise dining area is a change of use for which additional parking is calculated, as is the outside patio area. Site development predates current design standards. The 128 SF of outside dining is under the roof overhang where Rife's had produce and other items for sale.

Applicant's proposal preserves a significant neighborhood historical asset while partially repurposing the building to provide on-premise food service in part of the building. The site presently has 12 on-site parking spaces. The retail/carryout component of the use (1,984 SF) requires 8 parking spaces, less 25% credit from the UCO, or 6 spaces total. The on premise food service area (1,492 SF) requires 20 parking spaces, less 25% reduction permitted by the UCO or 15 spaces. The outside patio area (128 SF) requires 1 parking space. Total required parking is 21 spaces, while 12 are provided on-site. Compliance with current design standards is increased through the use of 90 degree parking spaces behind (south) of the building. Applicant has a practical difficulty with the application of current parking standards for use of a portion of the building for on-premise food service.

Applicant requests the following variances:

- 1) 3312.49, Minimum Number of Parking Spaces Required, to reduce required parking from 22 spaces to 12 spaces for the change of use of 1,492 SF of the building to provide on-premise food service and a 128 SF outside patio.

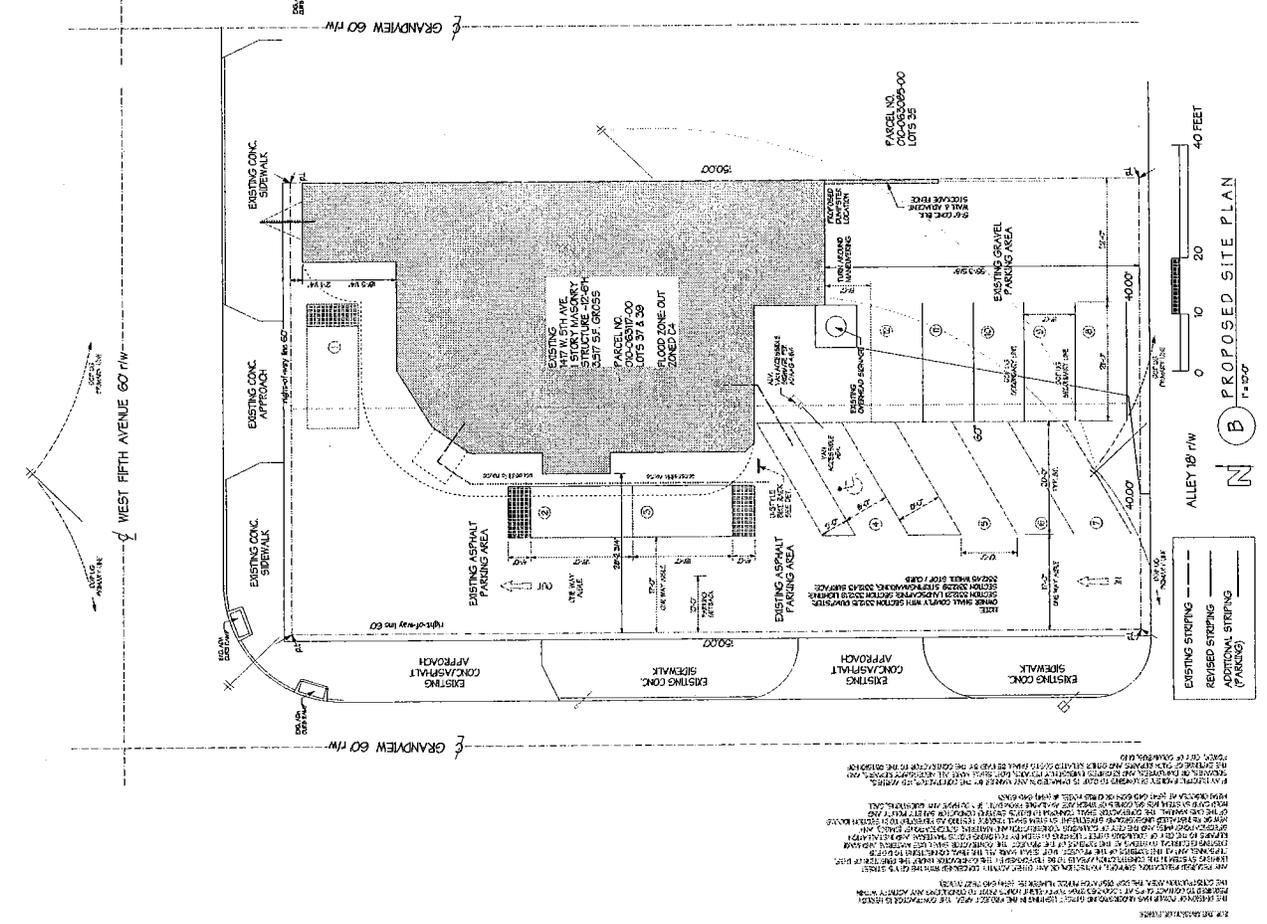
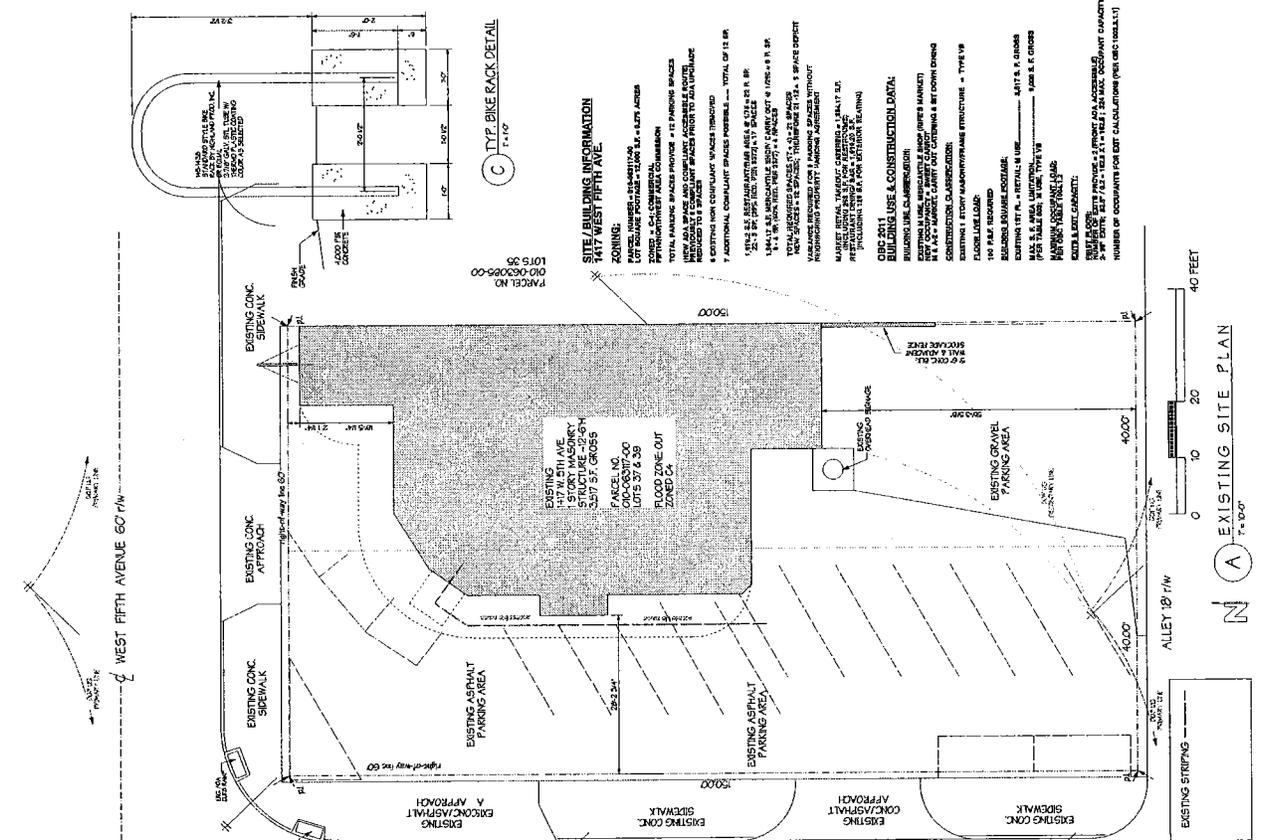
# BZA15-041

## 1417 W. 5th Ave.

REMODELING OF  
EXISTING STRUCTURE  
1417 WEST FIFTH AVENUE  
COLUMBUS, OHIO 43212

JOHN A. BERRI  
ARCHITECT  
165 EAST ROAD  
SUITE B  
COLUMBUS, OHIO 43206  
PH: 614-461-8770  
FAX: 614-461-8771

DATE: 05-10-15  
SCALE: 1/8" = 1'-0"  
PROJECT NO: 2114  
SHEET NO: PRE1



**REVISIONS:**  
1. REVISED STIPING  
2. ADDITIONAL STIPING (PARKING)

**EXISTING BUILDING INFORMATION**  
1417 WEST FIFTH AVE.  
PARCEL NO. 00-06307-00  
LOTS 37 & 38  
FLOOD ZONE: OUT  
ZONED: CA

**ZONING:**  
PARCEL NUMBER: 00-06307-00  
LOT SQUARE FEET: 14,874 SQ. FT.  
TOTAL PARKING SPACES: 10  
TOTAL GARAGE SPACES: 10  
TOTAL DECK SPACES: 10  
TOTAL BALCONY SPACES: 10  
TOTAL TERRACE SPACES: 10  
TOTAL PORCH SPACES: 10  
TOTAL PATIO SPACES: 10  
TOTAL STAIR SPACES: 10  
TOTAL WALKWAY SPACES: 10  
TOTAL OTHER SPACES: 10

**ADDITIONAL COMPLIANCE INFORMATION:**  
1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2011 IRC.  
2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2011 IBC.  
3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2011 IEBC.  
4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2011 IFBC.  
5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2011 IFBC.

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# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 3/12/15



Disclaimer

Scale = 100

This map is prepared for the real property inventory within this county. survey plats, and other public records and data. Users of this map are not to be used as a source of information. Users of this map are not to be used as a source of information. Users of this map are not to be used as a source of information. Please notify the Franklin County GIS Division of any discrepancies.

**BZA15-041**  
**1417 W. 5th Ave.**

Real Estate / GIS Department



# 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: 010063117

Zoning Number: 1417

Street Name: W 5TH AVE

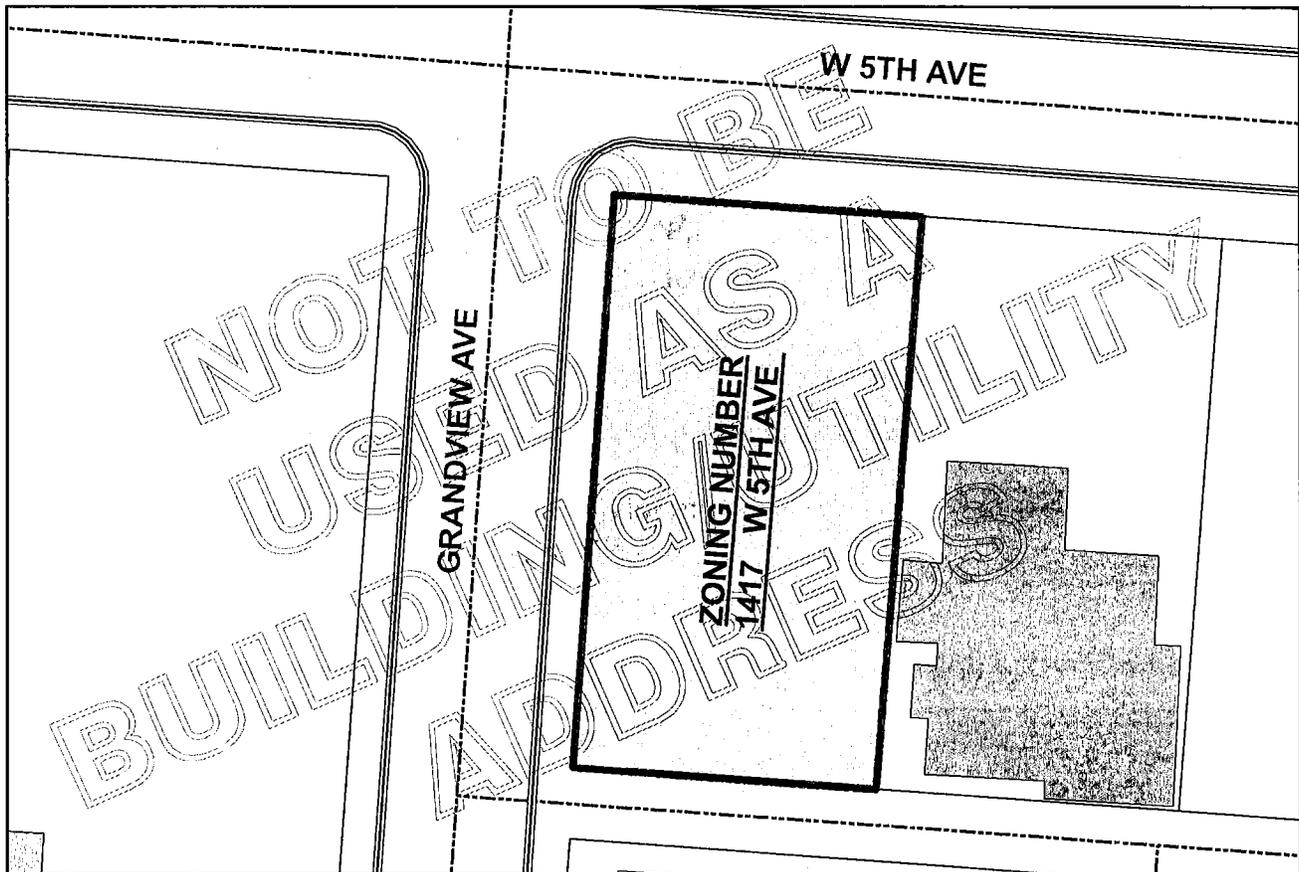
Lot Number : N/A

Subdivision: N/A

Requested By: DAVE PERRY CO., INC. (DAVE PERRY)

Issued By: *Debra Williams*

Date: 3/2/2015



SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 28900

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



# 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

## 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

**BZA15-041**  
**1417 W. 5th Ave.**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 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 and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
<u>Two Caterers Contemporary Cuisine</u>	
<u>c/o Angela Petro</u>	<u>550 S. High Street</u>
	<u>Columbus, OH 43215</u>
<u>Fourteen Seventeen LLC</u>	
<u>c/o Angela Petro</u>	<u>550 S. High Street</u>
<u>John Petro</u>	<u>Columbus, OH 43215</u>
<u>Mark Baltimore</u>	
<u>Heidi Baltimore</u>	

SIGNATURE OF AFFLIANT *Donald Plank*

Sworn to before me and signed in my presence this 13th day of MARCH, in the year 2015

*Barbara A. Painter*  
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015  
My Commission Expires

Notary Seal Here



**BARBARA A. PAINTER**  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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