

## 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 15-099 Date Received: 8/17/15  
Application Accepted by: D. Reis Fee: \$1,900  
Commission/Civic: Clintonville  
Existing Zoning: C-4  
Comments: 10/27/15

**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: 3055 Indianola Avenue City: Columbus Zip: 43202

Parcel Number (only one required): 010-078501

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

Applicant Name: Matt Damon Entertainment LLC c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

Address: Plank Law Firm, 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: Matt Damon Entertainment LLC c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

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

Address: Plank Law Firm, 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

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Board of Zoning Adjustment Application

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Phone: 614-645-7433 • www.bzs.columbus.gov

### 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 3055 Indianola 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  
AND MAILING ADDRESS

(4) Matt Damon Entertainment LLC

c/o Donald Plank, Plank Law Firm

145 E. Rich Street, FL 3

Columbus, OH 43215

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

Matt Damon Entertainment LLC

c/o Donald Plank (614) 947-8600

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

(5) Clintonville Area Commission

c/o Dana Bagwell

3982 N. High Street

Columbus, OH 43214

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

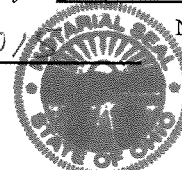
Sworn to before me and signed in my presence this 10th day of JULY, in the year 2015

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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**EXHIBIT A, Public Notice**  
**3055 Indianola Avenue**  
**BZA15-\_\_\_\_\_**  
**July 9, 2015**

**APPLICANT**

Matt Damon Entertainment LLC  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Matt Damon Entertainment LLC  
c/o Donald Plank  
Plank Law Firm  
145 East 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**

Clintonville Area Commission  
c/o Dana Bagwell  
3982 N. High Street  
Columbus, OH 43214

**PROPERTY OWNERS WITHIN 125 FEET**

Evangelina Collazo  
Evangelina Collazo  
473 Milford Ave.  
Columbus, OH 43202

Davis Properties I LLC  
285 Croswell Road  
Columbus, OH 43214

Wyandot Land Company LLC  
575 Tucker Dr.  
Worthington, OH 43085

Richard B. Igo, TR  
3300 Indianola Ave.  
Columbus, OH 43214

George M. Ellis, TR  
Karen A. Kitchen, TR  
1874 Bluff Ave.  
Columbus, OH 43212

LML Properties LLC  
6233 Murloch Drive  
Dublin, OH 43017

Wheeler Investments LLC  
1500 W. 3<sup>rd</sup> Ave., Ste. 108  
Columbus, OH 43212

John D. Vazquez  
3042 Woodbine Pl.  
Columbus, OH 43202

Samantha E. Smith  
David L. Smith  
3048 Woodbine Pl.  
Columbus, OH 43202

Whatsup LLC  
3037 Indianola Ave.  
Columbus, OH 43202

John R. Montgomery  
3062 Woodbine Pl.  
Columbus, OH 43202

Bamattre Family Trust  
1102 S. Marjan St.  
Anaheim, CA 92806

Lynn M. Flanagan  
Lynn M. Ogden  
3068 Woodbine Pl.  
Columbus, OH 43202

M. Susan Imel  
3076 Woodbine Pl.  
Columbus, OH 43202

**3055 Indianola Avenue**  
**BZA15-\_\_\_\_\_**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 7/9/15**

**BZA15-099**  
**3055 Indianola Ave.**

Glen A. Robbins  
Robbins Realty Company  
939 S. High St.  
Columbus, OH 43206

Patricia L. Magee  
3082 Woodbine Pl.  
Columbus, OH 43202

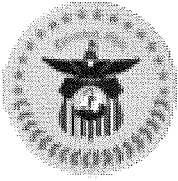
Hartley Harrison Enterprises LLC  
4339 Village Club Dr.  
Powell, OH 43065

**ALSO NOTIFY**

Dave Perry  
David Perry Company, Inc.  
145 E. Rich Street, FL 3  
Columbus, OH 43215

Matt Damon Entertainment LLC  
c/o Mr. Eric Brembeck  
3055 Indianola Avenue  
Columbus, OH 43202

John A. Eberts, LEED AP, AIA, CSI  
John A. Eberts, Architects  
165 Erie Road, Ste. B  
Columbus, OH 43214



# CITY OF COLUMBUS

## DEPARTMENT OF BUILDING AND ZONING SERVICES

### One Stop Shop Zoning Report Date: Mon Aug 17 2015

General Zoning Inquiries: 614-645-8637

#### SITE INFORMATION

Address: 3055 INDIANOLA AVE COLUMBUS, OH

Mailing Address: Null

Null

Owner: DAMON MATT ENTERTAINMENT LLC

Parcel Number: 010078501

#### ZONING INFORMATION

Zoning: ORIG, Commercial, C4

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

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: INDIANOLA AVE/WEBER ROAD UCO

Graphic Commission: N/A

Area Commission: Clintonville 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

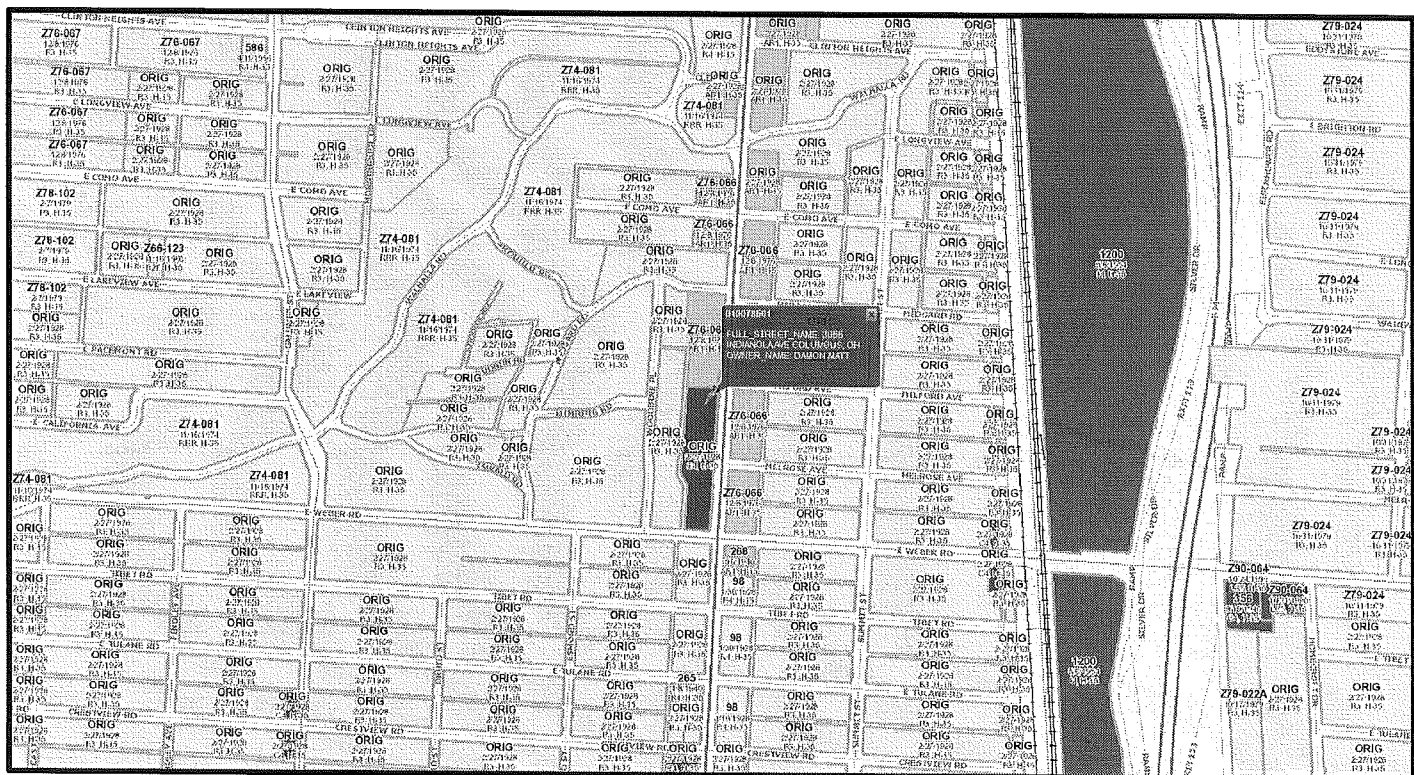
#### PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



## **EXHIBIT B**

### **Statement of Hardship**

**3055 Indianola Avenue  
Columbus, OH 43202**

**BZA15-\_\_\_\_\_**

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The site is developed with the Studio 35 movie theater. The theater was built in 1937. The property is zoned C-4, Commercial, as are properties north and south side of the theater in this 600 +/- foot commercial corridor on Indianola Avenue north of Weber Road. The theater was built in 1937 without any on-site parking. Patrons park on Indianola Avenue and also walk to the theater. The site is also in the Indianola/Weber Urban Commercial Overlay (UCO).

Applicant has owned and operated the theater since 2003. From 1987 to March 2012 the permitted occupancy number was 441 people. In conjunction with remodeling in 2012, occupancy was reduced to 299 people, a reduction of 142 permitted occupants. Applicant invested approximately \$600,000 on building improvements and equipment with the 2012 remodeling.

The theater has a partial existing second story for the projection room and an office area. Applicant proposes to build an additional partial second story, west of (behind) the existing partial second story and partially over the ground floor theater, to add a second smaller theater of 1,460 +/- square feet at a cost of approximately \$400,000, which includes installing a fire suppression system (sprinklers) in the building. The second theater will have an occupancy of approximately 70 people.

The major film studios: Disney, Universal, Fox, Sony and Warner Brothers, are making operating a theater more difficult with restrictive terms on showing movies, longer time commitments to show a particular film, higher cost for each film, and trying to control everything about our business (no more special events, fundraisers or showing of local films). It has gotten so difficult that the Gateway Film Center recently went non profit mainly for these reasons, they can't make enough money. Running a single screen theater is the most difficult proposition in the theater business.

Applicant works with the local film community, including MOFA, and hosts many of their events at Studio 35. The second screen will ensure that we will be able to do so in the future. We are not just a theater, but a community resource where we show USA soccer, have a summer kids movie series, host political debates, show local sports teams, host 8-10 local beer tastings, and host numerous fundraisers for Clintonville and Columbus non profit organizations, such as the

Clintonville Resource Center (CRC). The second screen will also allow applicant to continue build on this growing community and continue to show commercial movies. Applicant anticipates adding a couple employees with the proposed addition. It is likely Studio 35 contributes to other business in Clintonville, such as restaurants and shopping. Applicant anticipates the proposed addition will ensure the long term survival of the theater. There is no area on-site, in public areas, to provide bicycle parking. The front (east) wall of the building is located on the property line. Applicant has and will maintain bicycle parking immediately adjacent to the front of the building on the Indianola Avenue sidewalk.

Applicant has a practical difficulty to comply with current code required parking to permit a reasonable expansion of the building to address market/business requirements of operating a theater. The building and site development pre-dates the applicable code sections. It is important for the neighborhood for the theater to remain a viable business. Non-compliance with current parking standards in older urban areas is common and is the case with this

Applicant requests the following variance:

- 1) 3312.49(A)(B), Minimum Numbers of Parking Spaces Required, to reduce required parking for the additional theater area (1,460 +/- SF) from 25 spaces (1 space/30 SF of theater area less 50% UCO reduction) to 0 and to reduce on-site bicycle parking for the new theater area from 4 spaces to 0 on-site spaces.

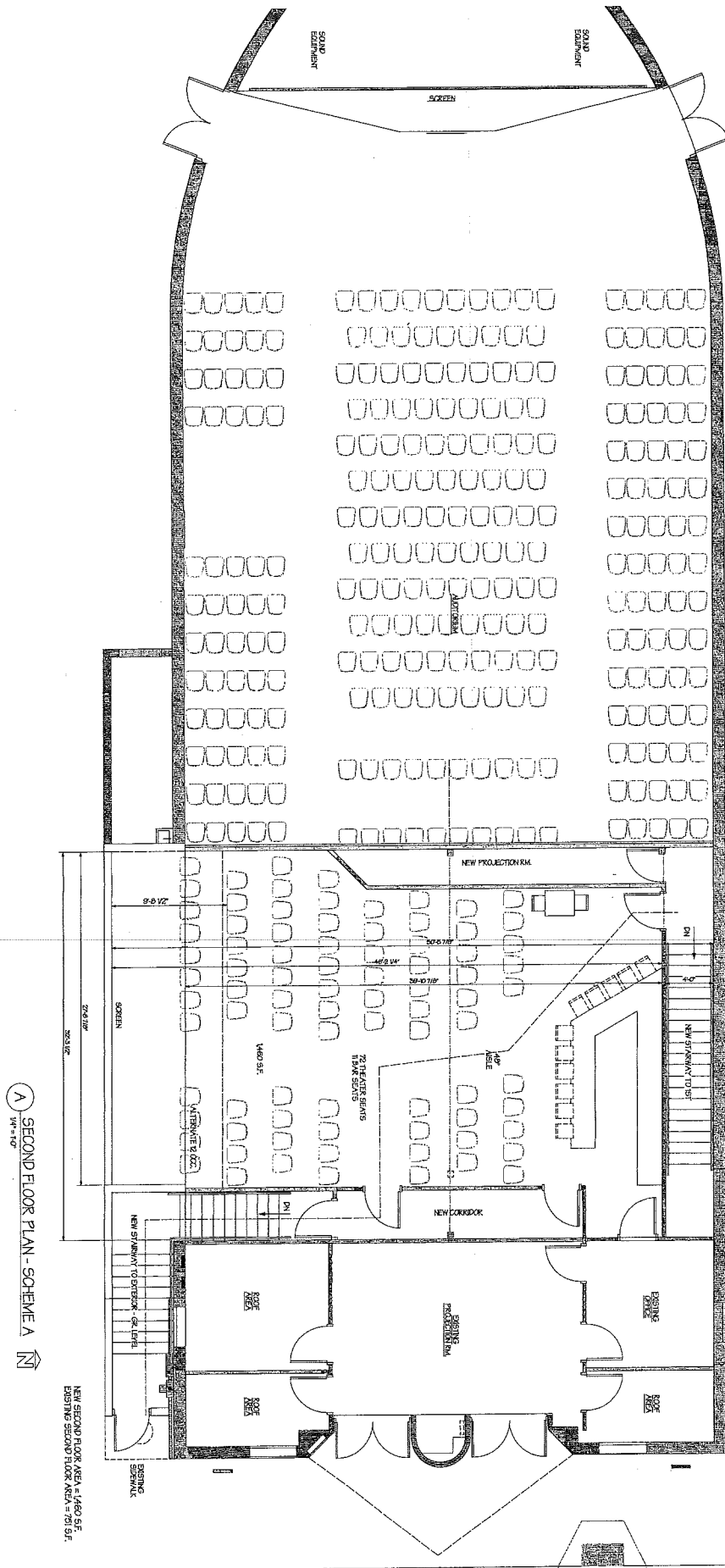
07-10-2015



PROPERTY OF JOHN A. SWEENEY  
ARCHITECT. DIER, LEE & ASSOCIATES  
FOR PLANNING AND CONSULTATION OF  
THIS DRAWING AND THE QUESTION  
THIS ARCHITECT'S FIRMING SIGN ARE  
THIS FIRM'S PROPERTY. IT IS NOT TO  
BE REPRODUCED OR COPIED, EITHER  
WHOLE OR IN PART, FOR ANY PURPOSE  
AND WITHOUT THE WRITTEN CONSENT  
OF THE ARCHITECT. ANY VIOLATION  
OF THESE CONDITIONS SHALL BE  
CONSIDERED A VIOLATION OF THE  
FIRM'S POLICY AND WILL BE  
PUNISHED BY THE FIRM.



**BZA15-099**  
**3055 Indianola Ave.**



## ADDITION & INTERIOR REMODELING

to  
3055 INDIANOLA AVENUE  
COLUMBUS, OHIO 43202

PRINCIPAL OR JOINT A PARTY  
ALSO EFFECT THEM USE BY OTHERS  
FOR BUSINESS AND COMMERCE, EITHER  
THIS DESIGN FOR THE OWNERS ON  
THIS SERVICE, LIMITED BY THE  
FEDERAL GOVERNMENT LIVES THE  
DETERMINATION TO CONTRACTORS  
AND OTHERS INCLUDING FILING AND  
DOING ANYTHING DOES NOT  
WARRANT OR EXCLUDE  
CONSIDERING AND LIST

## REVISIONS

JOHN A. EBERTS  
ARCHITECT  
LEED AP (HQ REG. 10400) AIA  
165 ERIE ROAD, SUITE B  
COLUMBUS, OH 43214

VOICE/FAX 614-430-8770  
 (430) 540-1111

COMM. NO.

1015

DATA

07-10-15

SHEET NO.

T.N.O.



# 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: 010078501

Zoning Number: 3505

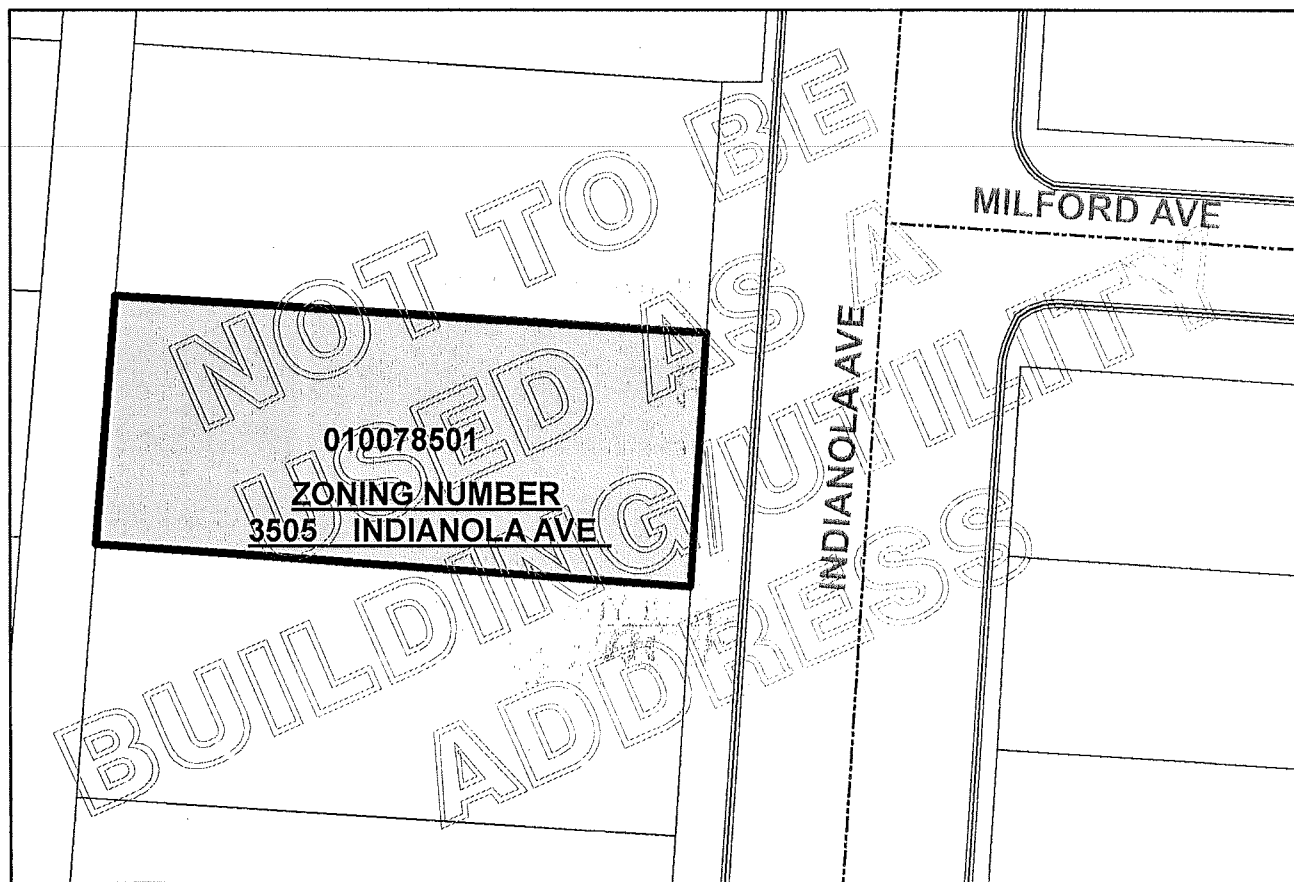
Street Name: INDIANOLA AVE

Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC (DAVE PERRY)

Issued By: Adyana Williams Date: 7/7/2015



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

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 38515

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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) 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**

Matt Damon Entertainment LLC

c/o Eric Brembeck, Managing Member

Rita Volpi, Member

3055 Indianola Avenue

Columbus, OH 43202

SIGNATURE OF AFFIANT

Donald Plank

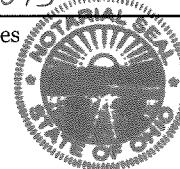
Sworn to before me and signed in my presence this 10th day of JULY, in the year 2015

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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