

W12-006/12315-00000-00103 \$1600

## COUNCIL VARIANCE APPLICATION

Case Planner: Dana Hitt, 645-2395 dahitt@columbus.gov



### OFFICE USE ONLY:

Planning Area: GV

**PAID**  
FEB 27 2012

Received By:

### LOCATION AND ZONING REQUEST:

**BUILDING & ZONING SERVICES**

Certified Address (for Zoning Purposes): 619 Macon Alley Zip: 43206

Is this property currently being annexed into the City of Columbus? ☐ 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: 010-028241-00

☐ If applicable, check here if listing additional parcel numbers on a separate page (REQUIRED)

Current Zoning District(s): R2F

Recognized Civic Association or Area Commission: German Village Commission

(See instructions in "Things to Remember" on front of application packet.)

Proposed Use or reason for Council variance request: Requesting variances to use a vacant lot for valet parking pursuant to Chapter 3373; a variance from Section 3312.43 and 3373.01(k) to use gravel to cover a parking lot; a variance from Section 3373.02 to reduce setbacks from residential properties; and a variance from Section 3312.21 to eliminate requirements for landscaping and screening around a parking area

Proposed Height District: 35' Acreage: .079+/- acres

(Columbus City Code Section 3309.14)

### APPLICANT:

Name Lindey's Restaurant and Bar

Address c/o Jill Tangeman, 52 East Gay Street City Columbus Zip 43216

### PROPERTY OWNER(S):

Name Gail E. Malana

Address 616 Mohawk Street, Columbus, Ohio 43206

Phone# c/o Jill Tangeman 614-464-5608

Phone# c/o Jill Tangeman 614-464-5608

☐ If applicable, check here if listing additional property owners on a separate page (REQUIRED)

### ATTORNEY / AGENT

☒ Attorney

☐ Agent

Name Jill S. Tangeman, Esq.

Address 52 East Gay Street

City Columbus

Zip 43216

Phone # 614-464-5608

Fax # 614-719-4638

Email jstangeman@vorys.com

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature Jill Tangeman, Esq.

Property Owner Signature Gail E. Malana

Attorney/Agent Signature Jill Tangeman, Esq.

CV12-006

**COUNCIL VARIANCE APPLICATION****OFFICE USE ONLY:**

Planning Area: \_\_\_\_\_ Received By: \_\_\_\_\_

**LOCATION AND ZONING REQUEST:**Certified Address (for Zoning Purposes): Macon Alley Zip: 43206Is this property currently being annexed into the City of Columbus? ☐ Yes ☐ No

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

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(Columbus City Code Section 3309.14)**APPLICANT:**Name Lindley's Restaurant and Bar  
Address c/o Jill Tangeman, 52 East Gay Street City Columbus Zip 43216**PROPERTY OWNER(S):**Name Gail E. Malaga  
Address 616 Mohawk Street, Columbus, Ohio 43206  
Phone# c/o Jill Tangeman 614-464-5608 Phone# c/o Jill Tangeman 614-464-5608☐ If applicable, check here if listing additional property owners on a separate page (REQUIRED)**ATTORNEY / AGENT** ☐ Attorney ☐ AgentName Jill S. Tangeman, Esq.  
Address 52 East Gay Street City Columbus Zip 43216  
Phone # 614-464-5608 Fax # 614-719-4638 Email jstangeman@vorys.com**SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)**Applicant Signature \_\_\_\_\_  
Property Owner Signature [Signature]  
Attorney/Agent Signature \_\_\_\_\_



# 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: 010028241

Zoning Number: 619

Street Name: MACON ALY

Lot Number: 14

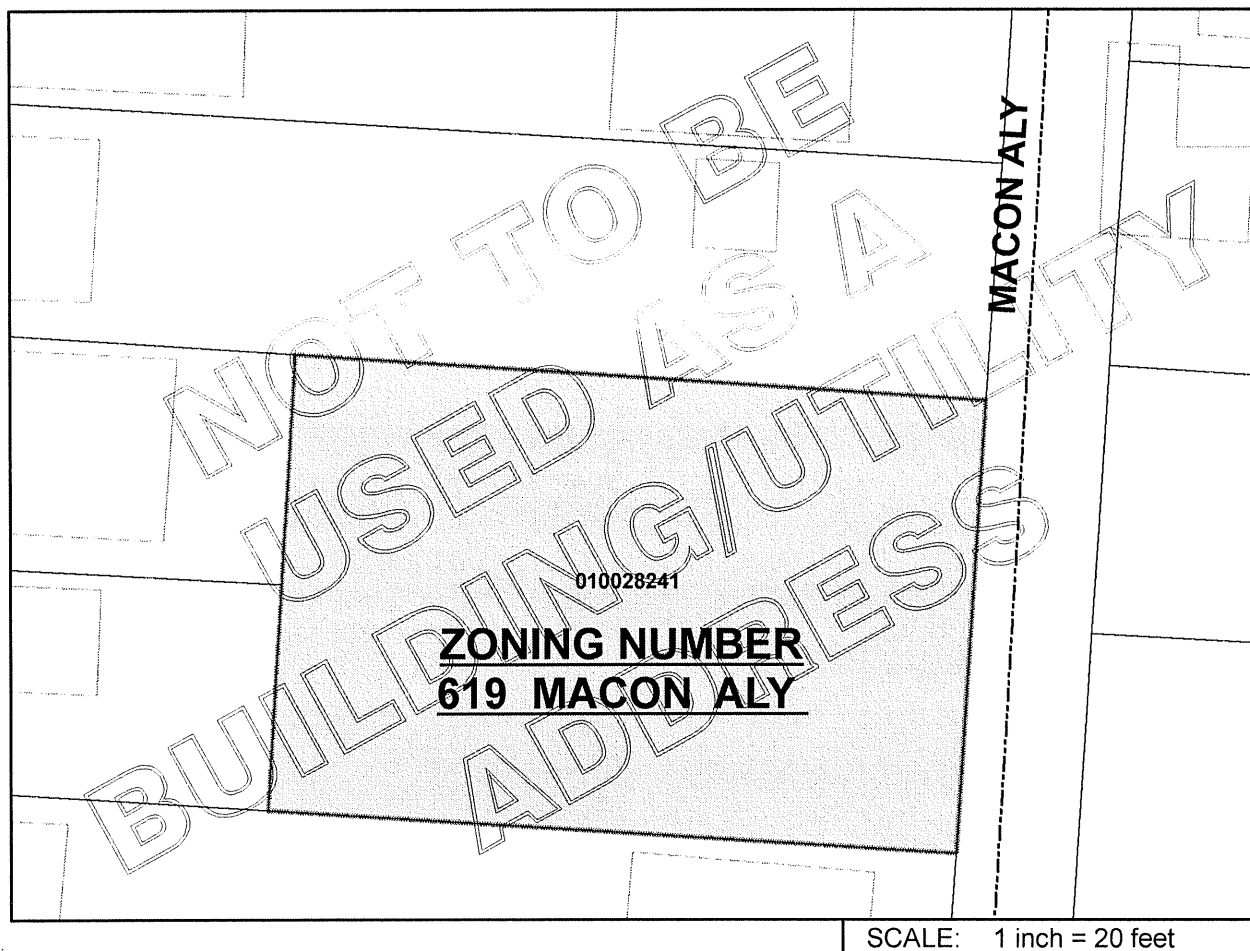
Subdivision: RADER

Requested By: VORYS, SATER, SEYOUR & PEASE LLP (VIGINIA S. BUDA)

Issued By:

*Adyana Amarian*

Date: 2/21/2012

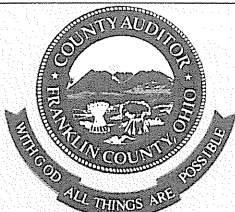


SCALE: 1 inch = 20 feet



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

GIS FILE NUMBER: 6485



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 2/21/12



Disclaimer

Scale = 100

Grid North

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

**AFFIDAVIT****(See reverse side for instructions)**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jill Tangeman  
of (1) MAILING ADDRESS 52 East Gay Street, Columbus, Ohio 43216  
deposed 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) CERTIFIED ADDRESS FOR ZONING PURPOSES 619 Marion Alley  
for which the application for a rezoning, variance, special permit or graphics plan was filed with the  
Department of Development, Building Services Division on (3) 2/27/12  
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME (4) Gail Malana  
AND MAILING ADDRESS 616 Mohawk Street  
Columbus, Ohio 43206

APPLICANT'S NAME AND PHONE # Lindey's Restaurant & Bar  
(same as listed on front of application) c/o Jill Tangeman, Esq. / #614-464-5608

AREA COMMISSION OR CIVIC GROUP (5) German Village Commission  
AREA COMMISSION ZONING CHAIR OR c/o Cristin Moody  
CONTACT PERSON AND ADDRESS City of Columbus Planning Division, Historic Preservation  
109 North Front Street, Columbus, Ohio 43215

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 (8) Jill Tangeman  
Subscribed to me in my presence and before me this 12th day of February, in the year 2012  
SIGNATURE OF NOTARY PUBLIC (8) Deanna R. Cook  
My Commission Expires: NA

Notary Seal Here



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

Gail E. Malana  
616 Mohawk Street  
Columbus OH 43206

Jill S. Tangeman, Esq.  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street, P.O. Box 1008  
Columbus OH 43216-1008

633 S. Fifth St. LLC  
2005 Main Street  
Columbus OH 43205

Robert J. Duffy, Trustee  
125 South Ardmore Road  
Columbus OH 43209

Luella M. Glick  
630 Mohawk Street  
Columbus OH 43206

Jack Kasey and  
Susan L. Kasey  
610 Mohawk Street  
Columbus OH 43206

Gail E. Malana  
616 Mohawk Street  
Columbus OH 43206

Grant Avenue Associates  
Limited Partnership  
c/o Grant Avenue Investments, Inc.  
169 East Beck Street  
Columbus OH 43206

177 Beck St. Ltd.  
177 East Beck Street  
Columbus OH 43206

William E. Bates and  
Patricia S. Bates  
625 South Fifth Street  
Columbus OH 43206-1268

Kevin A. Giangola  
612 Mohawk Street  
Columbus OH 43206

Frances E. Grispingo  
615 South Fifth Street  
Columbus OH 43206

Stephen W. Kight and  
Sandra A. Kight, Co-Trustees  
181 East Beck Street  
Columbus OH 43206

William F. McCullick and  
Deborah H. Barickman  
601-603 South Fifth Street  
Columbus OH 43206

German Village Commission  
Historic Preservation Officer  
109 North Front Street  
Columbus OH 43215

184 Willow LLC  
3900 Tarrington Lane  
Columbus OH 43220

Bryan H. Dow  
636 Mohawk Street  
Columbus OH 43206

Douglas R. Giomi  
609 Mohawk Street  
Columbus OH 43206

Theodore W. Hill  
39 Warren Street  
Columbus OH 43215

William J. Lydon  
619 South Fifth Street  
Columbus OH 43206

## STATEMENT OF HARDSHIP



Chapter 3307 of Columbus Zoning Code  
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirement 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 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

*Joe Tangman*

Date

2/27/2012

## **STATEMENT OF HARDSHIP**

### **Lindey's Restaurant & Bar**

#### **Macon Alley Vacant Lot**

The applicant is seeking a council variance to utilize a vacant lot zoned in the R-2F district in German for a valet parking area to be associated solely with the Lindey's Restaurant & Bar located at 169 E. Beck Street.

Lindey's Restaurant & Bar is a long-time establishment in German Village. Because of its unique location in the heart of German Village, Lindey's has no adjacent parking lot associated with the restaurant. Currently, Lindey's uses a valet parking service to park cars in remote lots or on the streets in German Village. At peak restaurant hours, parking can be difficult. If Lindey's utilizes all of the available street parking on neighboring streets in German Village, residents of the area may have difficulty parking near their homes.

Lindey's is proposing to acquire the subject lot to alleviate some of the parking challenges associated with the restaurant. Because the lot is zoned R-2F consistent with all other German Village property, the applicant is requesting a council variance to use the lot for valet parking in according with Chapter 3373 of the Columbus zoning code. Council variances have generally been used in the German Village area to allow for the mix of uses unique to this area. Lindey's is asking that the vacant lot be used as a valet parking lot for so long its use is solely for the purpose of the restaurant at 169 E. Beck Street.

With the council variance request, the applicant is also requesting the following variances:

- A variance from Sections 3312.43 and 3373.01(k) to utilize gravel on the parking lot as opposed to pavement. The applicant would prefer to place gravel on the lot rather than concrete or asphalt. Currently, the lot is partially gravel with some grass and weeds. The applicant agrees that the parking lot shall be treated regularly to make the gravel surface dustless. The applicant will provide one parking block for each parking space provided.
- A variance from Section 3373.02 for setbacks from residential properties. The vacant lot is boarded by residential homes that front on Mohawk Street. The lot has already been separated from these residential properties by a brick wall. Given that the boundaries of the lot have already been established by construction of the wall, increased setbacks from the residential properties do not serve any screening purpose.
- A variance from Section 3312.21 for parking lot landscaping and screening. The vacant lot is already separated from the neighboring residential properties by a brick wall. The residential properties are already screened from the proposed parking area. The addition of landscaping would not provide any benefit to the neighboring residential properties.

The use of the vacant lot for valet parking for Lindey's would be of significant benefit to the residents of German Village. By utilizing this lot for parking, Lindey's can decrease the amount of street parking used for the restaurant, thereby leaving parking available for neighboring residents. Because the lot is already well screened from the neighboring properties with a brick



wall, the use of the lot for valet parking would have minimal impact on the adjacent homes. The variances requested will not: impair air and light to adjacent properties; unreasonably increase the congestion of public streets; increase the danger of fires; endanger the public safety; nor unreasonably diminish or impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus.

## 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.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # CV12-006

Being first duly cautioned and sworn (NAME) Jill Tangeman  
of (COMPLETE ADDRESS) 52 East Gay Street, Columbus, Ohio 43216  
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

Lindey's Restaurant & Bar 169 E. Beck Street, Columbus, Ohio 43206 Columbus Employees	

☐ If applicable, check here if listing additional parties on a separate page (REQUIRED)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 29th day of February, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

NA

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here



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

72-066  
R2 F  
8/21/87

72-066  
R2 F  
8/21/87

72-066  
R2 F  
8/21/87

FREE ST

619 Macon Alley  
Approximately 0.08 acres

32-066  
R2 F  
211872

280-101  
P1  
8/8 1/10 88

72-066  
R2-F-  
8/21/87

E WILLOW ST

2-066  
72 F  
1/10/72

72-066  
R2.F—  
0211072

15.45

32-066  
R2 F  
8/21/88

LEAD 57

[illegible]

21

72-111-  
R2 F  
8/2 1/18 72

**CV12-006**

619 Macon Alley  
Approximately 0.08 acres

E WILLOW ST

PIESER ST

E BECK ST

S 5TH ST

LEA R ST

MOHAWK ST

MACON ALY

**CV12-006**

