



# BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: # 12310-00000-00457

Date Received: \_\_\_\_\_

Commission/Group: 5th/N.W.

Existing Zoning: C-4

Application Accepted by: [Signature]

Fee: \$1900

Comments: \_\_\_\_\_

## TYPE(S) OF ACTION REQUESTED

(Check all that apply)



Variance



Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Variance of sections 3372.603D, 3372.604 A+B, 3372.605 B+D, 3372.609 .1

## LOCATION

1. Certified Address Number and Street Name 1416 W. 5th Ave.

City Columbus

State OH

Zip 43212

Parcel Number (only one required) 010-061658-00

## APPLICANT: (IF DIFFERENT FROM OWNER)

Name LMBS 5 -> CONTACT: JIM CALLAM

Address 25380 MILES ROAD

City/State Bedford Heights, OH Zip 44146

Phone # 216-831-0022 Fax # 216-831-7999 Email \_\_\_\_\_

## PROPERTY OWNER(S):

Name HARRISON & PRUITT LTD

Address 978 JAEGER ST.

City/State Columbus, OH Zip 43206

Phone # 614-444-7711 Fax # 614-444-7444 Email J1PRUITT@aol.com

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

## ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)



Attorney



Agent

Name David Pontia

Address 39 East Main St. Suite 101

City/State New Albany/ OH

Zip 43054

Phone # 614-245-8273

Fax # 614-245-8791

Email: dpontia@dpaarchitecture.com

## 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.  
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Please make all checks payable to the Columbus City Treasurer





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## AFFIDAVIT

**12310-00000-00457**

**1416 WEST 5th AVE.**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Pontia

of (1) MAILING ADDRESS 39 East Main St. Suite 101, New Albany, OH 43054

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) per ADDRESS CARD FOR PROPERTY

for which the 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) HARRISON & PRUITT LTD

978 Jaeger St. Columbus, OH 43206

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

Jim Callam-LMBS5

216-831-0022

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

(5) 5th By Northwest Area Commission

1635 B Grandview Ave Columbus, OH 43212

Bruce Shalter

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(S) NAME	(6A) ADDRESS OF PROPERTY	(6B) PROPERTY OWNER(S) MAILING ADDRESS
<u>HARRISON AND PRUITT LTD (6)</u>	<u>1416 W. 5TH Ave Columbus, OH 43285 (6A)</u>	<u>978 Jaeger St Columbus, OH 43206 (6B)</u>

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this

(8)

David J. Reiss

day of

August

, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8)

David J. Reiss

**DAVID J. REISS**

**NOTARY PUBLIC - STATE OF OHIO**

**MY COMMISSION EXPIRES MAY 30, 2015**

My Commission Expires:

*Notary Seal Here*

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### STATEMENT OF HARDSHIP

**12310-00000-00457**  
**1416 WEST 5th AVE.**

APPLICATION # \_\_\_\_\_

#### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

- Property being located on corner lot of two principal streets.
- Requests are consistent with properties in same zoning district.
- New zoning code presents hardships on existing site.
- Granting of variances will improve property and develop the property to be more in compliance with the current zoning code.
- Refer to attached page for full hardship statement.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

7/30/12

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**Statement of Hardship:****12310-00000-00457**Winking Lizard (New User)  
1416 W. Fifth Avenue  
Columbus, Ohio 43212**1416 WEST 5th AVE.**

New Restaurant user to take over building from previous Restaurant use.  
Variance Application for Addition to Existing Restaurant Building

The project intent is to develop the site in a direction that will be more compliant with the current zoning code with the addition on the building and patio expansions. Note this building is an existing building in place well before the current zoning codes. Due to the technical, economical, and operational hardships the current code imparts on the addition several variances are required.

Variance to section 3372.603:

D. The extension or expansion of a principal building toward a public street is subject to all applicable standards and requirements of this overlay.

All standards cannot be brought into compliance as this is an existing building and developed site, each code section that this section enacts will be listed with its statement of hardship defined.

Variance to section 3372.604

A. The maximum building setback is ten feet.

If the building expansion were to be to a ten foot setback the building itself would become too large, and create an economic as well as operation hardship.

Owner is providing for the patio expansion to go to the minimum setback of zero feet in an effort to comply with this code section to the extent feasible.

B. 50% of the parking may be located at the side of the principal building.

As this site is on the corner of two principal streets and the site is developed, it is technically infeasible to provide for 50% of the parking behind the building as it has two frontages.

Variance to section: 3372.605

B. The width of a principal building along a primary building frontage shall be a minimum of 60% of the lot width.



The site is at the corner of two primary streets, it is technically infeasible to accommodate 60% of the building along a primary street and comply with other sections of this code.

The intent with the expansion is to expand as much as economically feasible along the primary street of Fifth Avenue.

D. For each primary building frontage, at least 60% of the area between the height of two feet and ten feet above the nearest sidewalk or shared-use path grade shall be clear/non-tinted window glass permitting a view of the building's interior..

The portion of the building that is being expanded will comply with the 60% glass requirement in the patron area. The balance of the existing elevation along Grandview Avenue houses the cooler that will be in an enclosed structure to match the existing building. This replaces the previous cooler on the northeast corner that was exposed and only painted. The cooler relocation would be an improvement as it is now in an enclosed portion of the building. The rest of the west elevation cannot be converted to have 60% glass due to the operation of the kitchen behind which would create an operational hardship.

Variance to parking section: 3372.609

1. All uses, other than eating or drinking establishment smaller than 5,000 square feet with a pickup unit, are permitted a 25% reduction of the required parking in the Off-Street Parking and Loading Chapter.

The parking lot requirements per code are as follows:

Building with Expansion:  $4,750 \text{ SF} / 75 = 64$  with 25% reduction requires 48 parks.

Patio Area:  $1830 \text{ SF} / 75 = 26$  with 50% patio reduction = 13 with additional 25% reduction requires 10 parks.

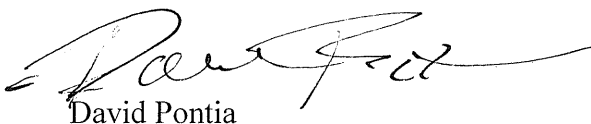
Total parking spaces required for site equal 58.

Parking provided on site 37 spots.

This is less than a 50% reduction which is consistent with this area.

Screen Fence is existing at rear of parking lot along alley way.

Signature of Agent:



David Pontia

**12310-00000-00457**  
**1416 WEST 5th AVE.**



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: MB

DATE: 7/31/12



Disclaimer

Scale = 60



This map is prepared for the real property inventory within this survey plats, and other public records and data. Users of this map information sources should be consulted for verification of the information. The county and the mapping companies assume no legal responsibility for the accuracy of the map. Please notify the Franklin County GIS Division of any discrepancies.

**12310-00000-00457**  
**1416 WEST 5th AVE.**

Map

Real Estate / GIS Department



SCALE: 1" = 10'

Columbus, OH

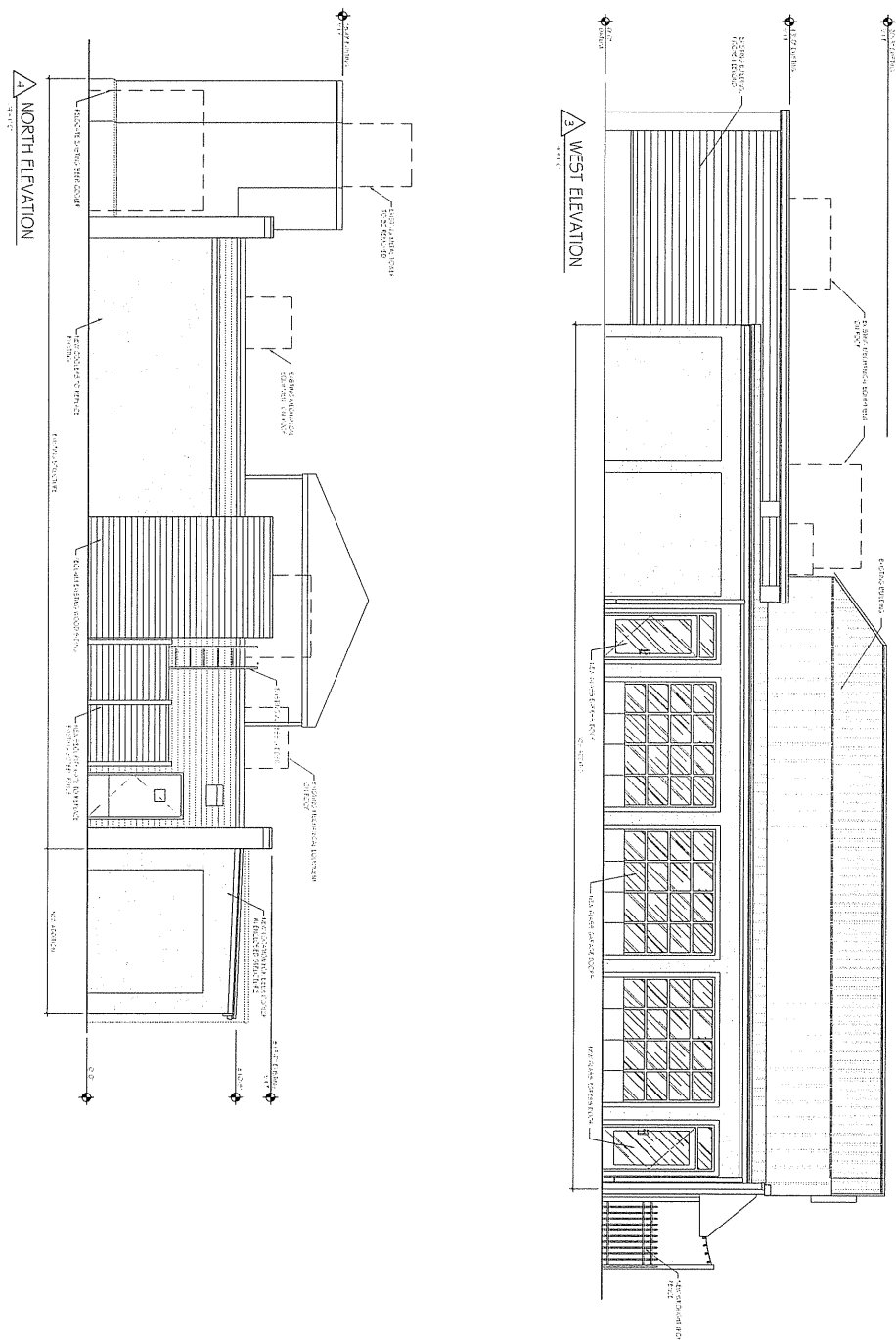
**12310-00000-00457**  
**1416 WEST 5th AVE.**



**PONTIAC**  
ARCHITECTS  
39 E. Main Street, Suite 101  
New Albany, Ohio 43054  
614-243-8723 fax 614-245-8731

# THE WINKING LIZARD TAVERN

Elevations  
SCALE: 1/4" = 1'-0"  
D TAVERN  
Columbus, OH  
8/3/2012



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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 # **12310-00000-00457**  
**1416 WEST 5th AVE.**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) \_\_\_\_\_  
of (COMPLETE ADDRESS) \_\_\_\_\_

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>HARRISON &amp; PRUITT, LTD</u>	<u>978 JAEGER ST.</u>
	<u>COLUMBUS, OHIO 43206</u>

SIGNATURE OF AFFIANT

[Signature]

Subscribed to me in my presence and before me this 3rd day of August, in the year 2012

SIGNATURE OF NOTARY PUBLIC

David J. Reiss

My Commission Expires:

**DAVID J. REISS**  
**NOTARY PUBLIC - STATE OF OHIO**  
**MY COMMISSION EXPIRES MAY 30, 2015**

*Notary Seal Here*

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