



## COUNCIL VARIANCE 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: CV12-046/12315-00000-00519  
Date Received: 9/31/12  
Application Accepted By: S. Pine Fee: \$1600  
Comments: Case Planner: Dana Hitt 645-2395 dahitt@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 165 East Beck Street Zip 43206

Is this property currently being annexed into the City of Columbus ☐ Yes ☐ No

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

Parcel Number for Certified Address: 010-001319; 010-001549

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

Current Zoning District(s): R-2F

Recognized Civic Association or Area Commission: German Village Commission

Proposed use or reason for Council Variance request: Amendment of Council Variance CV01-037A

Acreage: \_\_\_\_\_

**APPLICANT:** Name Lindey's

Address 169 East Beck Street City/State Columbus, OH Zip 43206

Phone # 614-228-4343 Fax # \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER(S):** Name Grant Avenue Associates Limited Partnership

Address 169 East Beck Street City/State Columbus, OH Zip 43206

Phone # 614-228-4343 Fax # \_\_\_\_\_ Email: \_\_\_\_\_

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

### ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name Jill Tangeman, Esq.

Address 52 East Gay Street City/State Columbus, OH 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 \_\_\_\_\_

ATTORNEY / AGENT 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 all checks payable to the Columbus City Treasurer**



# City of Columbus Zoning Plat



CN12-046

## 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: 010016879,010047670, 010001549,010001319

Zoning Number: 165

Street Name: E BECK ST

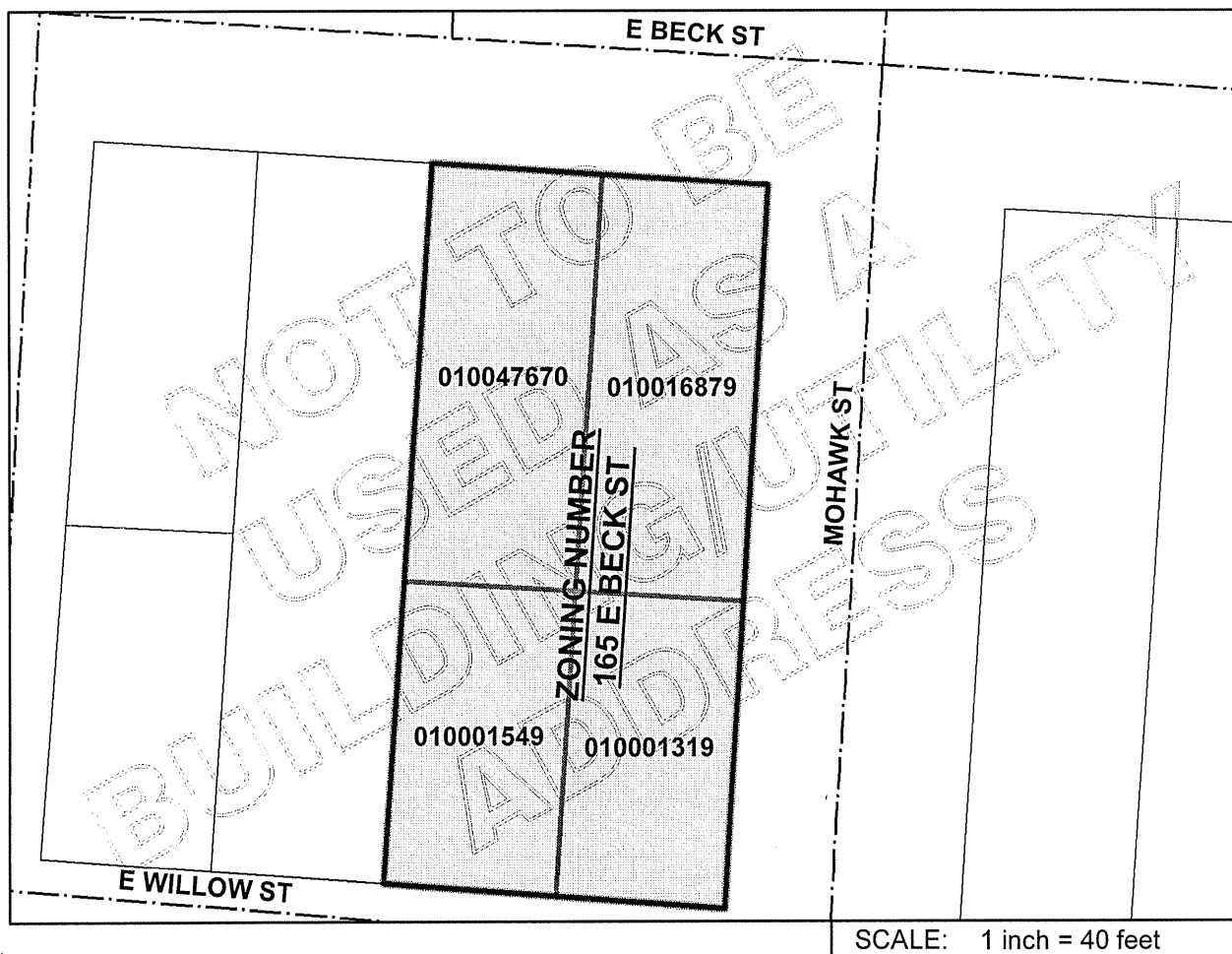
Lot Number: 7-8

SUBDIVISION: RADER

Requested By: VORYS, SATER, SEYMOUR & PEASEE LLP (VIRGNIA BUDA)

Issued By: *Adyana Amarion*

Date: 7/30/2012



SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 10470



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



## COUNCIL VARIANCE 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)

### AFFIDAVIT

(See next page for instructions)

APPLICATION #

CV12-046

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jill Tangeman, Esq.

of (1) MAILING ADDRESS 52 East Gay Street, Columbus, OH 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) per CERTIFIED ADDRESS FOR ZONING PURPOSES 163-165 East Beck Street, Columbus, OH 43206

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) Grant Avenue Associates Limited Partnership

169 East Beck Street, Columbus, OH 43206

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

Lindsey's Restaurant

169 East Beck Street, Columbus, OH 43206 / Phone #228-4343

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

(5) German Village Commission

c/o Cristin Moody, City of Columbus Planning Division, Historic Preservation

109 North Front Street, Columbus, OH 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)

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

SIGNATURE OF AFFIANT

(8)

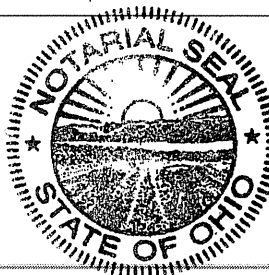
Subscribed to me in my presence and before me this 21st day of August, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

Notary Seal Here



MICHELLE L. PARMENTER  
Notary Public, State of Ohio  
My Commission Expires  
October 16, 2012

**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 all checks payable to the Columbus City Treasurer

CV12-046

Grant Avenue Associates  
169 E. Beck Street  
Columbus OH 43206

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

Jessica D. Schultz  
157 Berger Alley  
Columbus, OH 43206

German Village Commission  
c/o Cristin Moody  
City of Columbus Planning Division,  
Historic Preservation  
109 North Front Street  
Columbus OH 43215

Stephen W. Kight Tr.  
Sandra A. Kight Tr.  
181 E. Beck Street  
Columbus, OH 43206

Shamansky Real Estate Holdings LLC  
2783 Fair Avenue  
Columbus, OH 43209

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

Agnes Krivicich  
157 E. Beck Street  
Columbus, OH 43206

Estate of Robert Shamansky  
James B. Feibel, Attorney  
41 S. High Street, Suite 2600  
Columbus, OH 43215

177 Beck St. Ltd.  
177 E. Beck Street  
Columbus, OH 43206

Lazelle Properties LLC  
600 S. Lazelle Street  
Columbus, OH 43206

David W. Smith  
Amy H. Smith  
150 E. Beck Street  
Columbus, OH 43206

184 Willow LLC  
3900 Tarrington Lane  
Columbus, OH 43220

Gail E. Malana  
616 Mohawk Street  
Columbus, OH 43206

Jeffrey A. Smith  
Vijaya Iyer  
618 Mohawk Street  
Columbus, OH 43206

Amy E. Conley  
150 Willow Street  
Columbus, OH 43206

Mithoff Investments LLC  
316 E. Gates Street  
Columbus, OH 43206

Albert R. Straub  
1220 Medford Road  
Columbus, OH 43209

Peter A. Danis  
Laurie W. Danis  
2060 Sandover Court  
Columbus, OH 43220

Colleen M. O' Donnell  
606 Rader Alley  
Columbus, OH 43206

Kathleen W. Taylor  
153 E. Beck Street  
Columbus, OH 43206

Teresa A. Dickey  
170 E. Beck Street  
Columbus, OH 43206

John R. Pearson  
Rosemary Pearson  
622 Mohawk Street  
Columbus, OH 43206

Dennis A. Valot  
187 Beck St.  
Columbus, OH 43206

Kevin A. Giangola  
612 Mohawk Street  
Columbus, OH 43206

Rudolphe Poussot  
Ashly Jacquelyn Poussot  
158 E. Beck Street  
Columbus, OH 43206

Darrell G. Van Ligten  
Ronni J. Van Ligten  
180 E. Beck Street  
Columbus, OH 43206

Douglas Giomi  
609 Mohawk Street  
Columbus, OH 43206

Harry R. Reinhart  
400 S. Fifth Street, Suite 301  
Columbus, OH 43215

Alec Wightman Tr.  
184 E. Beck Street  
Columbus, OH 43206

Louanne C. Zipfel Tr.  
619 Mohawk Street  
Columbus, OH 43206



## COUNCIL VARIANCE 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)

CV12-046

### 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

*[Handwritten Signature]*

Date

*8/21/2012*

**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 all checks payable to the Columbus City Treasurer**

**Applicant: Lindey's Restaurant & Bar**

**Address: 165 East Beck Street**

Narrative Statement

In 2002, Columbus City Council approved Ordinance No. 0667-02 (CV01-037A) to allow the use of a restaurant and corresponding patio in the R-2F zoning district. In addition to the use variances, variances to the rear yard requirements and the required minimum number of parking spaces were also granted. The purpose of the application was to allow for the existing Lindey's Restaurant in German Village to utilize the rear yards of two residential lots for a restaurant patio.

At the time the Council Variance was granted, a stipulation was set forth in the ordinance stating that Lindey's was permitted only to have ten (10) tables on the Upper Terrace Level and ten (10) tables in the Courtyard area. Based upon the attached site plan, the limitation on the number of tables resulted in 90 seats within the patio area.

Lindey's is asking to amend the Council Variance to allow for a total of 24 tables to be located in the Courtyard area as shown on the site plan, which would result in a total of 92 seats on the patio area. Lindey's is further requesting to utilize the Upper Terrace Level for private functions only for no more than 48 persons.

A Site Plan setting forth the seating arrangements is attached as Appendix 1. Architect Jonathan Barnes was retained to prepare the site plan and to ensure that the seating arrangements comply with the Ohio Building Code requirements. The attached site plan is compliant with the Ohio Building Code and the applicable occupancy limitations.

Lindey's was originally granted the right to have 90 seats on the patio area. The requested 92 seats is therefore not a significant increase in regular seating and will have no measurable impact on the neighboring properties.

The Upper Terrace Level will be used for private parties and will not be used for regular restaurant operations. Consequently, the additional seating on the Upper Terrace Level will not be used daily and therefore will not adversely affect the surrounding properties.

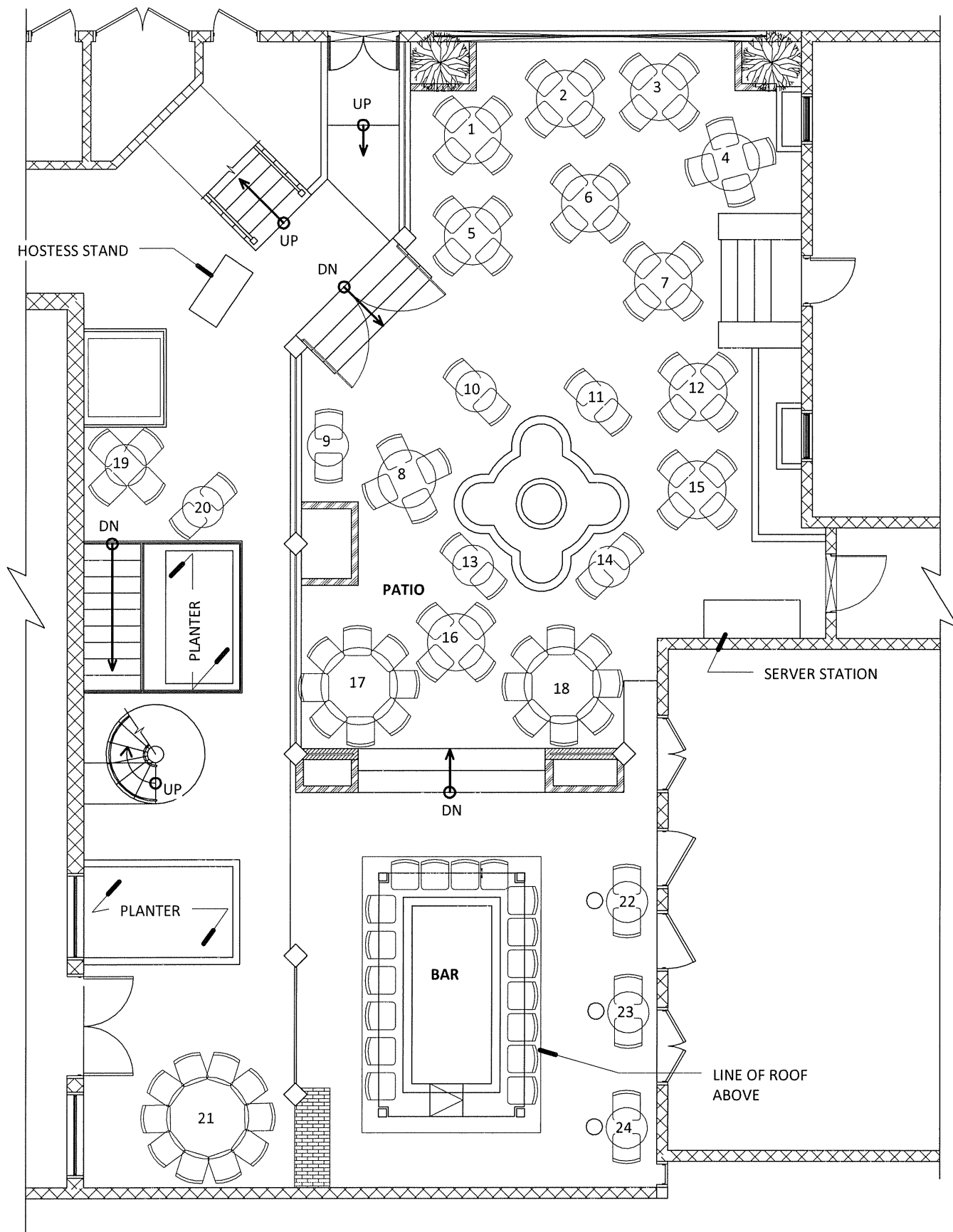
The subject application does not result in a change in the existing variance for minimum number of parking spaces required. In 2002, a variance was granted to the minimum parking spaces required from 24 spaces to 0 spaces as a result of the 1,750 square feet of patio. Section 3312.29 (formerly 3342.28) states that 1 space for every 75 square feet of restaurant use is required. The applicant is not increasing the size of the patio. Consequently, the existing variance for the 24 spaces required will remain unchanged.

Based upon the foregoing, the applicant is requesting to amend the site plan approved as part of CV01-037A in accordance with the Site Plan attached hereto as Appendix 1. The variances approved as part of CV01-037A – including the variance to 3332.037 (variance to residential district use); 3332.27 (variance to requirement that 25% of residential lot be used for open

space); 3332.34 (variance to residential character requirement); and 3312.29 (formerly 3342.28 / minimum number of parking spaces required) will remain unchanged.

The amended site plan will not have an adverse affect on the surrounding properties or on the German Village neighborhood. Lindey's has been a valued part of the German Village community for 30 years. The restaurant has consistently been recognized as one of Columbus' greatest assets. Its presence adds value to the surrounding properties, as well as to the community as a whole. The requested amendment to the site plan will allow Lindey's to continue to serve its clientele in a first-class atmosphere.



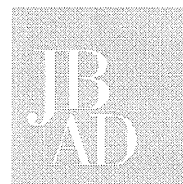
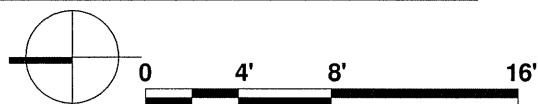


# EXISTING SITE PLAN

## LINDEY'S RESTAURANT

8.22.2012

CV12-046



JONATHAN BARNES  
ARCHITECTURE AND DESIGN



## COUNCIL VARIANCE 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)

### 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 # CV12-046

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 in the following formats

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. Lindey's Restaurant 169 East Beck Street Columbus, OH 43206 ___ Employees c/o Jill Tangeman, Esq.	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

**SIGNATURE OF AFFIANT**

Subscribed to me in my presence and before me this 21<sup>st</sup> day of August, in the year 2012

**SIGNATURE OF NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

Notary Seal Here

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



MICHELLE L. PARMENTER  
Notary Public, State of Ohio  
My Commission Expires  
October 16, 2012

**PLEASE NOTE:** incomplete information will result in rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
Please make all checks payable to the Columbus City Treasurer

CV12-046

## LEGAL DESCRIPTION

Lindey's Restaurant

010-016879; 010-001319; 010-047670; 010-001549

Total area: 8,856 square feet

### **Tract 1:**

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

Being sixty-three (63) feet off the south end of Lots Numbered Seven (7) and Eight (8) In JOHN RADER'S ADDITION, as the same is of record in Plat Book 1, page 295, Recorder's Office, Franklin County, Ohio. numbered and delineated upon the recorded plat thereof, of record ii, P1st Book 1, Page 295, Records Office, Frankjin County, Ohio.

### **Tract 2:**

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

Parcel 1: Being 87 feet off of the north end of Lot No. 8 of John Rader's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 295, Recorder's of f ice, Franklin County, Ohio, more particularly described as follows:

Beginning at the southwest corner of Beck and Mohawk Streets and at the northeast corner of said Lot No. 8; thence south along the east line of said Lot, 87 feet to a point; thence west on a line parallel with the south line of Beck Street 36 feet to a point in the west line of said lot; thence north on the west line of said Lot, 87 feet to a point in the south line of Beck Street; thence east on the south line of Beck Street, 36 feet to the place of beginning.

Parcel 2:

Being Lot Number Seven (7) of Radar's Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 295, Recorder's Office, Franklin Count, Ohio, EXCEPTING THEREFROM 63 feet off the south part thereof.



## COUNCIL VARIANCE 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)

### 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 # CV12-046

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jill Tangeman

Of [COMPLETE ADDRESS] 52 E. Gay Street, Columbus OH  
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 formats

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. Lindey's Restaurant 169 East Beck Street Columbus, OH 43206 30 Employees c/o Jill Tangeman, Esq. #464-5608	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Jill Tangeman

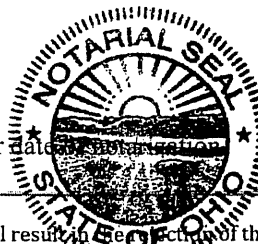
Subscribed to me in my presence and before me this 21<sup>st</sup> day of August, in the year 2012

SIGNATURE OF NOTARY PUBLIC Michelle L. Parmenter

My Commission Expires: \_\_\_\_\_

Notary Seal Here

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



MICHELLE L. PARMENTER  
Notary Public, State of Ohio  
My Commission Expires  
October 16, 2012

PLEASE NOTE: incomplete information will result in rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
Please make all checks payable to the Columbus City Treasurer

CW12-046



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 8/9/12



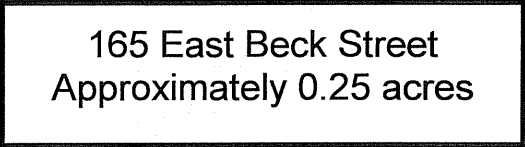
Disclaimer

Scale = 100



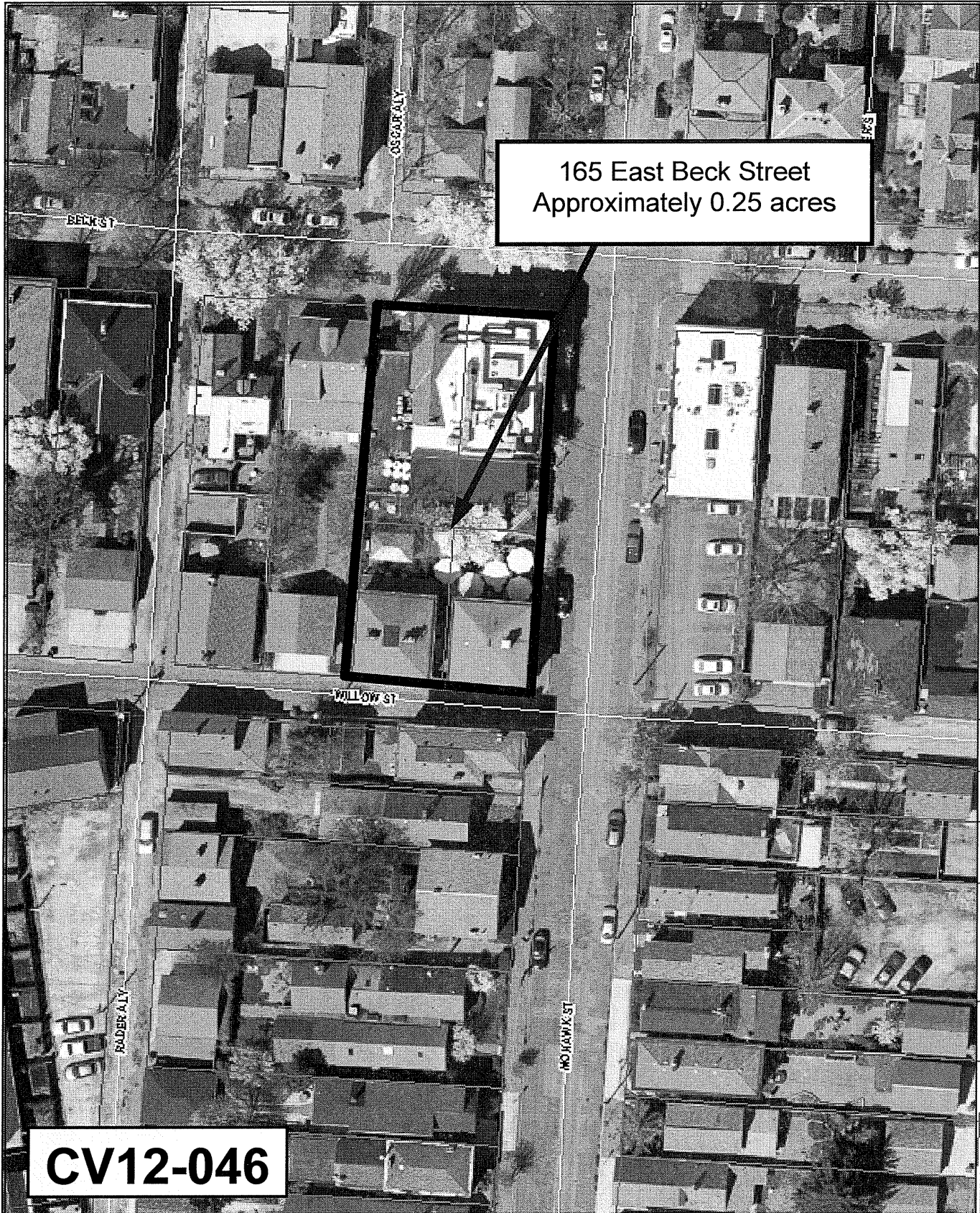
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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



-2





165 East Beck Street  
Approximately 0.25 acres

**CV12-046**