



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

OFFICE USE ONLY

Application Number: 12310-0-00693
Date Received: 11/12/12
Commission/Group: German Village & Brewery District
Existing Zoning: R-2F Application Accepted by: D. Reiss Fee: \$1,900.00
Comments: 1/22/13

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.

3312.49C: Reduce parking on site to 0 (50 required)

3332.27: Reduce rear yard to 18.6% (25% required)

LOCATION

1. Certified Address Number and Street Name 40 STEWART AVENUE
City COLUMBUS State OHIO Zip 43206
Parcel Number (only one required) 010-066698-00

APPLICANT: (IF DIFFERENT FROM OWNER)

Name HARDLINES DESIGN COMPANY (*Charissa Durst*)
Address 4608 INDIANOLA AVENUE City/State COLUMBUS, OHIO Zip 43214
Phone # (614) 784-8733 Fax # (614) 784-9336 Email cdurst@hardlinesdesign.com

PROPERTY OWNER(S):

Name COLUMBUS CITY SCHOOL DISTRICT
Address 270 E. STATE STREET City/State COLUMBUS, OHIO Zip 43215
Phone # (614) 365-8790 Fax # (614) 365-6946 Email SVolpe9843@columbus.k12.oh.us
☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☐ Agent

Name _____
Address _____ City/State _____ Zip _____
Phone # _____ Fax # _____ Email: _____

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE *[Signature]*
PROPERTY OWNER SIGNATURE *Carol V. O'Brien*
ATTORNEY / AGENT 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

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CHARISSA W. DURST

of (1) MAILING ADDRESS 4608 INDIANOLA AVENUE, COLUMBUS, OHIO 43214

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

(4) 40 STEWART AVENUE, COLUMBUS, OH 43206

AND MAILING ADDRESS

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

HARDLINES DESIGN COMPANY, (614) 784-8733

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

(5) GERMAN VILLAGE COMMISSION
JAY PANZER, CHAIR
220 E. SYCAMORE ST. COLUMBUS, OH 43206

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

SEE ATTACHED SHEET

☒ (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 12TH day of NOVEMBER, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

MARGARET C. STOKES

Notary Public, State of Ohio

My Commission Expires 08-21-2017

Notary Seal Here

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Owners of Record of Property within 125 feet

Property Owner Name	Address of Property	Property Owner Mailing Address
Larry E. and Marianne L. Anderson	947 City Park Avenue Columbus OH 43206	947 City Park Avenue Columbus OH 43206
Philip L. Barger	943 – 945 City Park Avenue Columbus OH 43206	1262 West First Ave Columbus, OH 43212
Cynthia A. Cloud	939 City Park Avenue Columbus OH 43206	939 City Park Avenue Columbus OH 43206
Stanley Raymond Turner, Jr et al	949 City Park Avenue Columbus OH 43206	949 City Park Avenue Columbus OH 43206
Arpita LLC	918 S. High Street Columbus OH 43206	918 S. High Street Columbus OH 43206
Dorothy C. Constable	934 S. High Street Columbus OH 43206	934 S. High Street Columbus OH 43206
Michael Bourne	29 E. Stewart Avenue Columbus OH 43206	29 E. Stewart Avenue Columbus OH 43206
Bruce P. and Cynthia J. Hagen	49 E. Stewart Avenue Columbus OH 43206	49 E. Stewart Avenue Columbus OH 43206
McDonald's Real Estate Co.	1006 S. High Street Columbus OH 43206	PO Box 66351 Amf O'Hare Airport Chicago, IL 60666
David L. Penn	37 E. Stewart Avenue Columbus OH 43206	37 E. Stewart Avenue Columbus OH 43206
Gina A. Rogers	1008 S. Pearl Street Columbus OH 43206	1008 S. Pearl Street Columbus OH 43206
Mark W. and Nancy J. Smith	41 E. Stewart Avenue Columbus OH 43206	41 E. Stewart Avenue Columbus OH 43206
Columbus Maennerchor	976 S. High Street Columbus OH 43206	976 S. High Street Columbus OH 43206
Brigid A. Butler	1007 City Park Avenue Columbus OH 43206	1007 City Park Avenue Columbus OH 43206
Gerald P. and Nancy I. Ferguson	1010 – 1014 S. Pearl Street Columbus OH 43206	1010 – 1014 S. Pearl Street Columbus OH 43206
Jennifer Li	1017 City Park Avenue Columbus OH 43206	1017 City Park Avenue Columbus OH 43206
Leslie M. Malkoff	1019 City Park Avenue Columbus OH 43206	1019 City Park Avenue Columbus OH 43206
Dana Renga	1009 City Park Avenue Columbus OH 43206	1009 City Park Avenue Columbus OH 43206
Todd M. Rensi	1011 City Park Avenue Columbus OH 43206	1011 City Park Avenue Columbus OH 43206
Stewart Avenue Property Co. LLC	51 Stewart Avenue Columbus OH 43206	51 Stewart Avenue Columbus OH 43206
Paul Tipps	1019 City Park Avenue Columbus OH 43206	1019 City Park Avenue Columbus OH 43206
Larry E. and Marianne L. Anderson	947 City Park Avenue Columbus OH 43206	947 City Park Avenue Columbus OH 43206
Boundiful Investments LLC	932 -936 S. Pearl Street Columbus OH 43206	932 -936 S. Pearl Street Columbus OH 43206
William R. Smith TR	931 City Park Avenue Columbus OH 43206	933 City Park Avenue Columbus OH 43206



40 Stewart Ave.

General Zoning Inquiries: 614-645-8637

Parcel Number: 010066698

Airport Overlay Environs: N/A

Graphic Commission: N/A





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STATEMENT OF HARDSHIP

12310-00693

40 Stewart 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:

Parking: Built in 1874, this school has never had parking on site. The District proposes to construct a parking lot on its own property on the west side of Pearl Street with 40 spaces.

Rear Yard: The property is a school building is located in a residential-zoned district with a 25% rear yard minimum. The neighbors, German Village Society, and German Village Commission have all commented on the need to keep Pearl Street open and intact. The school is being expanded to meet 21st century standards. In order to keep construction out of Pearl Street, the addition has been confined to the east side of Pearl Street and the rear yard will be reduced.

Signature of Applicant

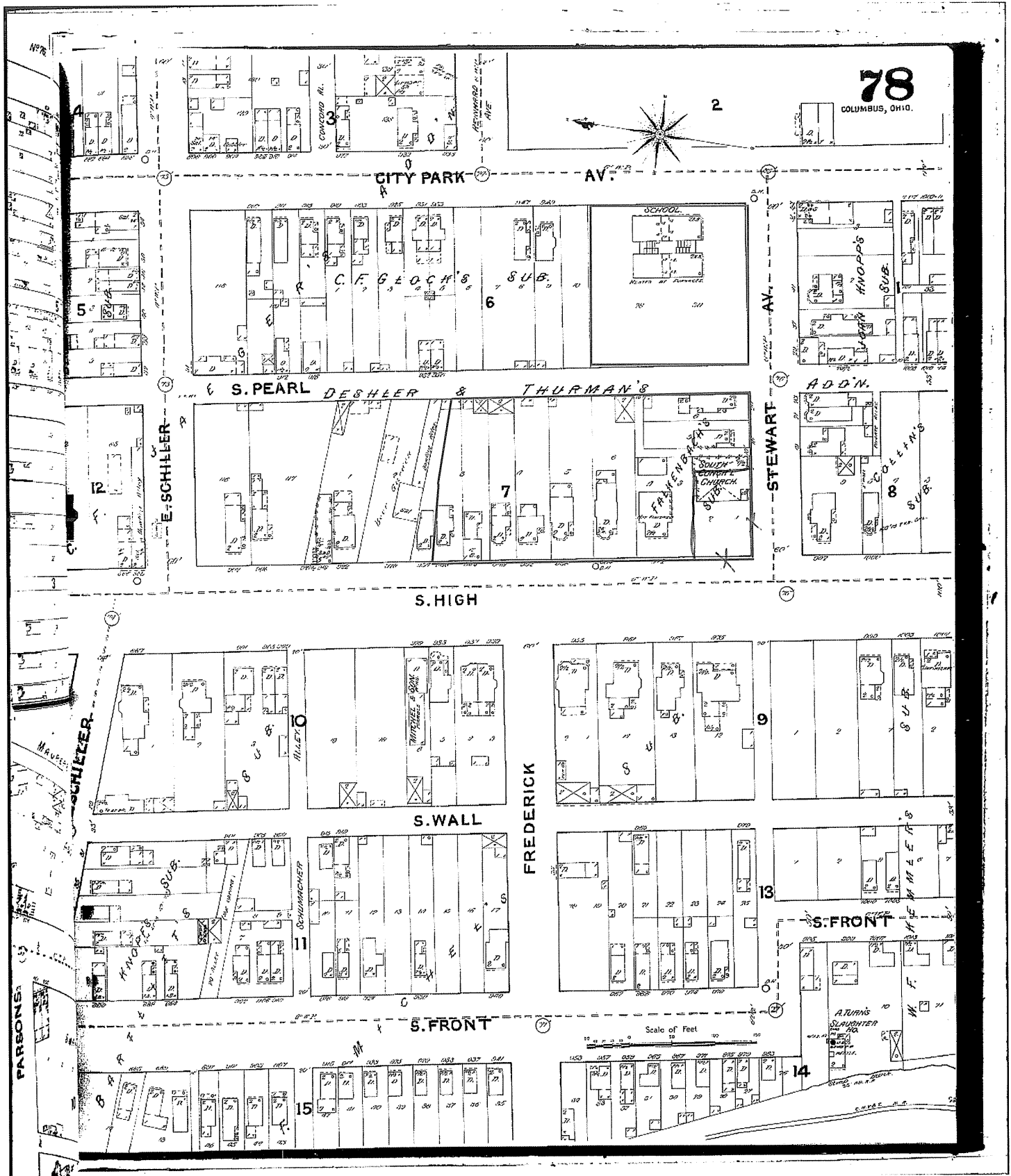
Date

11-12-12

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

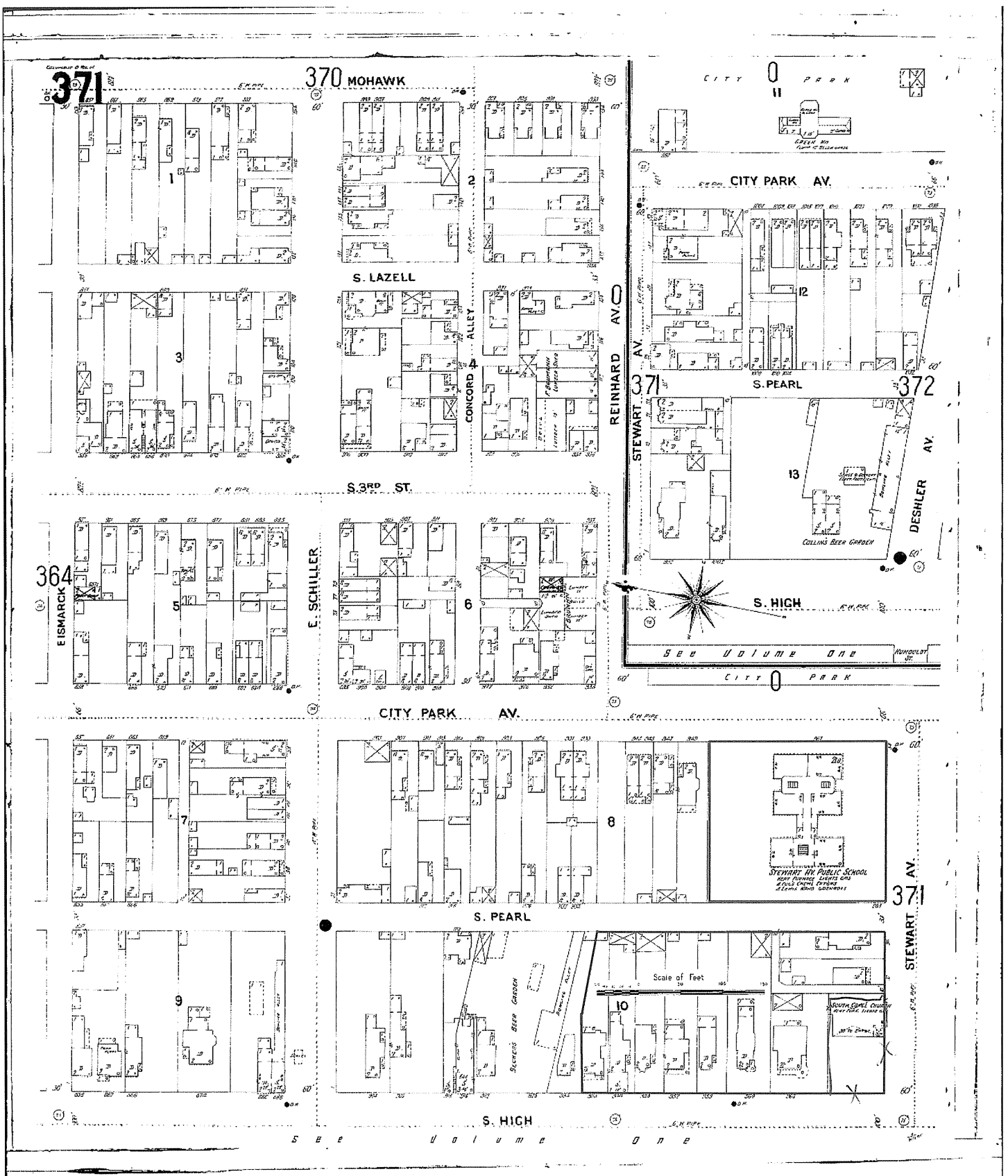
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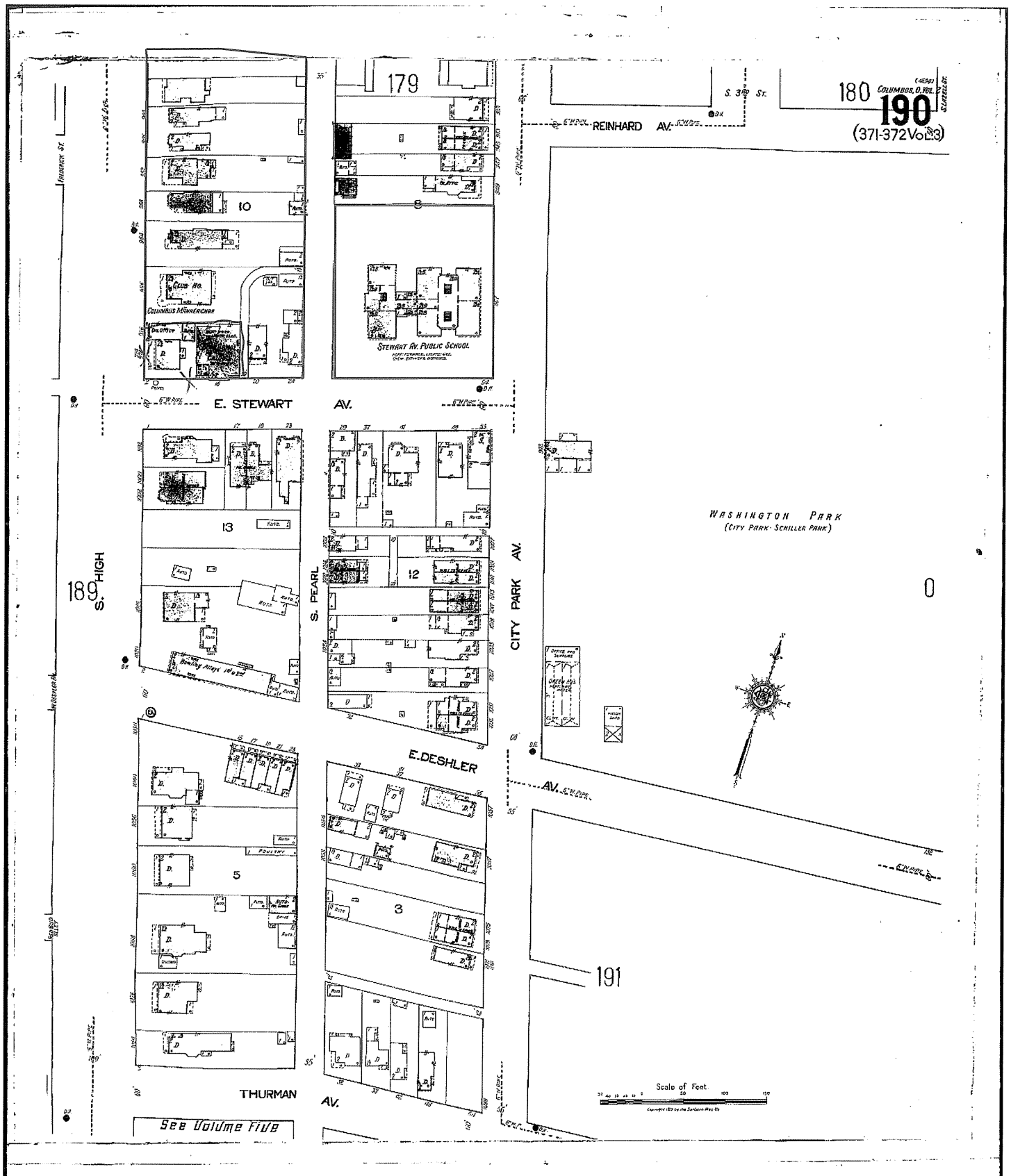


Sanborn Insurance Map, 1891

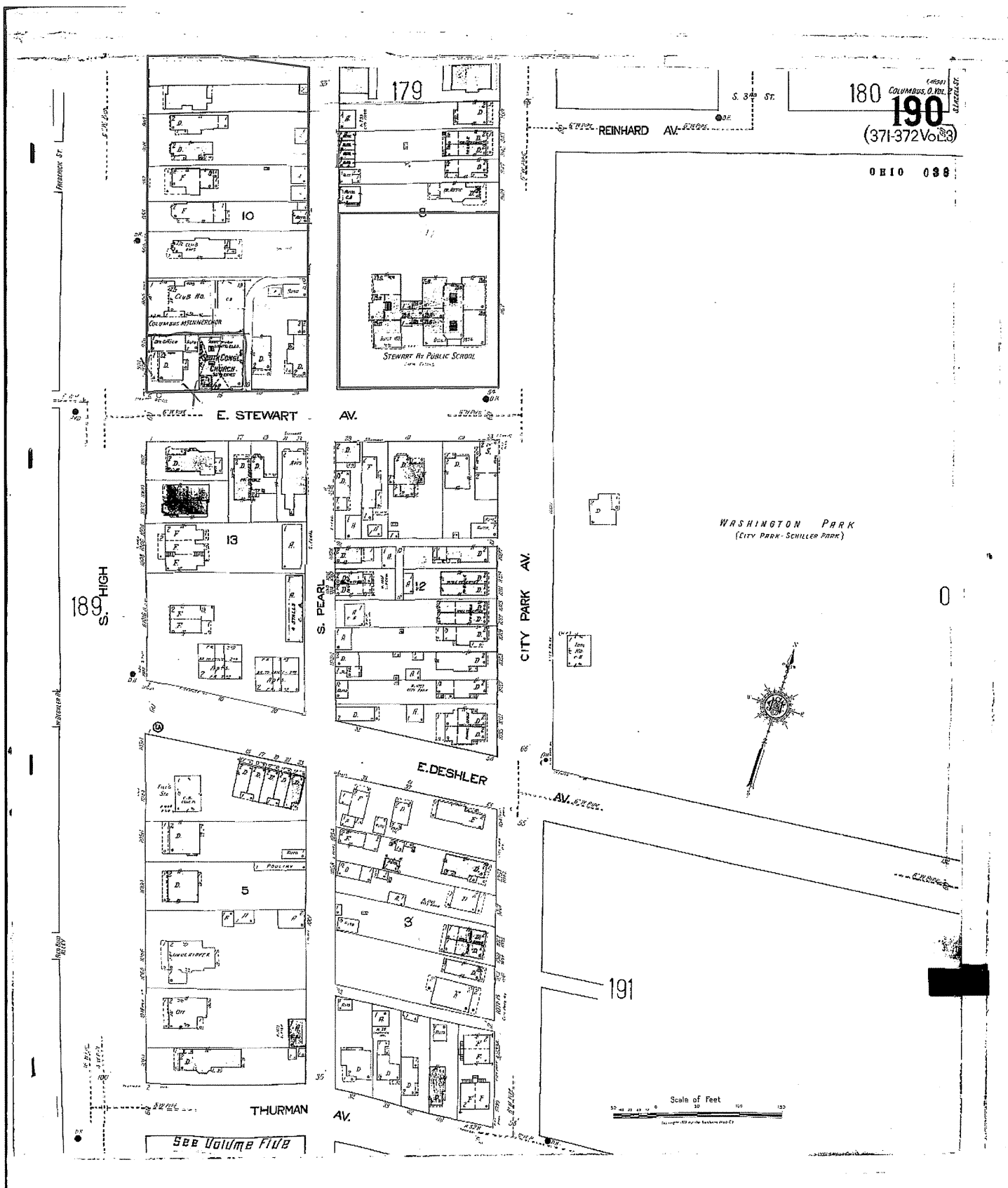
12310-00693
40 Stewart Ave.



Sanborn Insurance Map, 1901



Sanborn Insurance Map, 1922



Sanborn Insurance Map, 1955



Korda/Nemeth Engineering, Inc - Consulting Engineers
1650 Watermark Drive, Suite 200 - Columbus, Ohio 43215-7010
TEL: 614-487-1650 FAX: 614-487-8981 WEB: www.korda.com

DESCRIPTION OF A 0.158 ACRE PORTION OF PEARL STREET TO BE VACATED

Being a portion of Pearl Street (33 feet wide) as dedicated by Deshler's and Thurman's Addition to the City of Columbus (Plat Book 1, Page 357), City of Columbus, Franklin County, State of Ohio and being more particularly described as follows;

Beginning at a survey nail set at the southeastern corner of Lot 6 in Joseph Falkenbach's Subdivision (Plat Book 3, Page 360), said point also being the southeastern corner of Lot 8 in said Otto Dresel et al. Subdivision and being in the northerly line of Stewart Avenue (formerly known as West Germania Street) (60 feet wide);

Thence along the westerly line of Pearl Street and the easterly line of Joseph Falkenbach's Subdivision and the easterly line of the Otto Dresel et al. Subdivision **North 08° 18' 14" West** a distance of **209.20 feet** to a survey nail set in the easterly line of Lot 5 in said Otto Dresel et al. Subdivision;

Thence across Pearl Street **North 81° 46' 19" East** a distance of **33.00 feet** to a survey nail set in the westerly line of Lot 10 in C. F. Glock's Subdivision (Plat Book 3, Page 228) and in the easterly line of Pearl Street;


Thence along the easterly line of Pearl Street, the westerly line of C. F. Glock's Subdivision, and the westerly line of Lots 28, 29, and 30 in said Otto Dresel's Subdivision **South 08° 18' 14" East**, a chord distance of **209.17 feet** to a survey nail set at the southwesterly corner of Lot 30 and in the northerly line of Stewart Avenue;

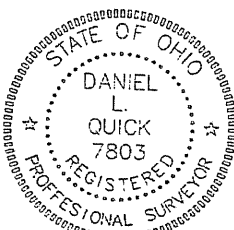
Thence along the northerly line of Stewart Avenue **South 81° 46' 19" West** a distance of **33.00 feet** to the **Point of Beginning** and containing **0.158 Acres**, more or less, and subject to all legal easements, agreements and rights-of-way of record.

This description was prepared by Daniel L. Quick, Ohio Professional Surveyor Number 7803 from an actual field survey performed by Korda/Nemeth Engineering, Inc. in April 2011.

The bearings in this description are based on ODOT VRS State Plane grid coordinates, Ohio South Zone, NAD 1983 with 2007 NSRS adjustment with the north line of Stewart Avenue being N 81° 46' 19" E.

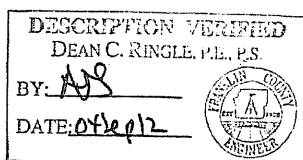
Iron pins set are 5/8"x30" rebar topped by a yellow plastic identification cap, stamped "Korda Engineering Inc." and "PS 7803".

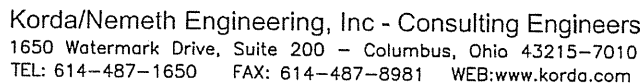

Daniel L. Quick, P.S. 7803



August 30, 2012
Date

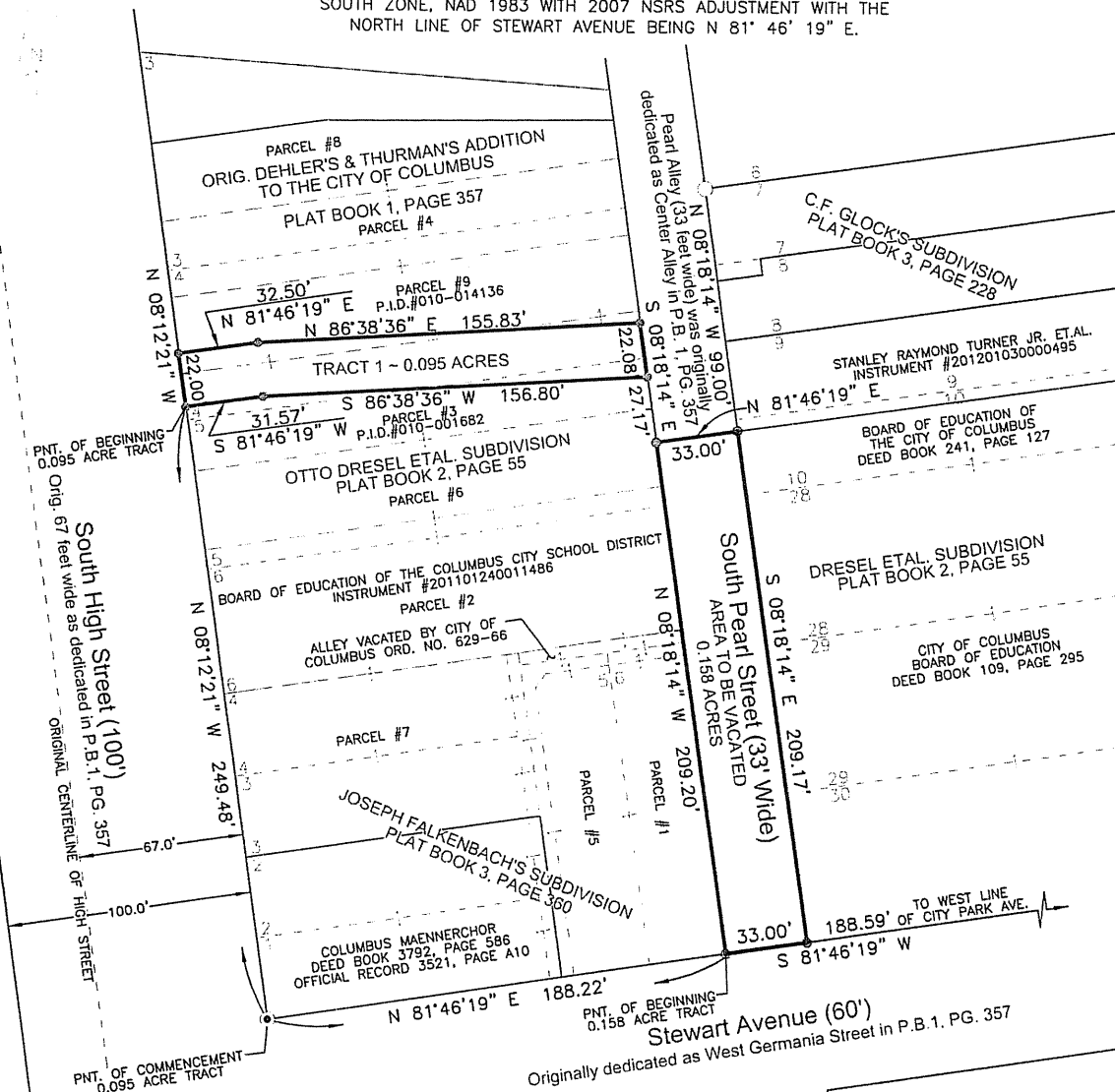
J-43
New Entry
0.158 Acre
Adj to
C010)
66698





BEING PART OF LOT 4 AND LOT 5 IN THE OTTO DRESEL, ETAL. SUBDIVISION (PLAT BOOK 3, PAGE 55) OF A PART OF DESHLER AND THURMAN'S ADDITION TO THE CITY OF COLUMBUS (PLAT BOOK 1, PAGE 357) AND BEING PART OF PEARL ALLEY AS DELINEATED AND DEDICATED ON THE AFORESAID PLATS, CITY OF COLUMBUS, FRANKLIN COUNTY, STATE OF OHIO.


BASIS OF BEARINGS: THE BEARINGS SHOWN UPON THIS PLAT ARE
BASED ON ODOT VRS STATE PLANE GRID COORDINATES, OHIO
SOUTH ZONE, NAD 1983 WITH 2007 NSRS ADJUSTMENT WITH THE
NORTH LINE OF STEWART AVENUE BEING N 81° 46' 19" E.



TRACT 1
0.079 ACRES IN P.I.D.#010-001682
0.016 ACRES IN P.I.D.#010-014136

TOTAL OF 0.095 ACRES

Scale 1" = 60 feet



1) P.B. 3, PG. 55
2) P.B. 1, PG. 357
3) P.B. 3, PG. 360
4) P.B. 3, PG. 228
5) DEEDS AS NOTED

- ⊗ - Post found
- - 3/4" Ø Iron pipe fnd.
- ▣ - 3/4" Sq. iron bar fnd.
- ⊙ - 5/8"x30" Iron pin set
- ⊖ - 5/8" Iron pin found
- △ - Railroad spike found
- ▲ - Railroad spike set
- ◌ - Survey nail found
- - Survey nail set
- - Stone found

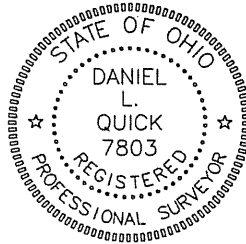
Survey requested by: HARDLINES DESIGN COMPANY

CERTIFICATION:

I hereby certify that this plat is a true and correct representation of a survey performed under my responsible direction and supervision and is correct to the best of my knowledge.

REGISTERED SURVEYOR NO.7803

August 30, 2012
DATE



HISTORIC DISTRICT COMMISSION RECOMMENDATION

GERMAN VILLAGE COMMISSION

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 40 Stewart Avenue (Stewart Elementary School)

APPLICANT'S NAME: Hardlines Design Company (Applicant)

Columbus City Schools (Owner)

APPLICATION NO.: 12-11-34a

COMMISSION HEARING DATE: 11-7-12

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119

☒ **Variance or Zoning Change Request**

- ☐ Rezoning
☒ Parking Variance
☐ Change of Use
☐ Lot Split

- ☐ Special permit
☐ Setbacks
☒ Other: Rear yard area

TYPE(S) OF ACTION(S) REQUESTED:

Recommend Variance Request #12-11-34a, 40 Stewart Avenue, as submitted:

Variances Requested

- C.C. 3312.49C: Reduced parking on site to zero (0) spaces (fifty (50) spaces required). Columbus City Schools will provide forty (40) spaces in new parking lot west of Pearl Street.
- C.C. 3332.27: Reduced rear yard area to 7% (25% required). This request may not be required with parcel consolidation and additional perimeter yard.

MOTION: Panzer/Leukart (2-0-0) RECOMMENDED.

RECOMMENDATION:

☒ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.



Randy F. Black
Historic Preservation Officer



12310-00693
40 Stewart Ave.

HISTORIC DISTRICT COMMISSION RECOMMENDATION

JOINT COMMISSION MEETING BREWERY DISTRICT AND GERMAN VILLAGE COMMISSIONS

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PROPERTY ADDRESS: South Pearl Street north of Stewart Avenue

APPLICANT'S NAME: Hardlines Design Company (Applicant)

Columbus City Schools (Owner)

APPLICATION NO.: 12-11-50

COMMISSION HEARING DATE: 11-7-12

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119.

☒ **Street Vacation Request**

ACTION:

Recommend approval of request (#12-11-50) to vacate a portion of South Pearl Street, as submitted to the Transportation Division of Columbus Department of Public Service:

- Vacate and gate portion of South Pearl Street, north of Stewart Avenue, for student safety, and reroute vehicular traffic to provide access to High Street, per approved site plan.
- The vacation request is recommended with the understanding that construction on, or alterations to, this portion of South Pearl Street, now or in the future, is not included as part of this recommendation.

BREWERY DISTRICT COMMISSION

MOTION: Gibson/Hunt (4-1-0) RECOMMENDED [Simmons].

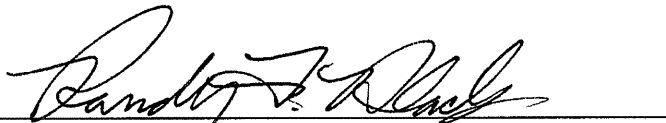
GERMAN VILLAGE COMMISSION

MOTION: Panzer/Leukart (2-0-3) RECOMMENDED [O'Donnell, Thiell, Durst].

RECOMMENDATION:

☒ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.



Randy F. Black
Historic Preservation Officer

12310-00693
40 Stewart Ave.





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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) CHARISSA W. DURST
of (COMPLETE ADDRESS) 4608 INDIANOLA AVENUE, COLUMBUS, OHIO 43214

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

NONE C.S. City Schools
Ohio School Facilities Commission

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 12TH day of NOVEMBER, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

MARGARET C. STOKES
Notary Public, State of Ohio
My Commission Expires 08-21-2017

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12310-00693
40 Stewart Ave.

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