



Mayor Michael B. Coleman

## 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: CV13-014 13315-00000-00128  
Date Received: 3/1/13  
Application Accepted By: S. Pine Fee: \$600  
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 72 Douglass Street Zip 43205  
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: 010-048064

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

Current Zoning District(s): ARLD

Recognized Civic Association or Area Commission: Near East Commission

Proposed use or reason for Council Variance request: See Detailed List on Following Pages

Acreage: .886

**APPLICANT:** Name L D Vance Ohio LLC

Address 139 E Main St Apt 103 City/State COC OH Zip 43215

Phone # 614 571-5003 Fax # \_\_\_\_\_ Email: YLEVUS@yahoo.com

**PROPERTY OWNER(S):** Name Yhezkel Levi

Address 139 E. Main St. Ste 103 City/State Columbus, OH Zip 43215

Phone # 614-571-5003 Fax # \_\_\_\_\_ Email: ylevius@yahoo.com

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

### ATTORNEY / AGENT

☐ Attorney ☒ Agent

Name Yellow Brick Pizza C/O Bob Silver & Joseph Pipin

Address 892 Oak St. City/State Columbus, OH Zip 43205

Phone # 614-406-4979 Fax # \_\_\_\_\_ Email: brainbro@gmail.com / JosephPipin@gmail.com

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

APPLICANT SIGNATURE \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

ATTORNEY / AGENT SIGNATURE Robert W Silver

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.

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Please make all checks payable to the Columbus City Treasurer



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CV13-014

### 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 Statements of Hardship.

Signature of Applicant

*Robert W. Lister*

Date

3/1/13

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## Statement(s) of Hardship:

- Foreword      This is an updated version of CV06-001. Item 2 has been amended to apply for a variance to build a patio (show in patio detail drawing) to the existing operating restaurant (C-1) which was granted by CV06-001. Item 10 has been added to request (C-1) status for the property located at 77 S Eighteenth Street for use as a restaurant. Item 11 has been added to request (C-1) status for the property located at 63-71 S Eighteenth Street for use as a wholesale bakery.
- Item 1      ARLD density requirement
- The existing density for the site is 46.2 units per acre. The proposed density for this site is 30.5 units per acre. While still over the required density of 17.4, the proposed work would result in a decrease in density.
- The hardship in this instance is that we are dealing with existing buildings, density, and conditions.**
- Item 2      3333.02, Allowable Uses
- The proposed restaurant and attached 800 s.f. fenced in patio (C-1) is not a conforming use for an ARLD district. By allowing a restaurant use, the existing restaurant retail space and rear yard which has lain vacant for several years will have a use which will benefit area residents. A majority of the potential restaurant users would access the building by foot, so parking would not be greatly impacted. A restaurant with connected patio use is consistent with the Near East Area Plan. The additional patio is consistent with properties in the same zoning district and would replace an undeveloped lot.
- The hardship in this instance is that we are dealing with an existing building / commercial use.**
- Item 3      3333.02, Allowable Uses
- The property at 63-71 S. Eighteenth St. is an existing 2-family dwelling.
- The hardship in this instance is that we are dealing with an existing building.**
- Item 4      3312, Parking requirements
- The existing site does not meet the parking requirement. With a total of twelve spaces, the proposed structures will provide a much needed amenity providing secure parking for the new residents of the condominium buildings.
- The hardship in this instance is that we are dealing with existing buildings and conditions.**

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Item 5 3312.13, Driveway requirements

The proposed site plan shows a new driveway to access the internal part of the site. The existing building footprints will not permit the driveway to be any wider.

**The hardship in this instance is that we are dealing with existing buildings and conditions.**

Item 6 3333.15, Lot Area requirements

The existing lot coverage of the site is 54 %. The proposed lot coverage of the site is 60 %. Again, the proposed structures will provide a much needed amenity providing secure parking for the new residents of the condominium buildings. These structures will also help alleviate the lack of parking for the site.

**The hardship in this instance is that we are dealing with existing buildings, density, and conditions.**

Item 7 3333.18, Setback requirements

The existing buildings do not meet the setback requirement.

**The hardship in this instance is that we are dealing with existing buildings and conditions.**

Item 8 3333.20 – 3333.255, Yard requirements

The existing buildings do not meet the front, side, or rear yard requirements.

**The hardship in this instance is that we are dealing with existing buildings and conditions.**

Item 9 3312.21, Vision Clearance

The existing conditions do not meet the vision clearance requirement.

**The hardship in this instance is that we are dealing with existing buildings and conditions.**

Item 10 3333.02, Allowable Uses

The proposed restaurant located at 77 S Eighteenth St. (C-1) is not a conforming use for an ARLD district. The building has lain vacant for several years and is attached to 892 Oak St which is currently a C-1 use restaurant described in Item 2. The buildings will be connected by a walkthrough and share the previously mentioned patio. The proposed fine dining establishment would add to the neighborhoods appeal as a restaurant hub and promote more residential interest in the neighborhood.

**The hardship in this instance is that we are dealing with an existing building / commercial use.**

Item 11 3333.02, Allowable Uses

The proposed wholesale bakery located at 63-71 S Eighteenth St. (C-1) is not a conforming use for an ARLD district. The building has lain vacant for several years. The proposed wholesale

bakery would add to the neighborhoods business diversity while complimenting existing establishments.

**The hardship in this instance is that we are dealing with an existing building / commercial use.**

Proposed Use or reason for Council variance request:

- Item 1 All of the lots for which the buildings are located on are contained within an Apartment Residential-Low Density (ARLD) district. The allowable density for an ARLD district is 17.4 units per acre. The existing density is 46.2 units per acre. The proposed number of units for this site has been established as 27, and the overall lot square footage is 38,605 (43,560 s.f. = 1 acre) making the density 30.5 units per acre.

**A variance is requested to allow a higher density of 30.5 units per acre.**

- Item 2 There is currently a restaurant (C-1 use) on the first floor of the 880-894 Oak Street property; the proposed patio area is currently undeveloped. The proposed use of the space is a restaurant and patio (C-1 use). As stated in section 3333.02, a commercial use is a non-conforming use for an ARLD district.

**A variance is requested to allow the C-1 restaurant and patio use at the 880-894 Oak Street property as a conforming use.**

- Item 3 The property at 63-71 S. Eighteenth St. Street is an existing 2-family dwelling. As stated in section 3333.02, a 2-family dwelling is a non-conforming use for an ARLD district if the property was not separately owned or of record on January 14, 1959. While the existing building meets this requirement, the request is to maintain the use in the event of catastrophic loss to the structure.

**A variance is requested to maintain the existing property at 63-71 S. Eighteenth St. as a conforming use.**

- Item 4 As stated in Chapter 3312, there are a certain number of parking spaces required. The calculation for the site's parking is as follows:

Existing 41 apartment units  
Required spaces = 82  
Previous Laundromat  
Required spaces = 8  
  
Total Required spaces = 90  
  
Existing spaces = 15  
  
Proposed 27 condominium units  
Required spaces = 54  
Proposed Restaurant (892 Oak)  
Required spaces = 25  
Proposed Patio  
Required spaces = 3  
Proposed Restaurant (77 S Eighteenth)  
Required spaces = 8

Total required spaces = 90

Total parking spaces required for proposed use = 15

Total parking spaces proposed = 12

**A variance is requested for the 3 spaces of required parking that are not being provided.**

Item 5 In the proposed site plan there is a new driveway shown off Oak Street to access the internal part of the site. The driveway width can only be 13 feet wide as it falls between 2 existing buildings. As stated in section 3312.13, a width of 20 feet is required for the driveway.

**A variance is requested to allow a driveway width that is less than what is allowed.**

Item 6 The area of the buildings is 23,335 s.f. total, the lot area is 38,605 s.f. The calculated building coverage is 60 percent. As stated in section 3333.15, the area of all buildings on a lot cannot occupy an area greater than 50 percent of the lot area.

**A variance is requested to allow a building area denser than what is allowed.**

Item 7 As stated in section 3333.18, the required building setback for an ARLD district shall be 25 feet. The existing buildings on the lot do not meet the required setback.

**A variance is requested to allow a setback less than 25 feet.**

Item 8 As stated in sections 3333.20 – 3333.255, there are requirements for the size of front, side and rear yards for a building. These required sizes cannot be met due to the existing density of the site.

**A variance is requested to allow the yard conditions as shown.**

Item 9 As stated in section 3312.21, a vision clearance of 30 feet is required at street intersections and 10 feet at vehicular access points. Neither the main streets nor the access point to the interior of the site meet this requirement.

**A variance is requested to allow a vision clearance less than what is allowed.**

Item 10 The building at 77 S Eighteenth St. is currently vacant. The proposed use of the space is a restaurant (C-1 use). As stated in section 3333.02, a commercial use is a non-conforming use for an ARLD district.

**A variance is requested to allow the C-1 restaurant use at the 77 S Eighteenth Street property as a conforming use.**

Item 11 The building at 63-71 S Eighteenth St. is currently vacant. The proposed use of the space is a wholesale bakery (C-1 use). As stated in section 3333.02, a commercial use is a non-conforming use for an ARLD district.

**A variance is requested to allow the C-1 Wholesale bakery use at the 880-894 Oak Street property as a conforming use.**





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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV13-014

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Joseph A. Pipia

of (1) MAILING ADDRESS 2362 Summit St., Columbus OH 43202

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 72 Douglass Street

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) 3/1/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Fabulous Real Estate Investments Inc.  
3086 Wakeshire Drive  
Dublin, OH 43017

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

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

(5) Near East Commission  
Annie Ross-Womack  
874 Oakwood Ave  
Columbus, OH 43213

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

Subscribed to me in my presence and before me this

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8) Joseph A. Pipia  
11<sup>th</sup> day of December, in the year 2012  
(8) Ki Godfrey  
September 20, 2017



KI GODFREY  
Notary Public, State of Ohio  
My Commission Expires  
September 20, 2017

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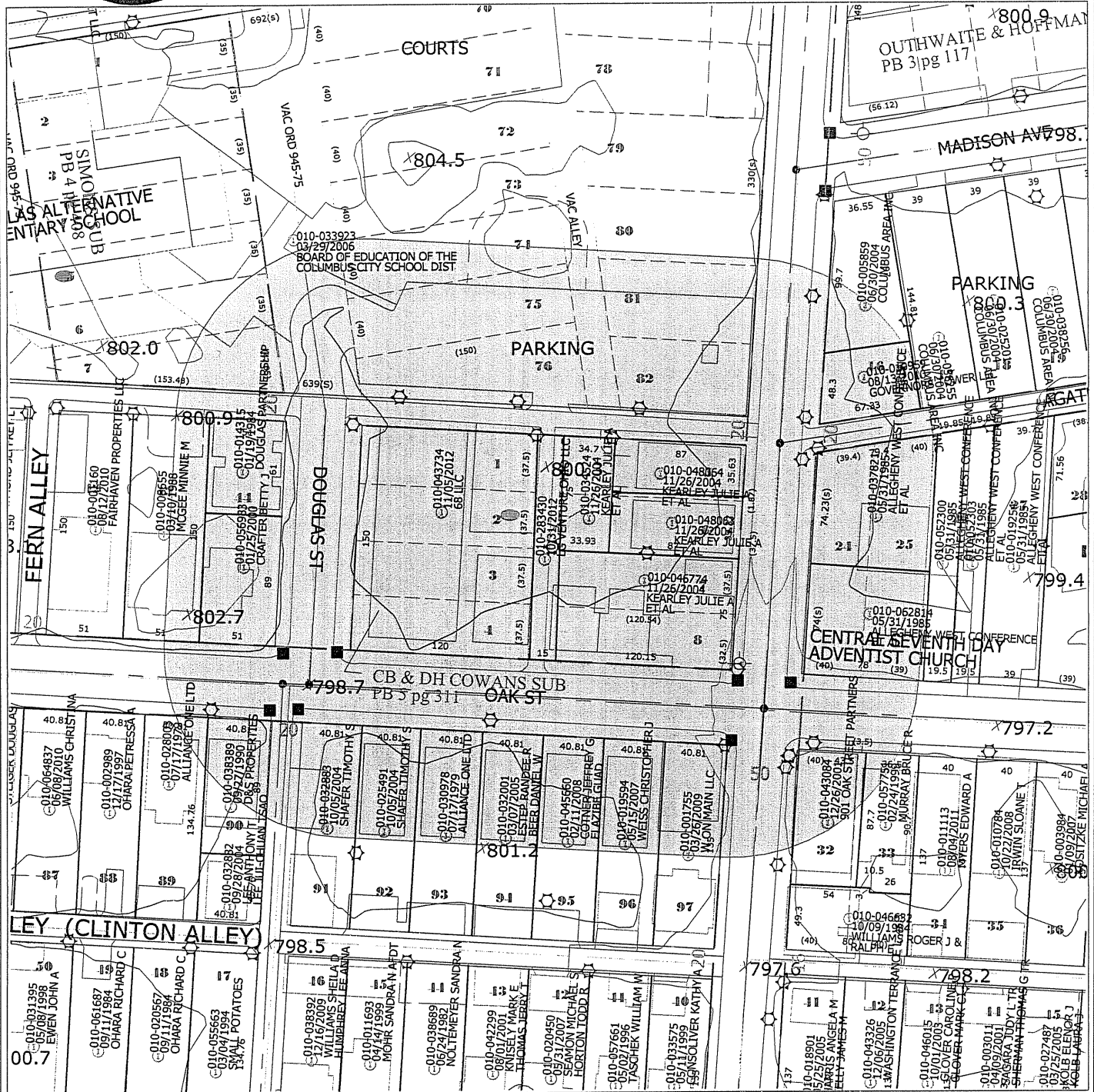
013-014



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: N

DATE: 2/28/13



Disclaimer

Scale = 98'

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

**APPLICANT:**

Bob Silver  
Silver Family Restaurants, LLC  
892 Oak Street  
Columbus, OH 43205

**PROPERTY OWNER(S):**

Julie A. Kearley Et Al.  
Fabulous Real Estate Investments, LLC  
3086 Wakeshire Drive  
Dublin, OH 43017

~~CV13-014~~

CV13-014

**AREA COMMISSION:**

Near East Area Commission  
c/o Annie Ross-Womack  
874 Oakwood Ave  
Columbus, OH 43206

**SURROUNDING PROPERTY OWNERS:**

Timothy S Shafer  
1123 S Parkview Drive  
Covina, CA 91724

Alliance One Limited  
1071 Franklin Ave  
Columbus, OH 43205

W on Main LLC  
139 E Main St STE 103  
Columbus, OH 43215

Mid State Homes Inc.  
941 D Robinwood Ave  
Columbus, OH 43213

Betty J Crafter  
298 S Seventeenth Street  
Columbus, OH 43205

Columbus Area Inc.  
1515 E Broad St  
Columbus, OH 43205

Board of Education  
Real Estate Coordinator  
270 E State Street  
Columbus, OH 43215

LG Venture Ohio LLC  
141 Stanbery Ave  
Columbus, OH 43209

Minnie M McGee  
1411 E Main Street  
Columbus, OH 43205

Douglas Partnership  
753 E Broad Street  
Columbus, OH 43205

68 LLC  
139 E Main St STE 103  
Columbus, OH 43215

Christopher J. Weiss  
3876 SW 112<sup>th</sup> Ave  
Miami, FL 33165

Bruce R Murray  
Madison Properties Inc.  
P.O. Box 09824  
Columbus, OH 43209

Jeff Cotner  
P.O. Box 46  
Lithopolis, OH 43136

Randee R Estep  
986 Bryden Road  
Columbus, OH 43205

Allegheny West Conference Corp. of  
Seventh-Day Adventist  
1339 E Broad Street  
Columbus, OH 43205

F&W Properties  
775 E Broad Street  
Columbus, OH 43205



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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 # CV13-014

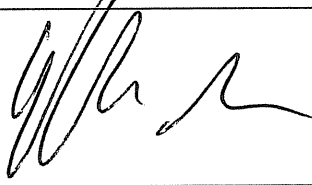
STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Yhezekeel Levi

Of [COMPLETE ADDRESS] 139 E Main St. Ste 103, 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 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. 	2. <u>Julie A. Kearley Et. Al.</u> <u>Fabulous Real Estate Investments LLC</u> <u>3086 Wakeshire Drive</u> <u>Dublin, OH 43017</u>
3. <u>W on Main LLC</u> <u>139 E Main St. Ste 103</u> <u>Columbus, OH 43215</u>	4.

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

#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 27th day of February in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



**SHANNON ESTEP**

NOTARY PUBLIC  
STATE OF OHIO

My Commission

Expires  
August 30, 2016

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

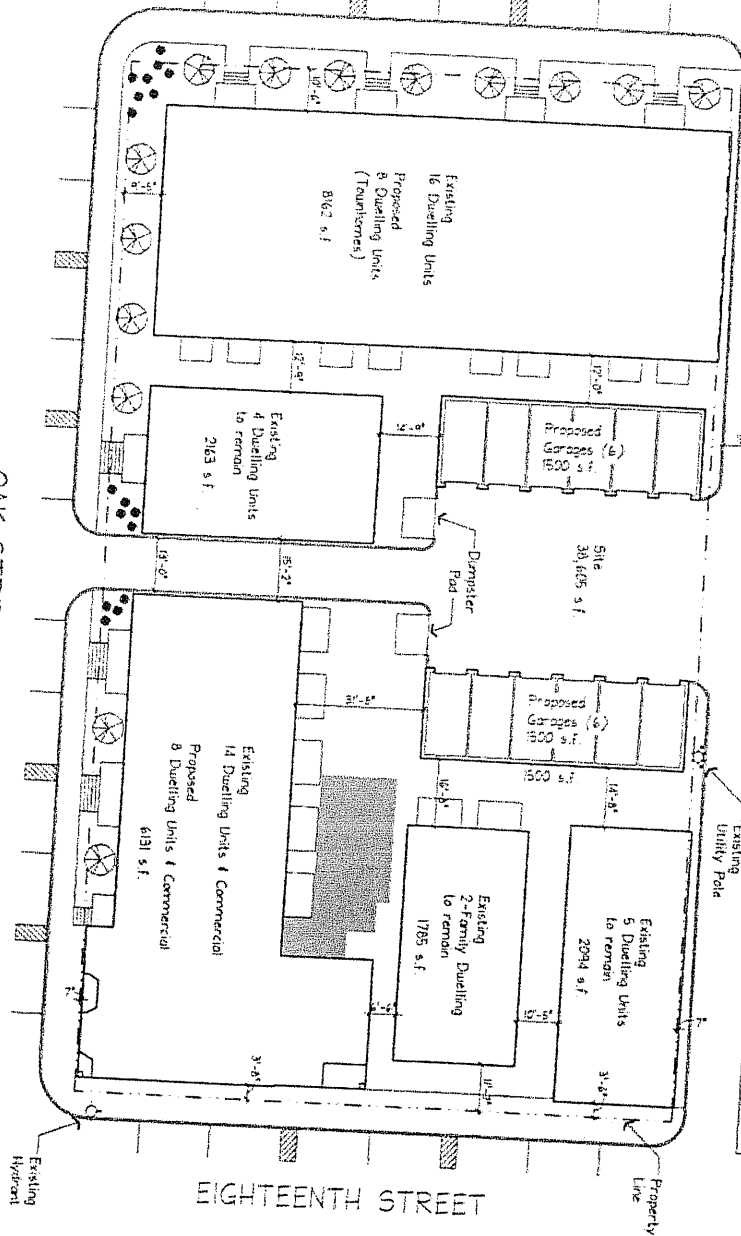
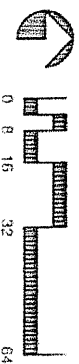
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DOUGLASS STREET

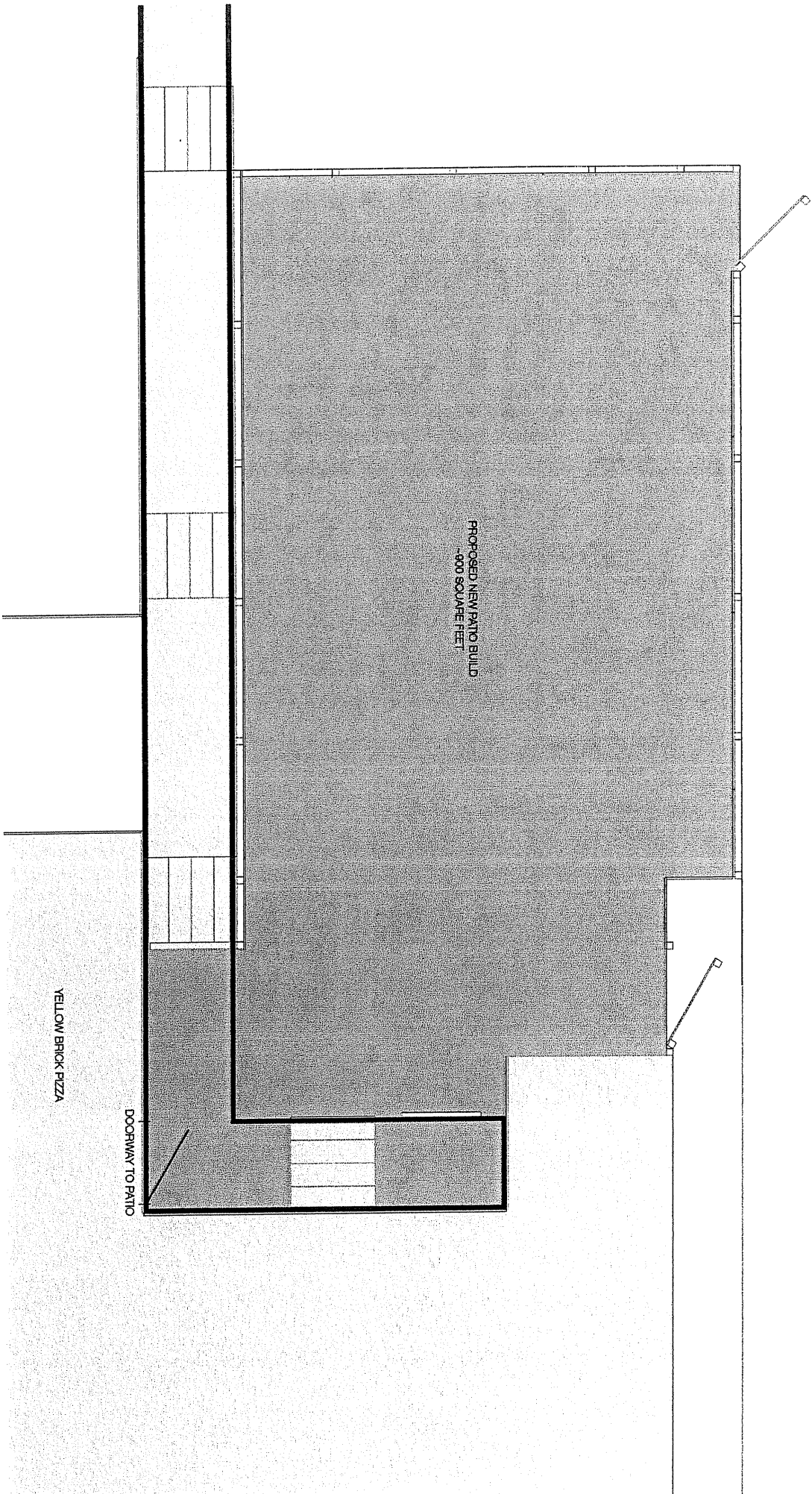
OAK STREET

EIGHTEENTH STREET

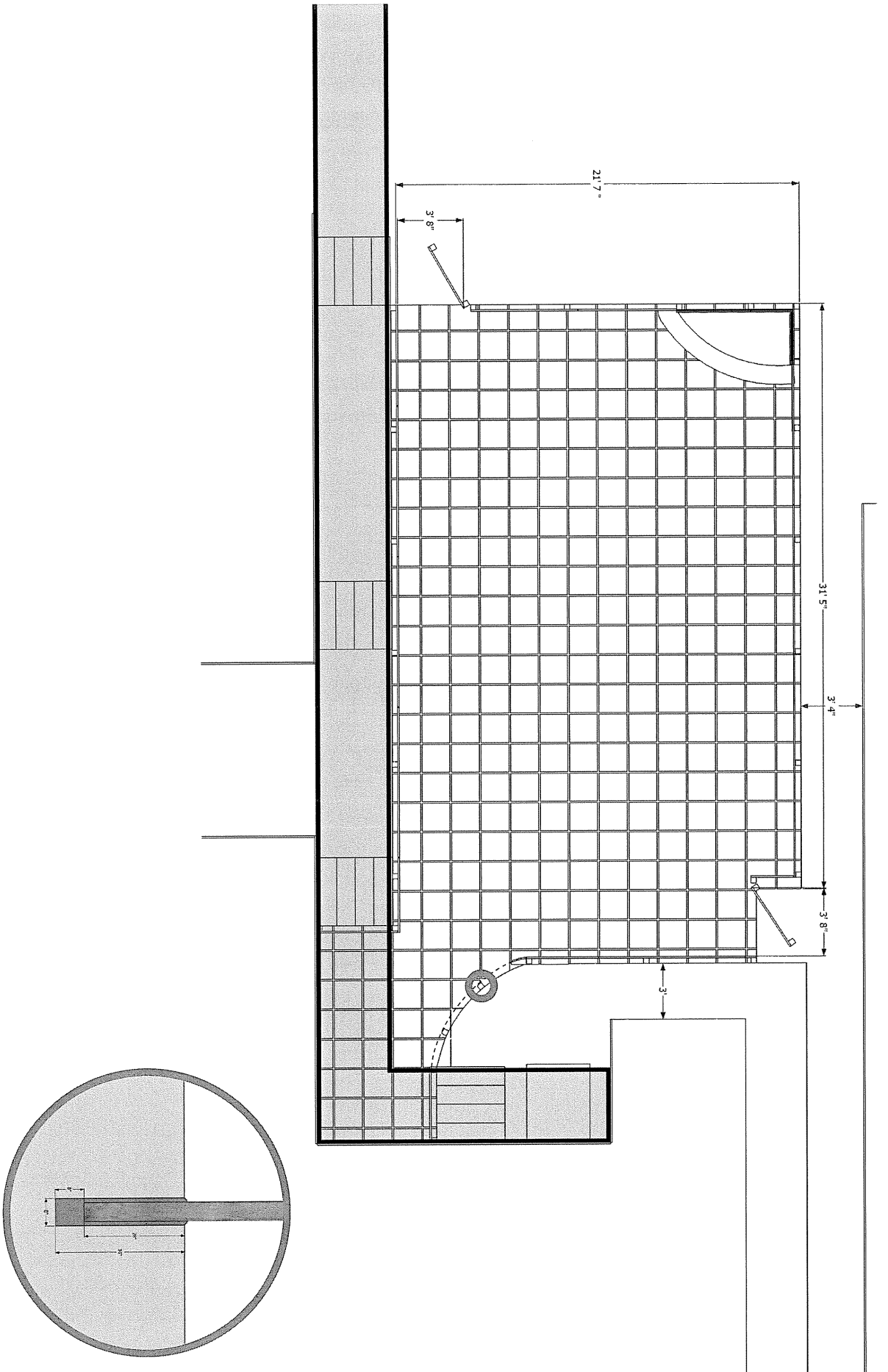
YELLOW BRICK PIZZA PATIO



CV13-014



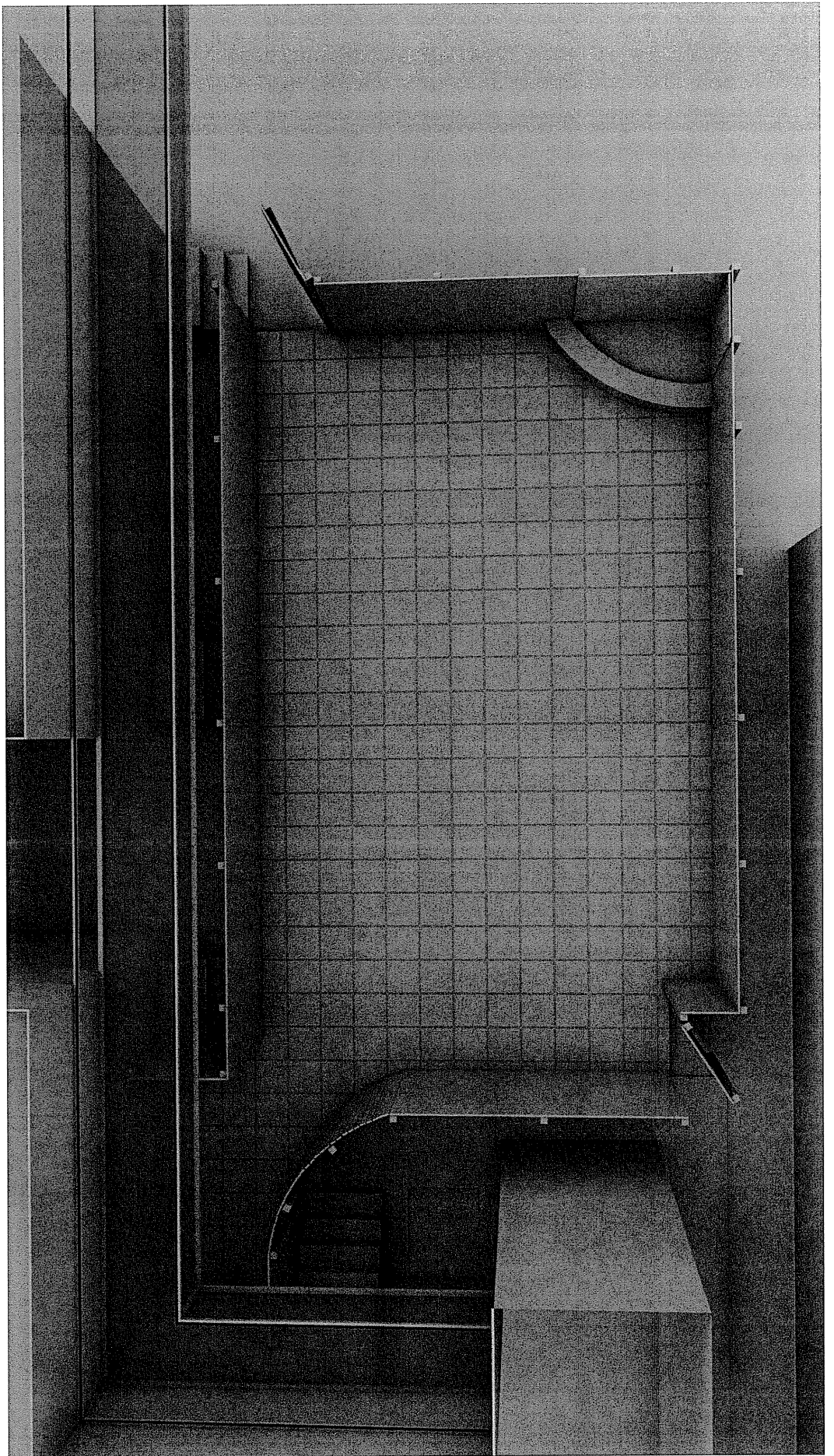
013-014



YELLOW BRICK PIZZA // PATIO ADDITION // 2012 - 2013 // DESIGN AND LAYOUT // OVERHEAD DRAWING

CU13-014

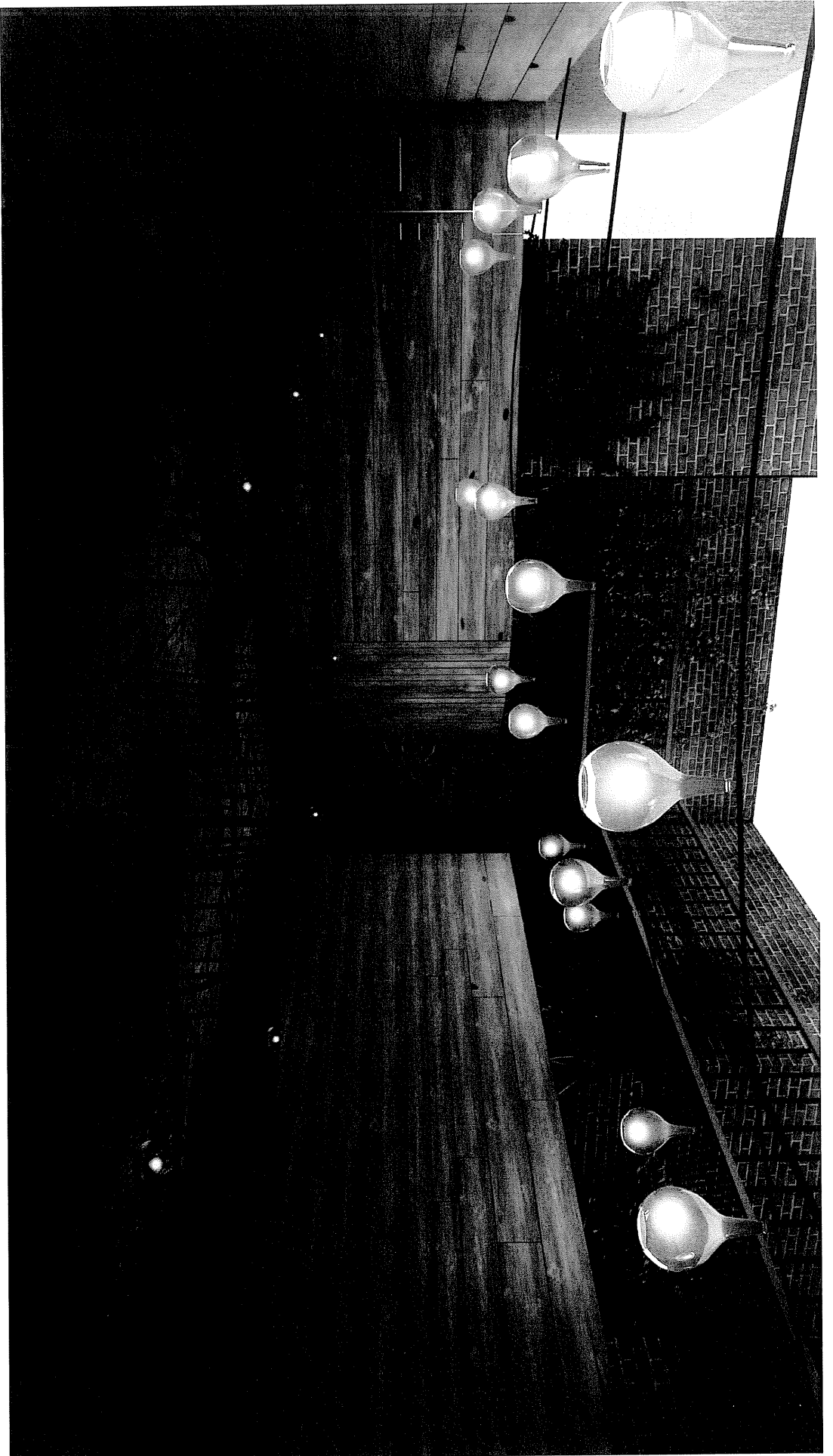




CV13-014

**YELLOW BRICK PIZZA // PATIO ADDITION // 2012 - 2013 // DESIGN AND LAYOUT // OVERHEAD RENDER**





CW13-014

YELLOW BRICK PIZZA // PATIO ADDITION // 2012 - 2013 // DESIGN AND LAYOUT // VISUALIZATION // 1



CW13-014

**YELLOW BRICK PIZZA // PATIO ADDITION // 2012 - 2013 // DESIGN AND LAYOUT // VISUALIZATION // 2**

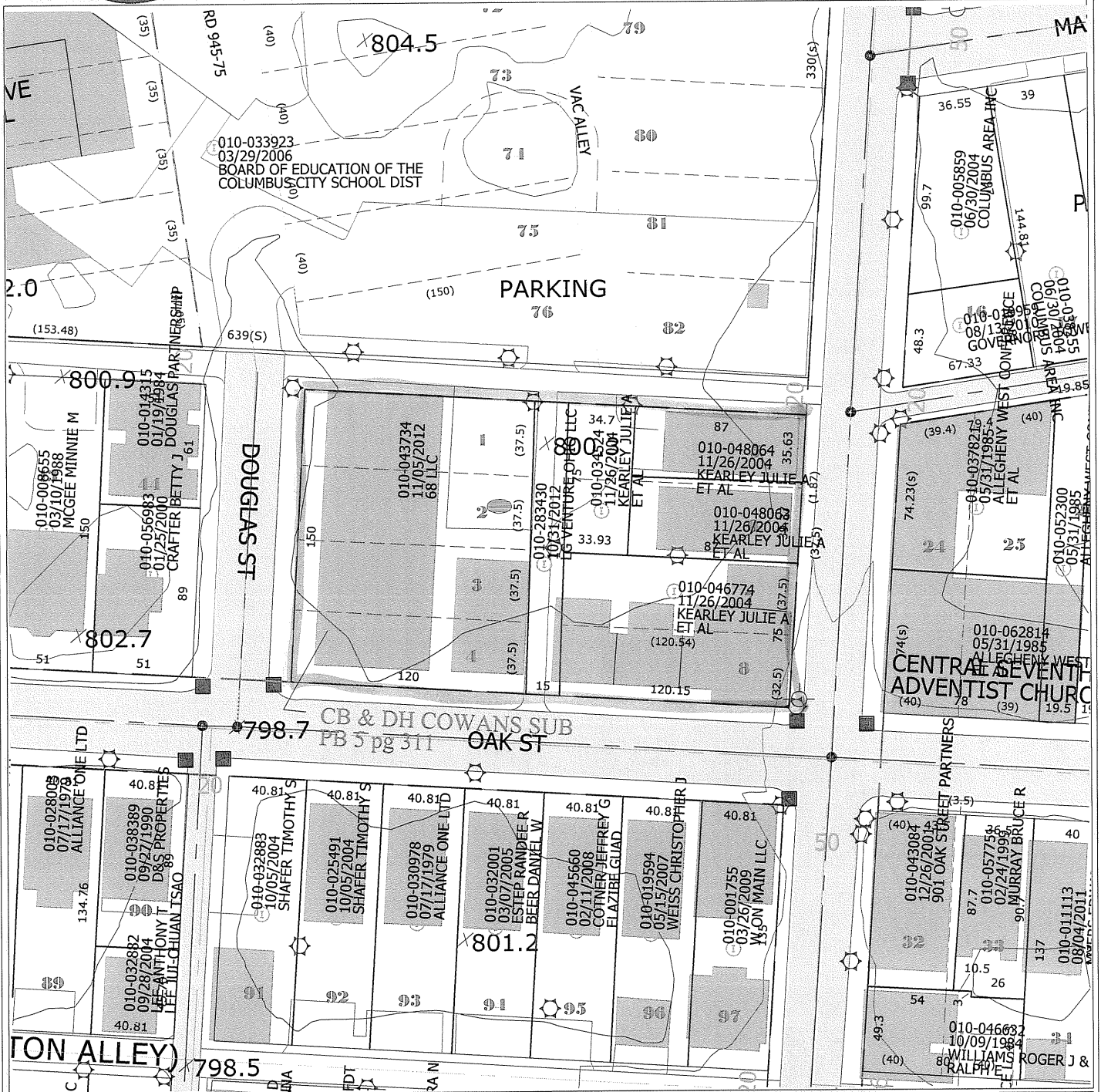
CW13-014



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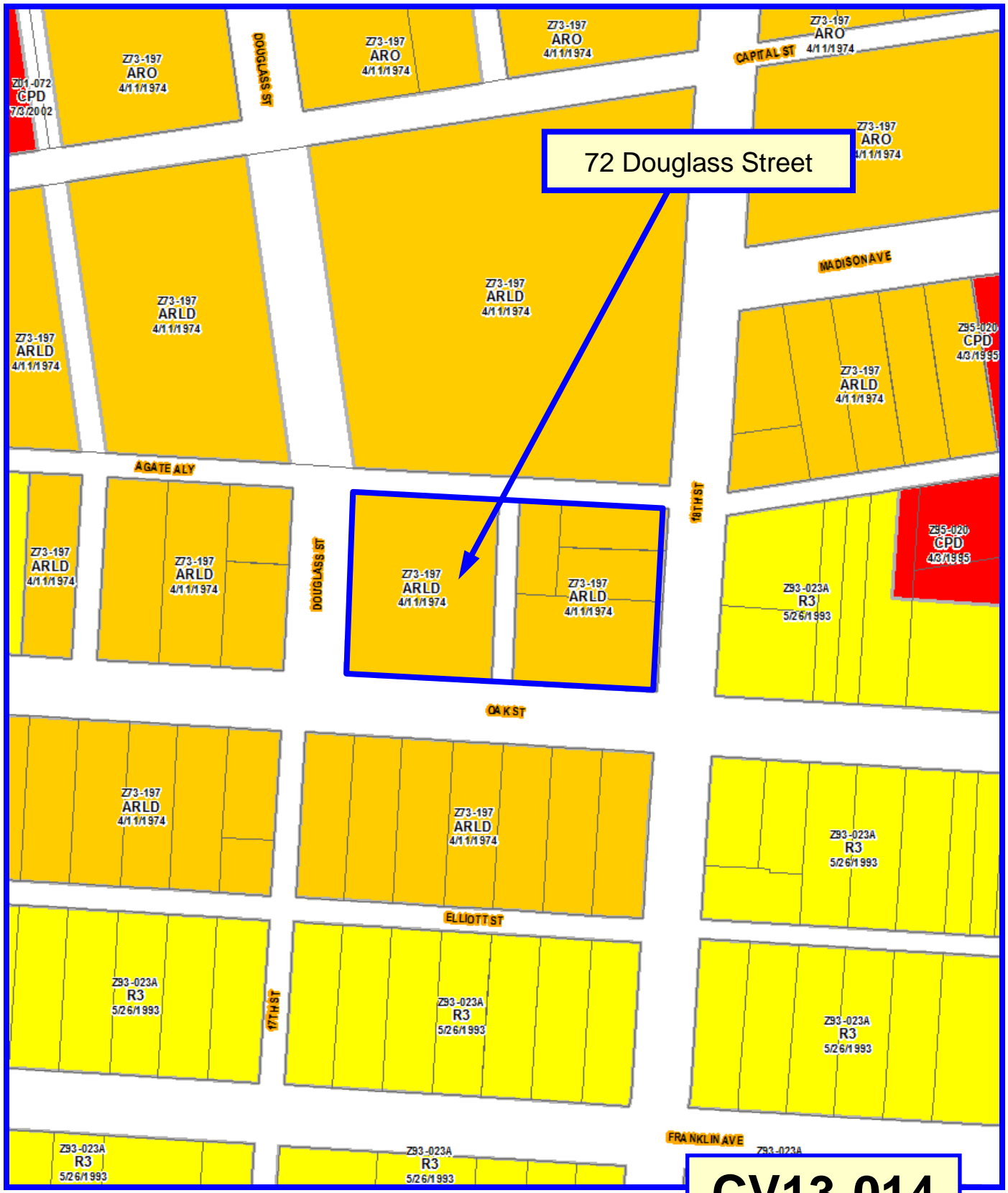
Disclaimer

Scale = 75



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Real Estate / GIS Department



72 Douglass Street

CV13-014





**CV13-014**