



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

OFFICE USE ONLY

Application Number: CV13-021 / 1335-00000-00261
Date Received: 4/19/13
Application Accepted By: S. Pine Fee: \$1600
Comments: Assigned to Shannon Pine, 645-2209, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 739 South Third Street, Columbus, Ohio 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: 010-037863-00

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

Current Zoning District(s): R2F

Recognized Civic Association or Area Commission: German Village

Proposed use or reason for Council Variance request: Second and third floors converted to offices

Acreage: 1/2

APPLICANT: Name Scot Draughn/Creative Architectural Solutions
Address 455 South Ludlow Street City/State Columbus, Ohio Zip 43215
Phone # 614-255-4048 Fax # 614-621-4420 Email: sdraughn@casarchitecture.com

PROPERTY OWNER(S): Name American Blue Ribbon Holdings
Address 400 West 48th Street City/State Denver, Colorado Zip 80216
Phone # 303-672-2250 Fax # 303-672-6250 Email: dwgresham@abrholdings.com

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

ATTORNEY / AGENT

☐ Attorney ☒ Agent

Name Danny Gresham
Address 400 W 48th Ave City/State Denver Zip 80216
Phone # 703 479 1619 Fax # Email: Danny.Gresham@ABRHoldings.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE [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.
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013-021

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:

THIS PROPERTY HAS BEEN USED AS A BUSINESS
AND A RESTAURANT SINCE 1972. TO CHANGE
THE ZONING OFFICIALLY FROM R2F (RESIDENTIAL-
APARTMENTS) TO B (BUSINESS) SHOULD POSE
NO ADDITIONAL HARDSHIP TO THE NEIGHBORHOOD.
SEE ATTACHED

Signature of Applicant

Date

4.15.2013

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STATEMENT OF HARDSHIP
739 South Third Street, Columbus, Ohio 43206

This Statement is submitted in support of Applicant's request for a council variance, to permit certain non-conforming site conditions necessary for re-use of the existing property on South Third Street in German Village. Applicant has been approved for a Certificate of Appropriateness by the German Village Commission dated 04.24.2013.

Applicant proposes re-use of the building with first-floor retail with food and beverage service, an existing restaurant, and two stories of business use above in conjunction with the restaurant. This is consistent with the existing use of the subject property. Applicant will preserve existing street trees.

The property is located within a historic preservation district, under the purview of the German Village Commission. For purposes of the council variance portion of this project, Applicant requests the following Zoning Code variances from Council:

Variance from **C.C.C. §3332.037 (R2F District)**, to allow this mixed-use proposal not otherwise permitted under the blanket R2F zoning district of German Village. The requested "use variance" would permit a first-floor commercial/retail use; specifically, the existing use as a restaurant. The current, and permitted, use of residential apartments above the commercial/retail use would be changed to business use, specifically in conjunction with the existing restaurant.

Variance from **C.C.C. §3312.49 (Minimum Parking Spaces Required)**, to allow reduced onsite parking for this mixed-use building. As of now, there is no off-street parking associated on this site. There is a parking agreement. As is customary in German Village, additional on-street public parking is available and expected to be utilized for the facility. Most patrons are expected to walk or bike ride, due to the small-scale neighborhood and type of facility proposed. As the use is existing, Applicant does not expect an increase in parking beyond the status quo.

Required Spaces for four (4) Residential Apartments = 8
Required Spaces for 2,596 sq. ft. Eating/Drinking Establishments = 15
Available Dedicated Spaces (excluding public on-street parking) = 0
Requested Variance = 23

Respectfully submitted,

Creative Architectural Solutions, Inc.
Scot Draughn
455 South Ludlow Street
Columbus, Ohio 43215
614-255-4048
614-621-4420
sdraughn@casarchitecture.com
Agent for the Owner



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AFFIDAVIT

(See next page for instructions)

APPLICATION #

CV13021

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME SCOT DRAUGHN

of (1) MAILING ADDRESS 455 S. LUDLOW ST. COLS. OH 43215

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 739 S. 3RD ST. COLS. 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) 4/19/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) AMERICAN BLUE RIBBON HOLDINGS
400 W. 48TH ST.
DENVER, CO. 80216

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

SCOT DRAUGHN
455 S. LUDLOW ST., COLS. OH. 43215

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

(5) GERMAN VILLAGE COMMISSION
588 S. THIRD ST.
COLS. 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

11TH day of

APRIL

in the year

2013

SIGNATURE OF NOTARY PUBLIC

(8)

Janet Moore
7/7/2013

My Commission Expires:

Notary Seal Here



Janet Moore
Notary Public, State of Ohio
My Commission Expires 07-07-2013

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Revised 02/14/11



CV13-021

COUNCIL VARIANCE APPLICATION
For: 739 South Third Street
MAX & ERMA'S RESTAURANT

APPLICANT

Scot Draughn
Creative Architectural Solutions, Inc.
455 South Ludlow Street
Columbus, Ohio 43215

ATTORNEY

Goodloe M. Partee
General Counsel
American Blue Ribbon Holdings
3036 Sidco Drive
Nashville, TN 37204

PROPERTY OWNER

American Blue Ribbon Holdings, LLC
DBA: Max & Erma's Restaurant
400 West 48th Street
Denver, CO 80216

AREA COMMISSION

German Village Commission
Cristin Moody
Columbus Planning Division
109 North Front Street
Ground Floor
Columbus, Ohio 43215

SURROUNDING PROPERTY OWNERS

Aaron R. Goss
745 South Third Street
Columbus, Ohio 43206

1017 Legacy LLC
749 South Third Street
Columbus, Ohio, 43206

Christopher Canyon
753 South Third Street
Columbus, Ohio 43206

Mona Szente
77 East Frankfort Street
Columbus, Ohio 43206

James Weilbacher
729 South Third Street
Columbus, Ohio 43206

Erie Fairchild Co.
101 East Frankfort Street
Columbus, Ohio 43206

Rosemarie Keidel-Buth
750 South Third Street
Columbus, Ohio 43206

Tom Willoughby LLC
728 South Third Street
Columbus, Ohio 43206

CREATIVE ARCHITECTURAL SOLUTIONS

455 South Ludlow Street, Columbus, Ohio 43215 P: 614-255-4048 F: 614-622-4420
www.casarchitecture.com



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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 # CV13-021

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] SCOT DRAUGHN

Of [COMPLETE ADDRESS] 455 S. LUDLOW ST. COLUMBUS, OHIO 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. AMERICAN BLUE RIBBON HOLDINGS 400 W. 48TH ST. DENVER, CO 80216 DANNY GRESHAM 303-478-7619	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 17TH day of APRIL, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here



Janet Moore
Notary Public, State of Ohio
My Commission Expires 07-07-2013

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

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City of Columbus

Address Plat



CV13-021

CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form
are Herein Certified for Securing
of Building & Utility Permits

Parcel ID: 010037863

Project Name: MAX & ERMAS

House Number: 739

Street Name: S 3RD ST

Lot Number: 21

Subdivision: JAEGER

Work Done: REMODEL

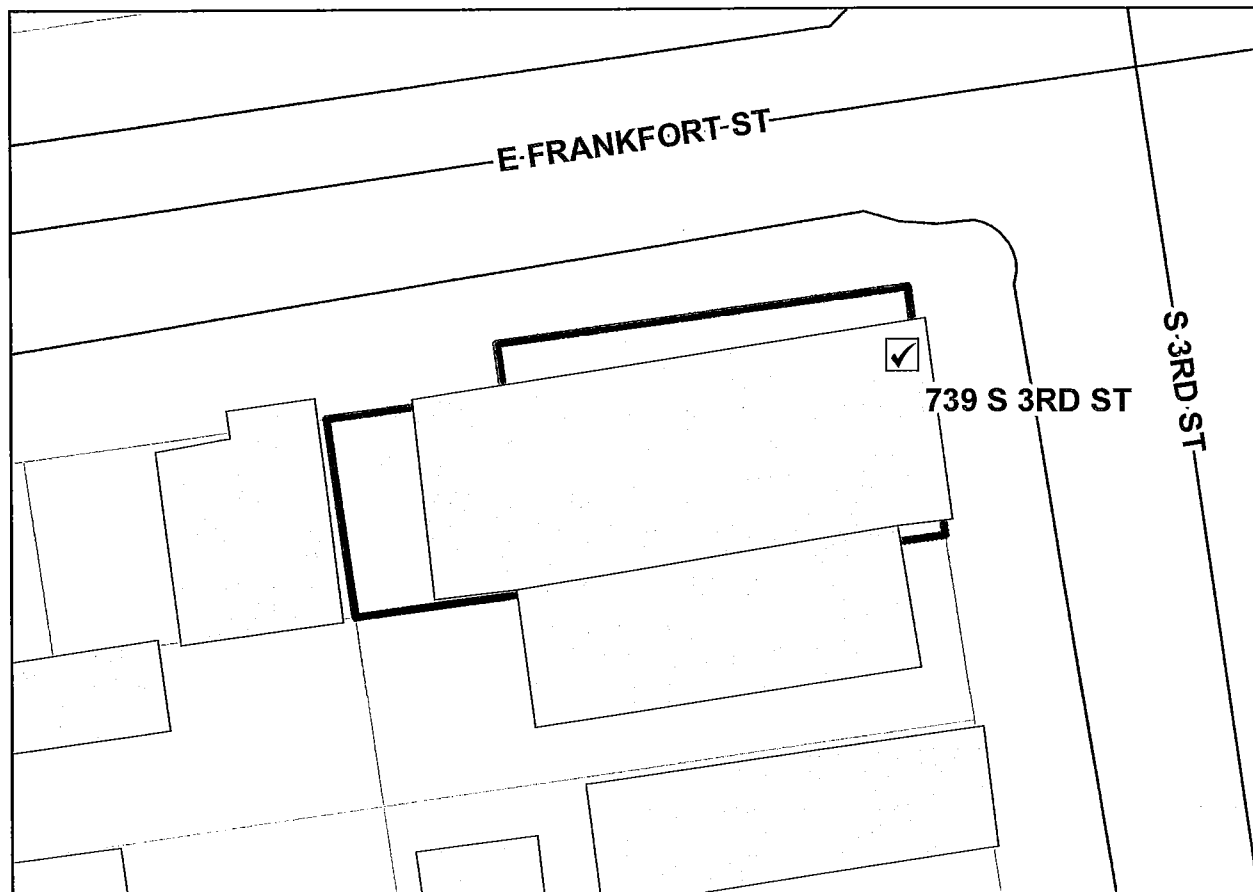
Complex: N/A

Owner: AMERICAN BLUE RIBBON HOLDINGS LLC

Requested By: CG ARCHITECTURE (FRANK ULE)

Printed By: James P. Reagan

Date: 3/5/2013



SCALE: 1 inch = 30 feet



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

GIS FILE NUMBER: 280409

CV13-021

TRANSFERRED

AUG 08 2011

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

907596

CONVEYANCE TAX
EXEMPT

m

CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR



201108080098496
Pg: 2 \$28.00 T28110049334
08/08/2011 3:58PM MEPAMERICAN B
Daphne Hawk
Franklin County Recorder

Prepared by and After Recording Please Mail
to:

Alvin Chua, General Counsel
Legal Department
American Blue Ribbon Holdings, LLC
400 West 48th Avenue
Denver, Colorado 80216

QUITCLAIM DEED

THE GRANTOR, MAX & ERMA'S LIMITED, an Ohio Limited Partnership, for valuable consideration paid, grants to the GRANTEE, AMERICAN BLUE RIBBON HOLDINGS, LLC, a Delaware limited liability company, whose tax mailing address is 400 West 48th Avenue, Denver, Colorado 80216, the following real property:

Situated in the City of Columbus, County of Franklin and The State of Ohio:
Being all of the east one-half (1/2) of Lot Twenty-One (21) of C.F. JAEGER'S SECOND ADDITION, as the same is shown of record in Deed Book 38, page 403, Recorder's Office, Franklin County, Ohio, excepting, however, therefrom 29.62 feet off the south side thereof,

Subject to: all covenants, restrictions, conditions, reservations, reversers, legal highways, zoning ordinances and easements, if any of record.

J-023
ALL OF
(010)
037863

Prior Instrument Reference: Volume 3420, Page 168
Property Address: 739 South Third Street, Columbus, Ohio
Parcel Number: 010-037863-00

Executed as of this 3 day of August 2011.

DESCRIPTION VERIFIED	
DEAN C. RINGLE, P.E., P.S.	
BY: <i>[Signature]</i>	
DATE: <i>08/08/2011</i>	



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: N

DATE: 3/1/13



Disclaimer

Scale = 40



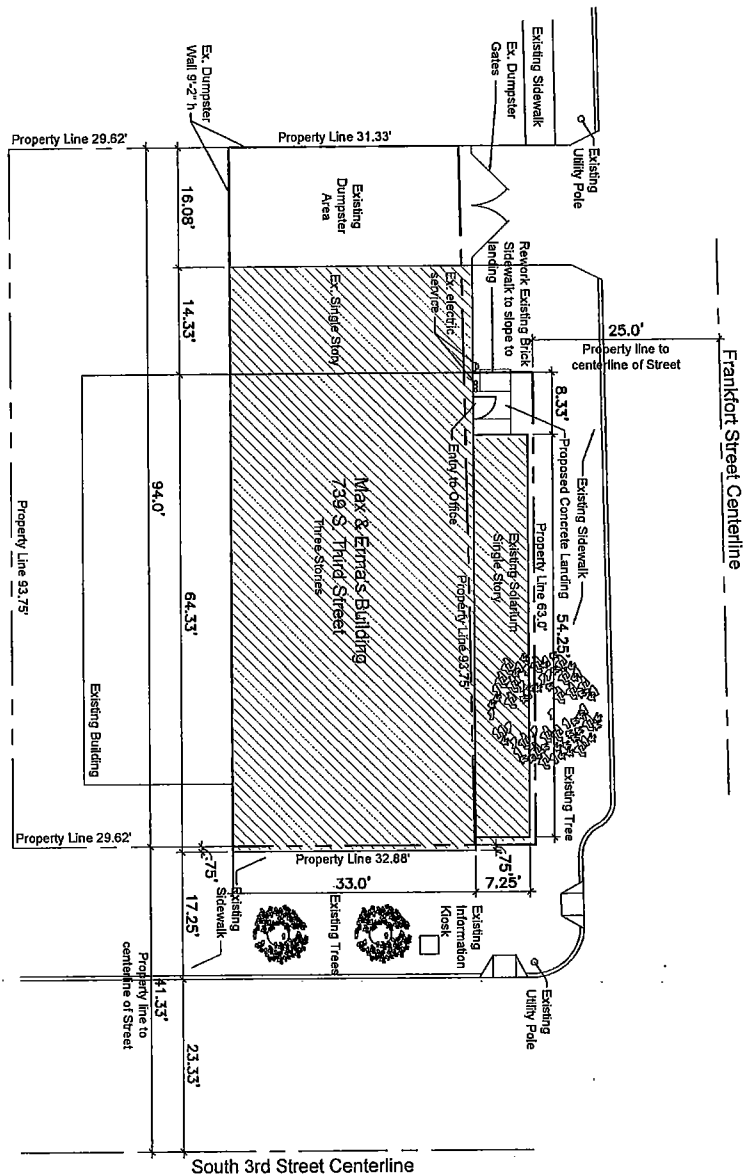
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on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

CW13-021



Site Plan
SCALE: 1/16" = 1'-0"



Existing zoning district: R2F
Total Area of Site: 3,093 Sq.Ft.
On Site Parking: 0
Building Square Footage:
Total Existing 1st Floor Restaurant: 2,596 sq.ft.
Total Existing 2nd Floor Area: 2,123 sq.ft.
Total Existing 3rd Floor Area: 2,123 sq.ft.
Total Building Area: 6842 sq.ft.

Max & Erma's
THE HOMETOWN FAVORITE
739 South 3rd Street
Columbus, Ohio 43206

Site Plan

AMERICAN BLUE RIBBON HOLDINGS, LLC.

400 West 48th Avenue
Denver, CO 80219
ph: 303.672.2250

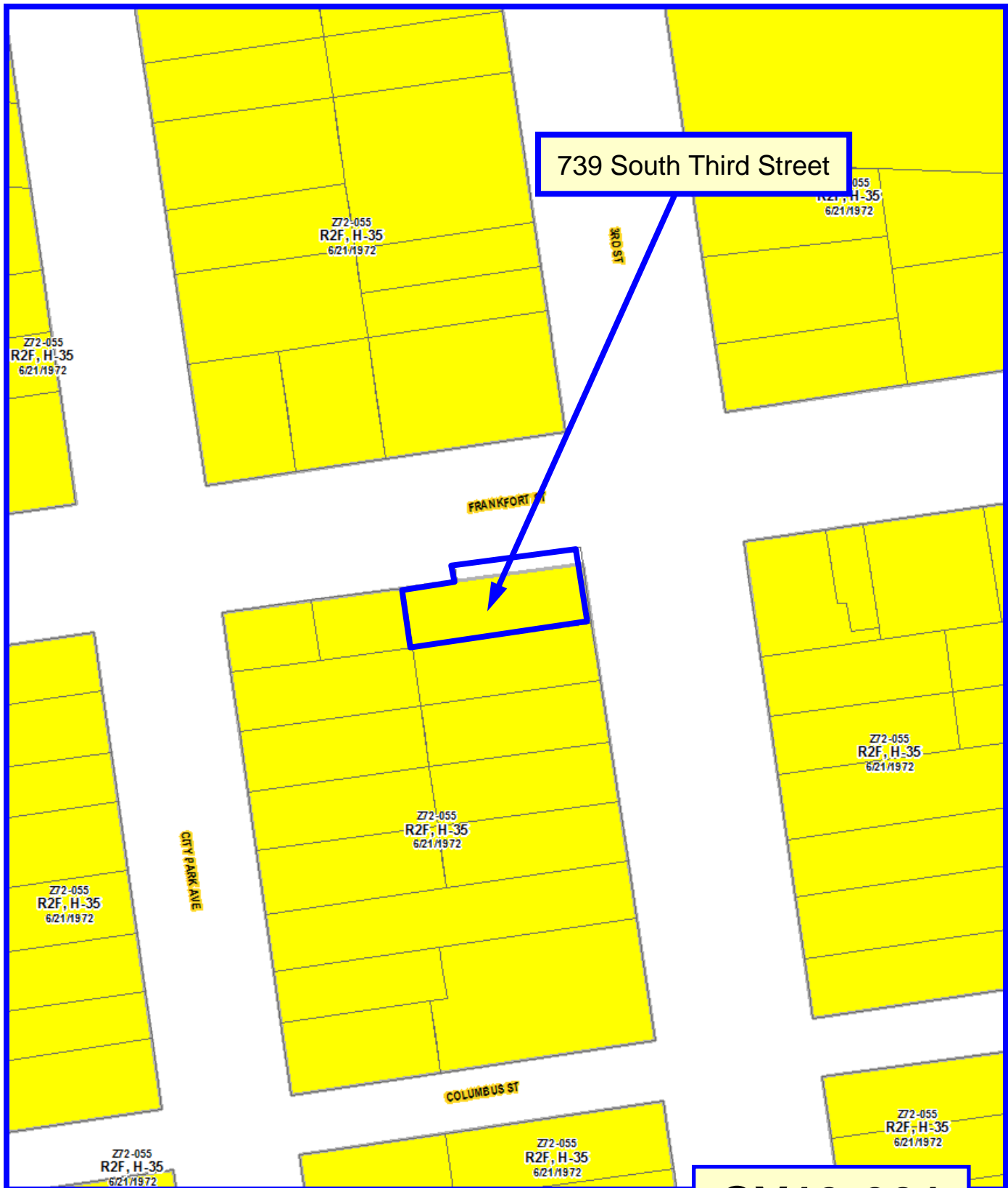
CREATIVE ARCHITECTURAL SOLUTIONS
455 South Ludlow Street, Third Floor
Columbus, Ohio 43216
614-255-4548 FAX: 621-4420
marketing@crearchitecture.com

REVISIONS



Site

Project Issue Date



CV13-021



CV13-021