



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: # 13310-00000-00504

Date Received: Jamie Friese

Commission/Civic:

Existing Zoning: _____ Application Accepted by: _____ Fee: _____

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

X Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

Applicant is seeking to obtain a variance from the required parking as a result of the reduction in overall theater seating.

PAID
JUL 15 2013

BUILDING & ZONING SERVICES

LOCATION

Certified Address Number and Street Name 200 Hutchinson Road

City Columbus State Ohio Zip 43223

Parcel Number (only one required) 610-240053

APPLICANT: (IF DIFFERENT FROM OWNER)

Name: B&G Realty Inc dba Marcus Theaters

Address 100 East Wisconsin Avenue, Suite 1900 City/State Milwaukee, Wisconsin Zip 53202

Phone # c/o Deanna R. Cook, Esq. #464-6349 Fax # 719-5135 Email drcook@vorys.com

PROPERTY OWNER(S):

Name B&G Realty Inc. dba Marcus Theaters

Address 100 East Wisconsin Avenue, Suite 1900 City/State Milwaukee, Wisconsin Zip 53202

Phone # c/o Deanna R. Cook, Esq. #464-6349 Fax # 719-5135 Email drcook@vorys.com

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

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Deanna R. Cook, Esq.

Address 52 East Gay Street City/State Columbus, Ohio Zip 43216

Phone # 614-464-6349 Fax # 614-719-5135 Email: drcook@vorys.com

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

APPLICANT SIGNATURE Deanna R. Cook

PROPERTY OWNER SIGNATURE Deanna R. Cook on behalf of property owner

ATTORNEY / AGENT SIGNATURE Deanna R. Cook

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

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00000-00504
200 HUTCHINSON ROAD

One Stop Shop Zoning Report Date: Thu Aug 1 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 200 HUTCHINSON AVE COLUMBUS, OH

Mailing Address: 100 E WISCONSIN AVE
100 E WISCONSIN AVE

Owner: B&G REALTY INC

Parcel Number: 610240053

ZONING INFORMATION

Zoning: Z95-124, Commercial, CPD
effective 4/30/1996, Height District H-60

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

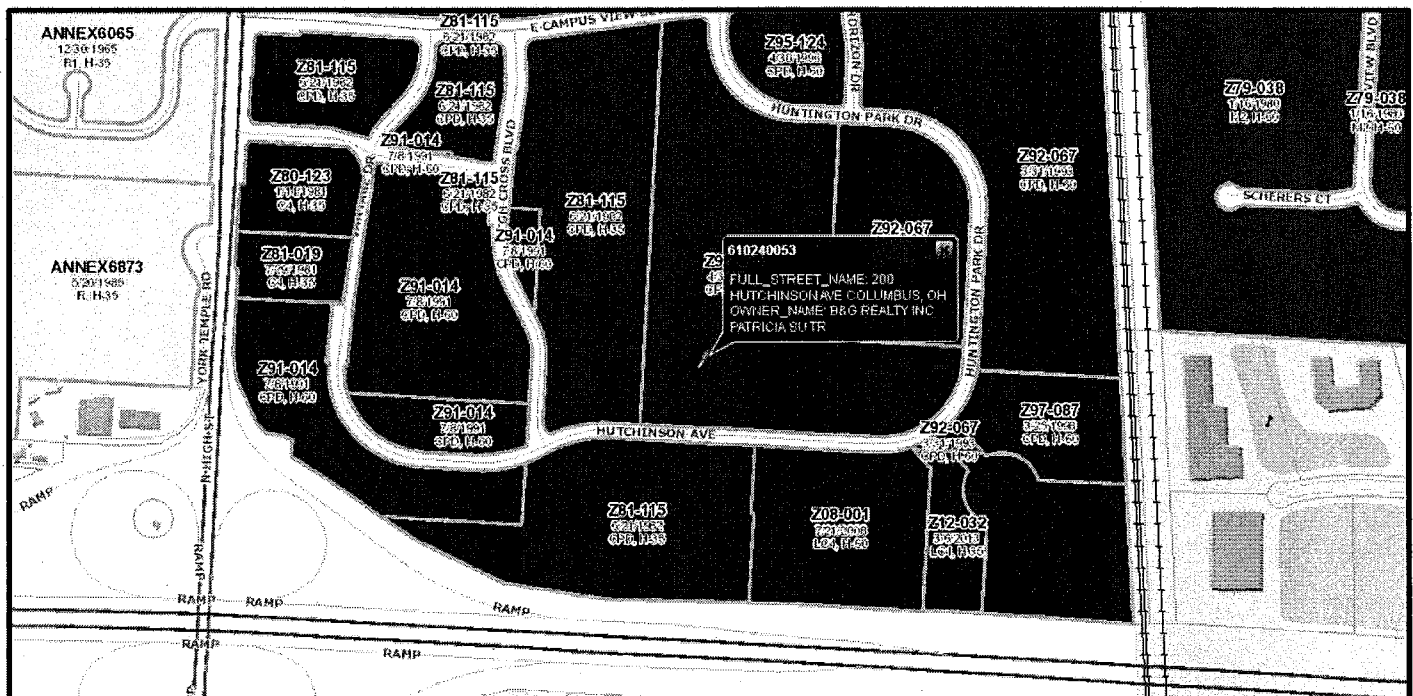
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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

AFFIDAVIT

13310-00000-00504
200 HUTCHINSON ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Deanna R. Cook, 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 200 Hutchinson Road, Columbus, OH 43223 (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) B&G Realty Inc. dba Marcus Theaters
100 East Wisconsin Avenue, Suite 1900
Milwaukee, Wisconsin 53202

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

(5) B&G Realty Inc. dba Marcus Theaters
c/o Deanna R. Cook, Esq. #614-464-6349

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

(6) Far North Community Coalition
c/o Gloria Humes, Chair
771 Wynstone Drive
Columbus, OH 43035

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 continuous to the subject property: (7)

SIGNATURE OF AFFIANT

(8) Deanna R. Cook

Subscribed to me in my presence and before me this 12th day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Chris Santagate

My Commission Expires:

This Affidavit expires six months after date of notarization.

Notary Seal Here

PLEASE NOTE: incomplete information will result in the application being returned to the applicant.



CHRIS SANTAGATE
NOTARY PUBLIC
STATE OF OHIO
RECORDED IN CUYAHOGA COUNTY



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

STATEMENT OF HARDSHIP

13310-00000-00504
200 HUTCHINSON ROAD

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: See attached Appendix 1

Signature of Applicant

Date

7/12/13

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

**APPENDIX 1
STATEMENT OF HARDSHIP**

**Address: 200 Hutchinson Avenue
Application: B&G Realty Inc. dba Marcus Theaters**

**13310-00000-00504
200 HUTCHINSON ROAD**

The applicant owns and operates the Marcus Theater in the Crosswoods Center. The subject site has been used for a theater for many years. The applicant is in the process of remodeling its theater space which will result in a significant loss of seating. As a result of the significant reduction in theater seating, the applicant will not require as many parking spaces as it presently has and as are required by the City of Columbus zoning code. The large majority of parking spaces utilized by patrons of the theater are located in a large parking lot north of the theater building. There is additional striped parking for the theater located in an out lot to the east of the theater building. The applicant has this out lot for sale, and if sold, those out lot parking spaces will no longer be available for use by the applicant.

The City of Columbus zoning code establishes required parking for theaters based upon auditorium size and not on the number of seats in the theater. The applicant is therefore requesting a variance to reduce the number of parking spaces required by the zoning code to a number which more accurately reflects the amount of seating actually available in the theater.

Specifically, the applicant is seeking the following variances:

1. Section 3312.49 – Minimum number of parking spaces required.

The existing theater building has 53,970 square feet of auditorium space. Per code, the minimum number of parking spaces required is 1,799 spaces. Although the remodeling of the theater will not cause the theater's auditorium space to decrease, the applicant is proposing to remodel the building to reduce the total number of theater seats from 3,824 seats to 2185 seats (a difference of 1,639 seats). The applicant is asking to reduce the amount of required parking spaces from 1,799 to 1,226, a number which more accurately reflects the amount of seating actually available in the theater. Many communities have established a parking ratio for theaters of 1 parking space for every 4 seats. In this case, the requested 1,226 parking spaces provides 1 space for every 3.13 seats. Even under the theater's existing seat count, the theater has never utilized all of the existing parking spaces. In addition, the parking available on the out lot has never been used or needed, even for special events or significant movie premiers. With the significant proposed reduction in seating, it is not necessary to have the required 1,799 parking spaces. The proposed 1,226 parking spaces will provide more than sufficient parking for the theater as a result of the reduced seating.

The existing theater site does not have off-street parking for bicycles as required by current code standards as these parking spaces were not required at the time of the original construction. The parking areas for the theater have been in existence for a long time and the bicycle parking requirements have never been met. The applicant is therefore requesting that the existing parking lot remain in its current condition with respect to bicycle parking and requests a variance to preserve the existing conditions as to bicycle parking.

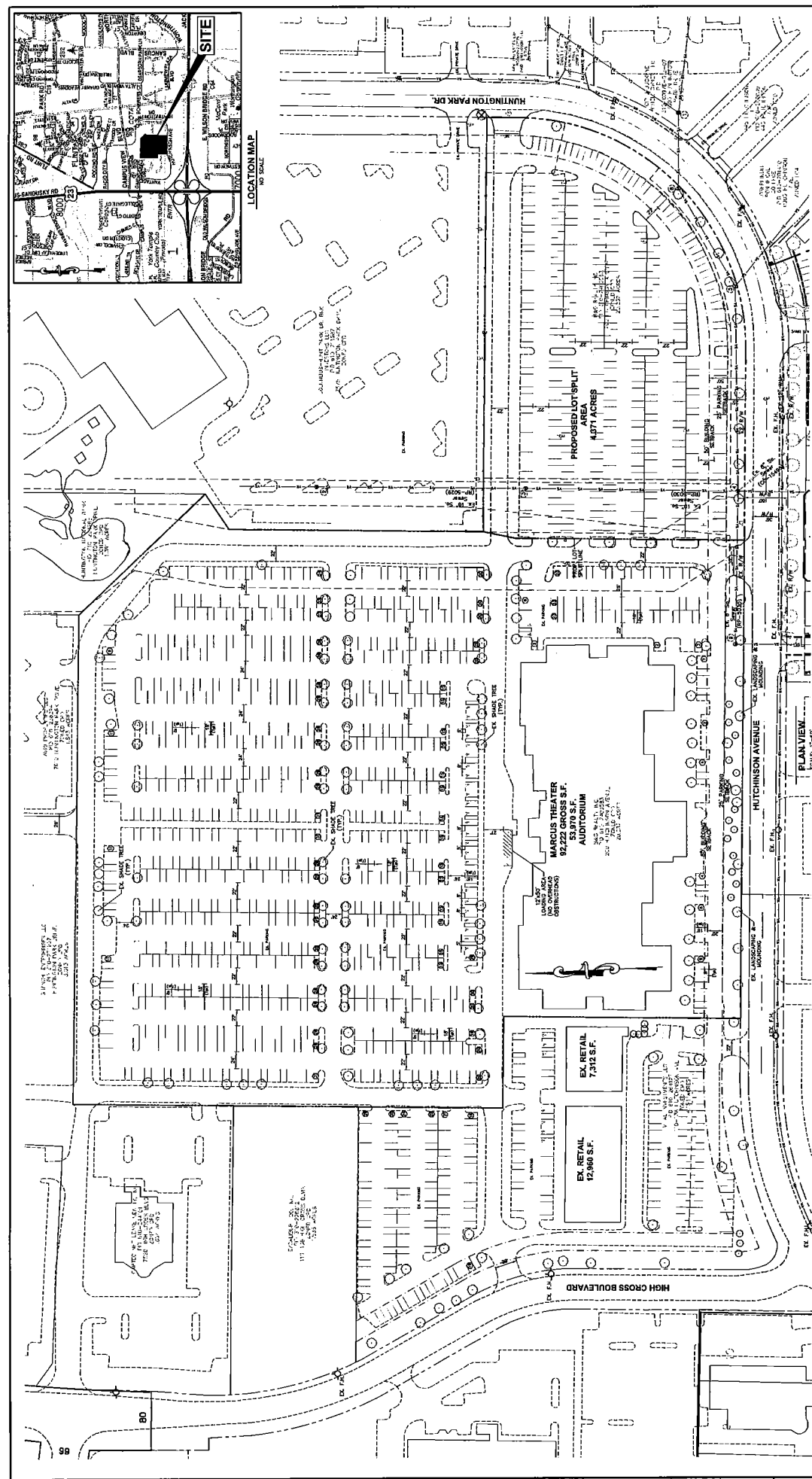
2. Section 3312.21(A) and Section 3312.21(D) – Parking lot landscaping and screening. The existing parking lot for the theater property does not have interior landscaping as required by current code standards as it was not required at the time of the original construction. There is some screening around the exterior of the parking lot, but it does not meet the current code requirements for perimeter parking lot screening. The parking lot has been in existence for a long time and the landscaping and screening requirements have never been met. The applicant is therefore requesting that the existing parking lot remain in its current condition and requests variances to preserve the existing conditions.
3. 3312.13(B) – Driveway. There is an existing driveway into the theater property located along Hutchinson Avenue, which is four feet wider in width (as measured at the street right of way line) than is permitted by the current code. The maximum width permitted by the code is thirty-five feet, and the driveway is thirty-nine feet in width. This driveway has been in existence for a long time and has never met the code maximum width requirements. The applicant is therefore requesting that the existing driveway remain in its current condition and requests a variance to preserve the existing condition.

The requested variances are intended to allow the theater use to continue with less parking in light of its proposal to remodel the theater with fewer seats and to allow the existing parking lot to remain in its current condition. The proposed variances will not have any significant impact on the existing conditions of the site, nor will the proposed variances be injurious to neighboring properties or contrary to public interest or the intent and purpose of the Zoning Code.

13310-00000-00504
200 HUTCHINSON ROAD



13310-00000-00504 200 HUTCHINSON ROAD



OWNER:
B&B INVESTMENT INC.
100 E. WISCONSIN AVE.
SUITE 1900
MILWAUKEE, WI 53002

ARCHITECT:
ADVANCED CIVIL DESIGN
422 BEECHER ROAD
GAHANNA, OH 43230
PHONE (614) 426-7750
FAX (614) 426-7755

CITY OF COLUMBUS, OHIO
FOR
MARCUS THEATER
200 HUTCHINSON AVENUE

PLAN PREPARED BY:
ADVANCED CIVIL DESIGN
CIVIL ENGINEERING
13310-00000-00504

SCALE: SHEET 1/1
DATE: 07-10-13

GRAPHIC SCALE
1" = 40' (IN 1997)
1" = 40' (IN 1997)
1" = 40' (IN 1997)

SITE DATA TABLE:

TOTAL PROPERTY AREA	24,230 ACRES
TOTAL PROJECT SITE AREA	24,230 ACRES
NET PROPERTY AREA	12,661 ACRES

SITE DATA:

TOTAL GROSS AREA	53,970 S.F.
NET GROSS AREA	53,970 S.F.
EXISTING PARKING AVAILABLE (PRIOR TO LOT SPLIT)	1,716 SPACES
EXISTING PARKING AVAILABLE (AFTER LOT SPLIT)	1,228 SPACES
PARKING SPACES	1,228 (100%)
ZONING DISTRICT	OPD

① - EXISTING PARKING



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

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 #

13310-00000-00504

STATE OF OHIO
COUNTY OF FRANKLIN

200 HUTCHINSON ROAD

Being first duly cautioned and sworn (NAME) Deanna R. Cook, Esq.
of (COMPLETE ADDRESS) 52 East Gay Street, Columbus, OH 43216
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:

1. B&G Realty Inc. dba Marcus Theaters 100 East Wisconsin Avenue, Suite 1900 Milwaukee, Wisconsin 53202 c/o Deanna R. Cook, Esq. #464-6349	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Deanna R. Cook

Subscribed to me in my presence and before me this 12th day of July, in the year 2013.

SIGNATURE OF NOTARY PUBLIC

Chris Santagate

My Commission Expires:

NA

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

Notary Seal Here



CHRIS SANTAGATE
NOTARY PUBLIC
STATE OF OHIO
RECORDED IN CUYAHOGA COUNTY

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