



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: 13310-0-00506
Date Received: 7/15/13
Commission/Civic: South Side
Existing Zoning: C-4 Application Accepted by: W. Reiss Fee: \$1,900.00
Comments: 9/24/13

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

Proposed demising of existing retail/mercantile space into three tenant spaces (3 sit down restaurants). The east end unit would have an outside patio. Applicable code section: 3312.49 - minimum number of parking spaces required. Provided spaces: 31; required spaces: 125; Variance is for 94 spaces.

1. Certified Address Number and Street Name 423,427 + 431 E. Livingston Ave.
City Columbus State OH Zip 43215
Parcel Number (only one required) 010020305

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Jack Wendell, Project Coordinator, STA Development
Address 536 S. Wall St. Suite 300 City/State Columbus, OH Zip 43215
Phone # 614-224-9255 Fax # _____ Email jwendell@smithtandy.com

PROPERTY OWNER(S):

Name Livingston 431 LLC
Address 536 S. Wall St. Fl 1 300 City/State Columbus, OH Zip 43215
Phone # _____ Fax # _____ Email _____
☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☒ Agent

Name Victoria Proehl, 3D/Group, Inc.
Address 260 N. 4th St. Suite 200 City/State Columbus, OH Zip 43215
Phone # 614-464-3600 Fax # 614-464-9331 Email: victoriap@3dgroup.com

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

APPLICANT SIGNATURE Jack Wendell
PROPERTY OWNER SIGNATURE Vivian Proehl
ATTORNEY / AGENT SIGNATURE Victoria Proehl

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



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AFFIDAVIT

13310-00506

423-431 E. Livingston Ave.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Victoria Proehl 3D/Group, Inc.
of (1) MAILING ADDRESS 2160 N. 4th St, Suite 200 Columbus, 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 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) Livingston 431 LLC
536 S. Wall St. Suite 300
Columbus, OH 43215

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

Jack Wendell, STG Development
614-224-9255

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

(5) Columbus South Side Area Commission
Schumacher Place Civic Association
Zoning Chair: Curtis Davis
285-4901 x 1100

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.

☒ (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 9 day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) Laura Rent
April 19th, 2018



LAURA RENT
Notary Public, State of Ohio
My Commission Expires 04/19/2018

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APPLICANT

Livingston 431 LLC
536 S. Wall St. Ste 300
Columbus, OH 43215

Nathan R. Mellman
750 Clinton Place
River Forest, Illinois 60305

Jacob and Erika Garber
586 S. 9th Street
Columbus, OH 43206

Andrew R. Hanas
9872 Camelot St.
Pickerington, OH 43147

Livingston Lathrop LTD
407 E. Livingston Ave.
Columbus, OH 43215

Robert and Betty Messer
424 Jackson St.
Columbus, OH 43206

SSP Realty LLC
3311 E. Livingston Ave.
Columbus, OH 43227

AGENT

Victoria Proehl
3D/Group, Inc.
266 N 4th St., Ste 300
Columbus, OH 43215

Evergreen Quality Catering, Inc.
447 E. Livingston Ave.
Columbus, OH 43215

CBS Partnership
567 S. 9th Street
Columbus, OH 43206

Kristina Lehman and Douglas
Rethman
444 Jackson St.
Columbus, OH 43206

Fred and Lora Marcum
416 Jackson St.
Columbus, OH 43206

Miller Property Investments, LLC
3041 Gilridge Dr.
Hilliard, OH 43026

AREA COMMISSION

Jim Griffin
507 Sheldon Ave.
Columbus, OH 43207

Sarah Fortkamp
569 S. 9th Street
Columbus, OH 43206

Education First Credit Union, Inc.
399 Livingston Ave.
Columbus, OH 43215

Dan and Natalie Lehner
575 S. 9th St.
Columbus, OH 43206

Mast Marion Elisabeth
9827 Schlottman Rd.
Loveland, OH 45140

Nationwide Childrens Hospital
Hospital Finance Department
PO Box 7200
Columbus, OH 43206

13310-00506
423-431 E. Livingston Ave.



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00506

423-431 E. Livingston Ave.

One Stop Shop Zoning Report Date: Mon Jul 22 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 431 E LIVINGSTON AVE COLUMBUS, OH

Mailing Address: 536 S WALL ST STE 300

536 S WALL ST STE 300

Owner: LIVINGSTON 431 LLC

Parcel Number: 010020305

ZONING INFORMATION

Zoning: ORIG, Commercial, C4

effective 2/27/1928, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: Columbus Southside Area Commission

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

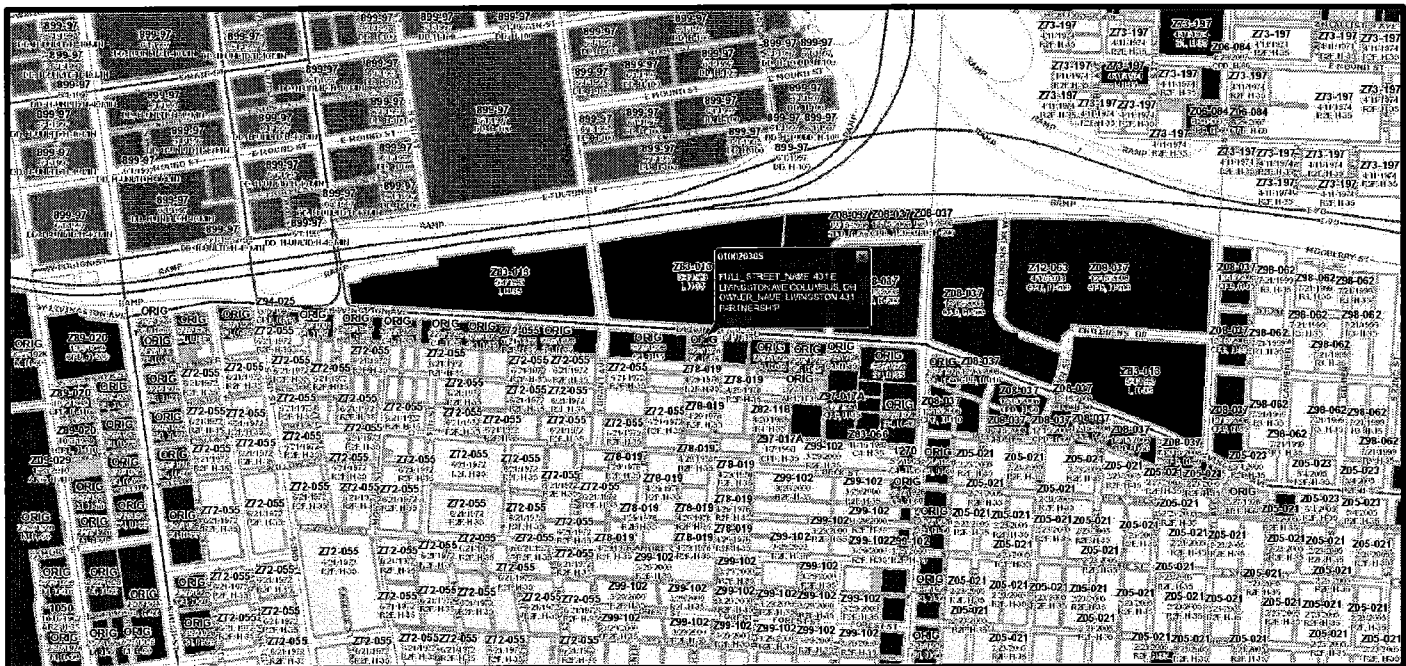
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



Statement of Hardship

13310-00506

423-431 E. Livingston Ave.

423 - 431 E. Livingston Ave.

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:

1. The proposed project at 423 – 431 E. Livingston Avenue contains special circumstances or conditions that do not generally apply to other properties in the same zoning district, General Commercial (C4). These conditions include the size of the building compared to the size of the lot, and the location of the site.

In an effort to keep the impact and cost down, the client is proposing to only renovate the building. The existing building covers a large portion of the site, which makes it difficult to provide adequate parking on the site. Also, the building takes up a large portion of the parcel, making it difficult to solve the parking problem creatively. With the current location and size of the building, we believe the proposed site layout (including parking) is the best available option.

Also, the location of the site compared to other properties in the City of Columbus with the same zoning classification is cause for special circumstances. This site acts as a northern boundary of residential zoning classifications and the property owned by Nationwide Children's Hospital. Due to its residential nature, this site could be accessed by residents of the surrounding neighborhood using alternative means of transportation (by foot or bicycle). Additionally, with close proximity to Nationwide Children's Hospital, the proposed tenant spaces (possibly up to three restaurants), could be used by visiting families who prefer to leave the hospital for short periods of time.

2. Second, the special circumstances and conditions are not the result of the actions of the property owner or applicant. The building is existing (vacant) and neither the property owner nor the applicant took any action to result in the special circumstances and conditions.
3. Also, the special circumstances and conditions make it necessary that a variance, specifically a parking 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, General Commercial (C4). By granting the parking variance, the client will be able to preserve his property rights, just as other residents do in similar situations. Without the variance, the client would find it difficult to provide substantial improvement to the site. The expectation of adequate parking on site is unrealistic and the denial of the variance would inhibit the rights of the property owner. The variance would not allow the client to have special privileges or rights, but rather use the building in the most appropriate, and neighborhood friendly way, and provide as much on-site parking as possible.

4. Finally, the granting of the parking variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the City of Columbus Zoning Code. Currently, the building sits empty. However, with the proposed changes the client is helping to revive the area by providing at least two restaurants for surrounding residents and visitors to Nationwide Children's Hospital. This proposal is not contrary to the public interest because it is providing new eating and drinking establishments and eliminating an empty building along East Livingston Avenue.

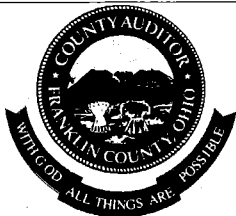
The proposal is also not contrary to the intent or purpose of the City of Columbus Zoning Code. The intent of the Zoning Code is to provide accurate and appropriate numbers of parking spaces for each particular Use and District. Because of the size of our existing building and parcels, the client has no option but to apply for a parking variance. Since there is no plausible way the required parking could fit on this site, the client is providing as much parking as possible on site and will seek alternative agreements with neighboring lots. We believe this solution is best for the client, as well as the future users of the site.

Signature of Applicant: _____

Date: 7/11/13

Signature of Agent: _____

Date: 7/11/13



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 7/9/13



Disclaimer

Scale = 60



This map is prepared for the real property inventory within this county. survey plats, and other public records and data. Users of this map are no information sources should be consulted for verification of the informati county and the mapping companies assume no legal responsibilities for t Please notify the Franklin County GIS Division of any discrepancies.

13310-00506
423-431 E. Livingston Ave.



City of Columbus

Address Plat



CERTIFIED HOUSE NUMBERS

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

Parcel ID: 010020305

Project Name: RESTAURANT (TENANT A)

House Number: 423

Street Name: E LIVINGSTON AVE

Lot Number: 1-3

Subdivision: BRYDEN ADDITION

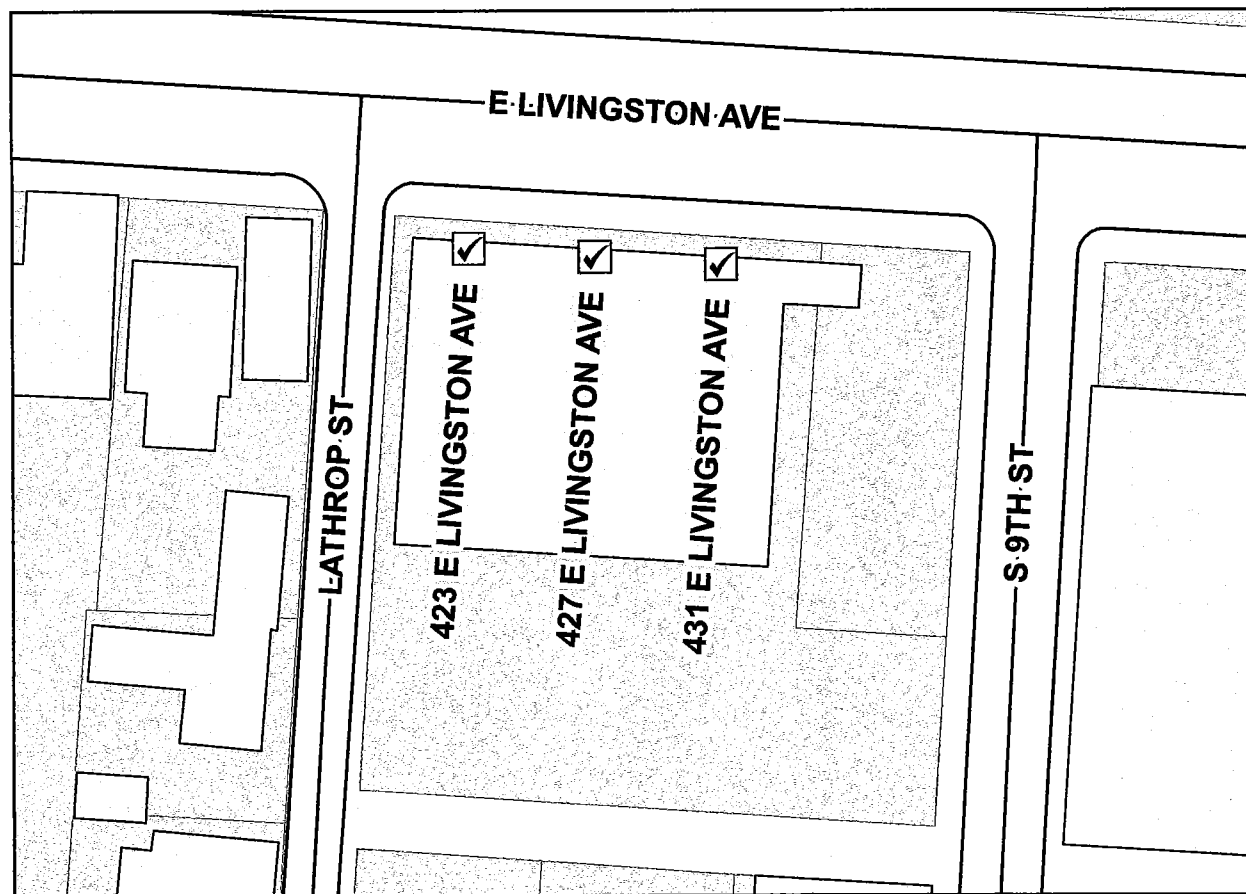
Work Done: NEW

Complex: N/A

Owner: ARVEY CORPORATION

Requested By: 3D GROUP INC (VICTORIA PROEHL)

Printed By: James P Reagan Date: 1/2/2013



SCALE: 1 inch = 50 feet



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

GIS FILE NUMBER: 1322560

LIVINGSTON 431, LLC
536 South Wall Street, Suite 300
Columbus, Ohio 43215
(614) 224-9255 (614) 224-9258 (Fax)

**RESTRICTED POWER OF ATTORNEY
FOR ZONING APPLICATION/CITY OF COLUMBUS
PURPOSES ONLY**

To Whom It May Concern:

LIVINGSTON 431, LLC, an Ohio Limited Liability Company, does hereby duly appoint 3D/GROUP, INC., an Ohio Corporation, to act as our attorney-in-fact to sign all papers and documents that may be necessary to apply for a zoning variance with the City of Columbus, and to register said application/zoning variance in the name of Livingston 431, LLC, until revoked or otherwise terminated in writing.

LIVINGSTON 431, LLC, agrees to guarantee and save 3D GROUP, INC. from all responsibility which might accrue from the issuance of the zoning variance with the City of Columbus registered in the name of Livingston 431, LLC.

This Power of Attorney authorizes no other actions. Without limiting the generality of the foregoing, it gives no further or other authority to 3D/Group, Inc. with respect to Livingston 431, LLC, and the property located at 431 East Livingston Avenue, Columbus, Ohio.

LIVINGSTON 431, LLC

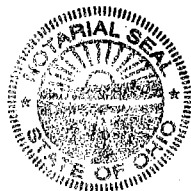
BY: 
ITS: Manager

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

Subscribed and sworn before me, a Notary Public, in and for said County and State, by Edward Friedman, in his capacity as Manager of LIVINGSTON 431, LLC, this 9th day of July, 2013.


NOTARY PUBLIC

13310-00506
423-431 E. Livingston Ave.



Amy A. Friend
Notary Public, State of Ohio
My Commission Expires 02-08-2014



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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

13310-00506

STATE OF OHIO
COUNTY OF FRANKLIN

423-431 E. Livingston Ave.

Being first duly cautioned and sworn (NAME) Victoria Proehl, 3b/Group, Inc.
of (COMPLETE ADDRESS) 2100 N. 4th St. Suite 200 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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Jack Wendell

6222 Roxburgh Ct. Columbus, OH 43213

SIGNATURE OF AFFIANT

Victoria Proehl

Subscribed to me in my presence and before me this 9 day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Laura Rent

My Commission Expires:

April 19th, 2018



LAURA RENT

Notary Public, State of Ohio

My Commission Expires 04/19/2018

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