



# 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: CV11-024 (11315-00000-00414)  
Date Received: 7/27/11  
Application Accepted By: S. Pine Fee: \$1600  
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 889 Oak 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: 010-001755

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

Current Zoning District(s): Z73-197 ARLD, H-35

Recognized Civic Association or Area Commission: Near East Area Commission

Proposed use or reason for Council Variance request: Change of Use

Acreage: .127 Acres

**APPLICANT:** Name Yhezkel Levi

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

Phone # 614.571.5003 Fax # \_\_\_\_\_ Email: ylevius@yahoo.com

**PROPERTY OWNER(S):** Name W on Main, LLC

Address 139 E Main Street, 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 David W Mullen, PE. EM Engineering Group, LTD.

Address 16 E Poplar Ave. City/State Columbus, OH Zip 43215

Phone # 614.225.1580 Fax # \_\_\_\_\_ Email: dave@emengineeringgroup.com

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

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

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

ATTORNEY / AGENT SIGNATURE David W Mullen PE.

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.  
For all questions regarding this form and fees please call: 614-645-4522  
Please make all checks payable to the Columbus City Treasurer



# 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)

CV11-024

## 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

Signature of Applicant

Date

7/27/11

**PLEASE NOTE: incomplete information will result in the rejection of this submittal.**  
For all questions regarding this form and fees please call: 614-645-4522  
**Please make all checks payable to the Columbus City Treasurer**

889-891 Oak Street, Columbus Ohio 43205

Statement of Hardship & Variances Requested

---

**Hardship Item 1:                      Section 3333.02 Allowable Uses**

The property contains two existing structures. In the rear of the site is a two story, four unit residential building which is over 100 years old. The front of the site that faces Oak Street contains another 100 year old existing building which has two commercial storefronts on the ground floor and two residential spaces on the second floor. The commercial space at 891 Oak Street is currently occupied by *The Angry Baker* bakery. The other commercial space (889 Oak) was originally used as a pharmacy with a soda bar. The historical record shows several uses after the pharmacy, including Auntie Mame's Bus Stop Restaurant between the years of 1961 and 1972, and an unspecified retail use after 1972. The space has been vacant for over two years, leaving the existing commercial storefront with no existing non-conforming use in a district zoned for residential only.

The property is currently zoned ARLD, and the applicant is seeking to provide an additional use over and above the permitted activities in the ARLD District. The applicant requests approval to permit the establishment of a tavern with food service along with a new patio to the rear of the building for additional outdoor seating. All other existing uses on the property will remain the same. The proposed use will serve the local neighborhood community, and will not adversely affect the surrounding properties. The hardship in this instance is that this is an existing commercial building built and used for commercial activities long before the ARLD zoning was imposed in 1974.

**Variance 1:**

*A variance is requested to allow the eating and drinking establishment as a conforming use in the ARLD zoning district for both the existing bakery in 891 Oak Street and the proposed restaurant at 889 Oak Street. In addition, a variance is requested to allow the two existing buildings at the front and rear of the site to occupy the same parcel of land.*

---

**Hardship Item 2:                      Section 3312.27(b) Vision Clearance at Intersections**

The existing building does not meet the requirements for minimum clear vision triangle at intersections. The hardship in this instance is that this is an existing building.

**Variance 2:**

*A variance is requested to eliminate the vision clearance triangle requirement at the intersection of Oak Street and 18<sup>th</sup> Street.*

---

**Hardship Item 3: Section 3312.49 Parking Requirements**

The existing site does not meet the parking requirement. No parking is currently provided for any of the existing uses on the property. Between the existing commercial building and the existing multi-unit residential building is a rear yard in which we are proposing a brick patio with a brick and wrought-iron fence. There is an existing sidewalk and an existing tree-lawn with no curb-cut into to the rear yard. On-street parking is available throughout the streets surrounding the property. In addition, the property is in close proximity to public transportation, with four different bus lines within a quarter-mile, and COTA's Near East Transit Center less than a half mile away.

| Address                     | Area     | Ext'g Use   | New Use      | Ext'g Req'd Parking | New Req'd Parking | Net Increase |
|-----------------------------|----------|-------------|--------------|---------------------|-------------------|--------------|
| 889 (2 <sup>nd</sup> Floor) | 1,387 SF | Residential | N/A          | 2 Spaces            | 2 Spaces          | 0            |
| 891 (1 <sup>st</sup> Floor) | 907 SF   | Business    | N/A          | 13 Spaces           | 13 Spaces         | 0            |
| 891 (2 <sup>nd</sup> Floor) | 907 SF   | Residential | N/A          | 2 Spaces            | 2 Spaces          | 0            |
| 103-105 (Rear Bldg)         | 2,866 SF | Residential | N/A          | 6 Spaces            | 6 Spaces          | 0            |
| 889 (1 <sup>st</sup> Floor) | 1,387 SF | Retail      | Restaurant   | 6 Spaces            | 19 Spaces         | +13          |
| Patio                       | 750 SF   | N/A         | Rest Seating | N/A                 | 5 Spaces          | +5           |

Total Increase +16

**Variance 3:**

*A variance is requested to reduce the required parking increase of 16 additional spaces to zero.*

---

**Hardship Item 4: Section 3333.09 Area Requirements**

The existing building does not meet the requirements for the minimum lot width of 50 feet. The hardship in this instance is that this is an existing parcel.

**Variance 4:**

*A variance is requested to eliminate the minimum area requirement and allow a lot width of less than 50 feet.*

---

**Hardship Item 5: Section 3333.11 ARLD Area District Requirements**

The existing apartments do not meet the requirement for a minimum living area of not less than 1500 square feet. The existing apartments also do not meet the requirement that they be on a single lot of more than 20,000 square feet. The hardship in this instance is that these are existing buildings and apartments.

**Variance 5:**

*A variance is requested to eliminate the area requirements for all the apartments which are all under 1500 square feet, as well as eliminate the minimum 20,000 square foot lot size requirement.*

---

**Hardship Item 6:                      Section 3333.15(c) AR Area Requirements**

The existing building does not meet the requirement that it must not occupy more than 50% of the lot area. The hardship in this instance is that this is an existing building.

***Variance 6:***

*A variance is requested to eliminate the requirement that the buildings not occupy more than 50% of the lot area.*

---

**Hardship Item 7:    Section 3333.18-D & 3333.19-A(1) Building Lines & Corner Lot**

The existing building does not meet the requirements for minimum building setback for its frontage on Oak Street which is 25' in this instance. The property does not meet the requirement for the building setback on 18<sup>th</sup> street which must be 20% of the total property width. The hardship in this instance is that this is an existing building.

***Variance 7:***

*A variance is requested to reduce the building setback to the existing building footprint along the principal and secondary frontage of all buildings on the property.*

---

**Hardship Item 8:                      Section 3333.22-3333.23 Side Yard**

The existing building does not meet the requirements for minimum side yard setback which is a minimum of 20% of the total width of the property with a maximum of 16 feet. The existing residential building does not meet the requirement for a minimum side yard of 5 feet or more. The hardship in this instance is that this is an existing building.

***Variance 8:***

*A variance is requested to reduce the side yard setbacks to the existing building footprints as shown.*

---

**Hardship Item 9:                      Section 3333.24 Rear Yard**

The existing building does not meet the requirements for the minimum area of a rear yard, which should be no less than 25% of the total area of the lot. The hardship in this instance is that this is an existing building.

***Variance 9:***

*A variance is requested to eliminate the rear yard requirement for the property.*



# 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)

## AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-024

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Yhezkel Levi  
of (1) MAILING ADDRESS 139 E Main Street, Ste 103

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 889 Oak 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) 7/27/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) W on Main, LLC  
139 E Main Street, Ste 103  
Columbus, OH 43215

APPLICANT'S NAME AND PHONE # 614 511 5003 Yhezkel Levi  
(same as listed on front of application)

AREA COMMISSION OR CIVIC GROUP (5) Near East Area Commission  
AREA COMMISSION ZONING CHAIR OR Annie Ross-Womack  
CONTACT PERSON AND ADDRESS 847 Oakwood Ave. Columbus, OH 43206

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 18 day of July, in the year 2011

SIGNATURE OF NOTARY PUBLIC \_\_\_\_\_  
(8) \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal Here

ANTIONETTE M. GILLUM  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JUNE 17, 2014

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
For all questions regarding this form and fees please call: 614-645-4522  
Please make all checks payable to the Columbus City Treasurer

Cv11-024

**Applicant**

Yhezkel Levi  
139 E Main St., Ste 103  
Columbus, OH 43215

**Property Owner**

W On Main, LLC  
139 E Main St., Ste 103  
Columbus, OH 43215

**Agent**

David W Mullen, PE  
EM Engineering Group, LTD  
16 E Poplar Ave.  
Columbus, OH 43215

**Area Commission**

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

**Surrounding Property Owners**

Angela M Harris  
James M Kelly  
894 Franklin Ave.  
Columbus, OH 43205

Christopher J Weiss  
605 Dennison Ave.  
Columbus, OH 43215

Michael S Seamon  
Todd R Horton  
870 Franklin Ave.  
Columbus, OH 43205

Alliance One, Ltd.  
407 E Livingston Ave.  
Columbus, OH 43215

Randee R Estep  
Daniel W Beer  
Washington Mutual  
6053 S Fashion Sq Dr. #200  
Murray, UT 84107

Kathy A Consoliver  
393 E Gates St.  
Columbus, OH 43206

Sandra Noltemeyer Mohr  
762 Bryden Rd.  
Columbus, OH 43205

Mark E Kinsely  
Jerry T Thomas  
868 Franklin Ave.  
Columbus, OH 43205

901 Oak Street Partners  
901 Oak Street  
Columbus, OH 43205

Terrance L Washington  
1525 Omar Dr.  
Columbus, OH 43207

Fabulous Real Estate Investments,  
Inc.  
3086 Wakeshire Dr.  
Dublin, OH 43017

Jeffrey G Cotner  
Gaud Elazibe  
879 Oak Street  
Columbus, OH 43205

Roger J Williams  
Ralph E Eilliams  
108 S 18<sup>th</sup> Street  
Columbus, OH 43205

Julie A Kearly, Et al  
3086 Wakeshire Dr.  
Dublin, OH 43017

William W Taschek  
878 Franklin Ave.  
Columbus, OH 43205

Bruce R Murray  
905 Oak Street  
Columbus, OH 43205

Allegheny West Conference, ET AL  
1339 E Broad Street  
Columbus, OH 43205



# 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)

## 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 # CW11-024

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Yhezkele Levi

Of [COMPLETE ADDRESS] 139 E Main St Suite 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. W on Main, LLC<br>139 E Main, STE 103<br>Columbus, OH 43015<br>Yhezkele Levi        | 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 29th day of JULY, in the year 2011

SIGNATURE OF NOTARY PUBLIC Anthony J. Salamon

My Commission Expires: \_\_\_\_\_



ANTHONY J. SALAMON  
Notary Public, State of Ohio  
My Commission Expires Mar. 19, 2013

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

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
For all questions regarding this form and fees please call: 614-645-4522  
Please make all checks payable to the Columbus City Treasurer



Address Plat

CERTIFIED HOUSE NUMBERS

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

Parcel ID: 010001755

Project Name: OLDE TOWNE TAVERN

House Number: 889

Street Name: OAK ST

Lot Number: 97

Subdivision: DESHLER & SINKS

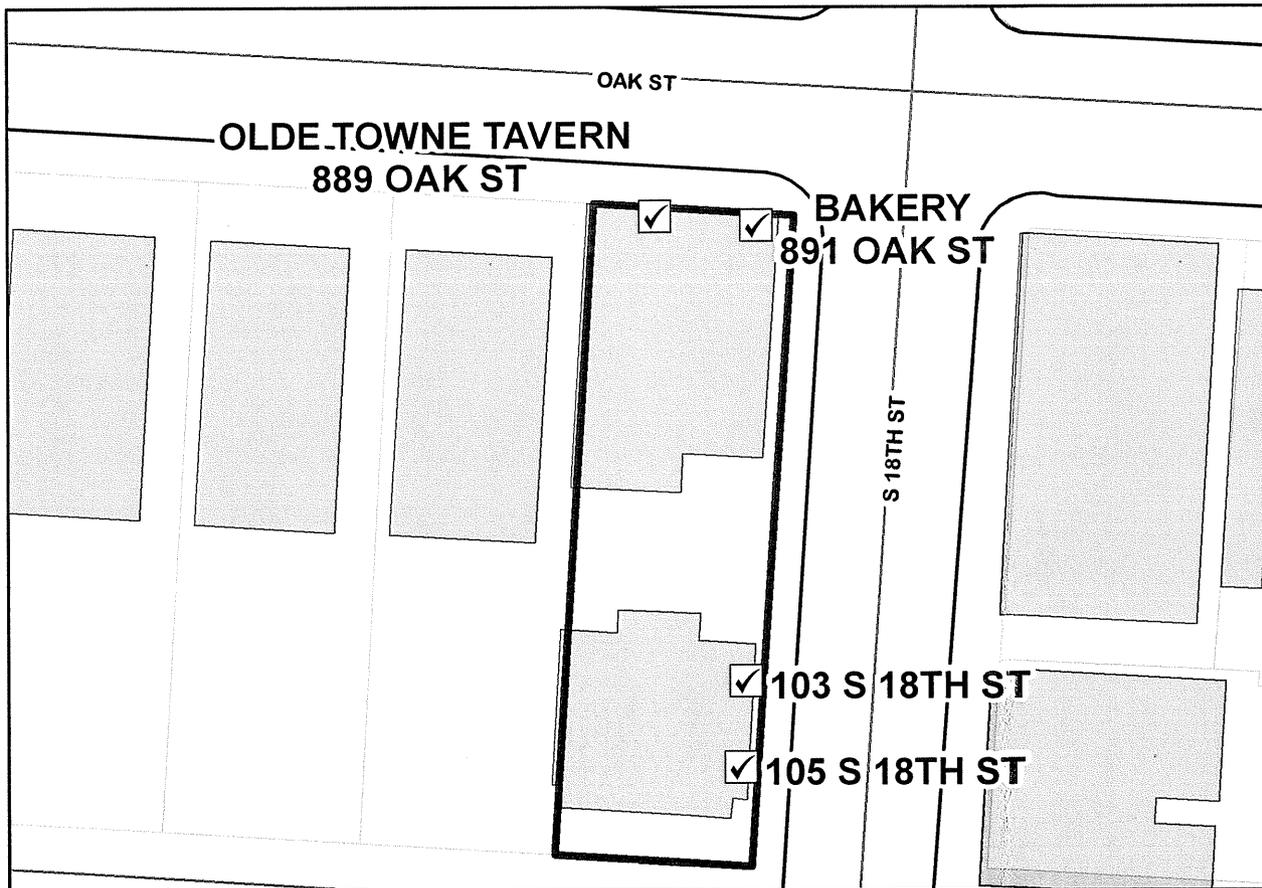
Work Done: REMODEL

Complex:

Owner: W ON MAIN LLC

Requested By: EM ENGINEERING GROUP LTD ( JUSTIN ROBBINS )

Printed By: James R Reagan Date:



SCALE: 1 inch = 40 feet



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

GIS FILE NUMBER: 217930

CV11-024



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: M

DATE: 7/13/11



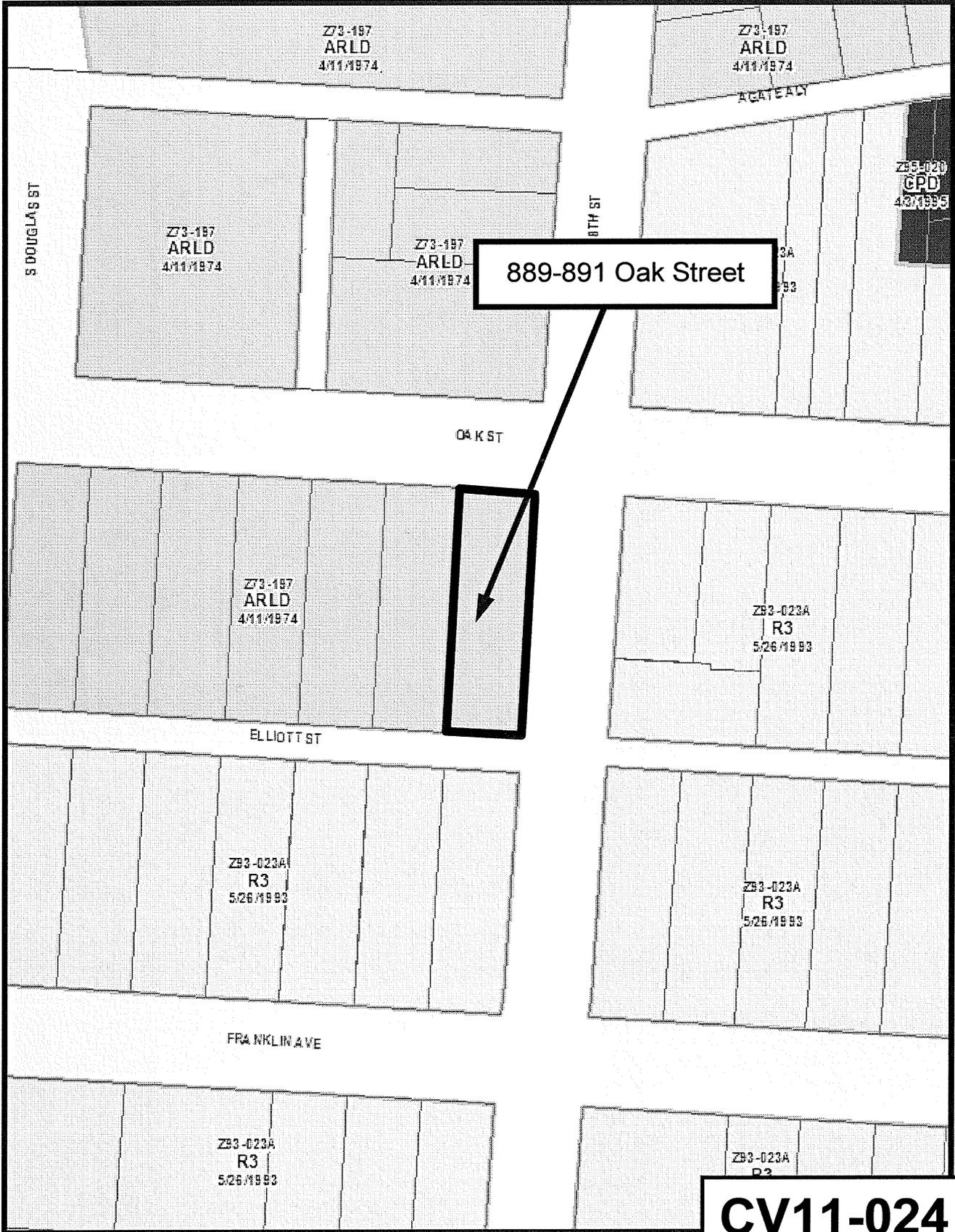
Disclaimer

Scale = 60



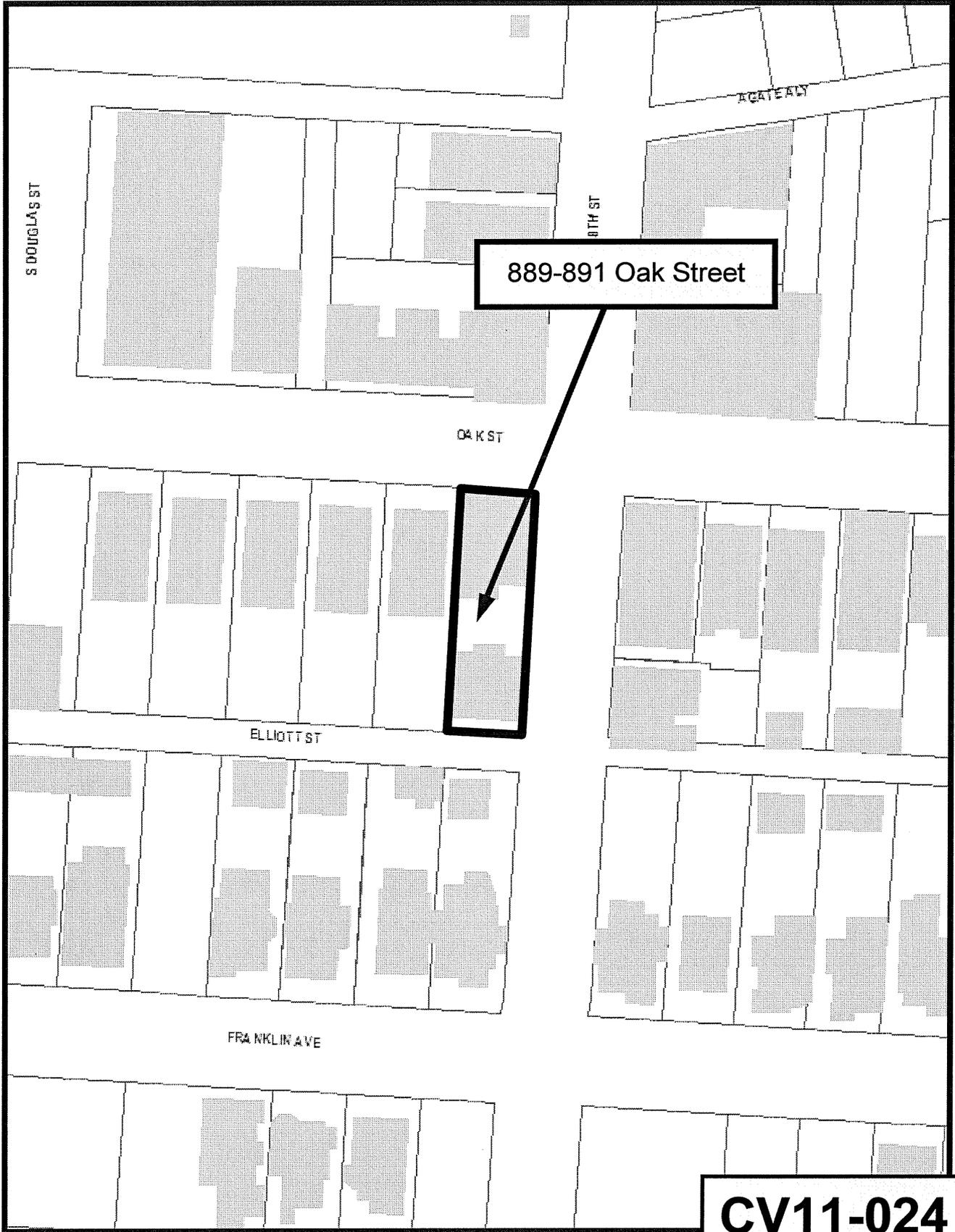
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on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





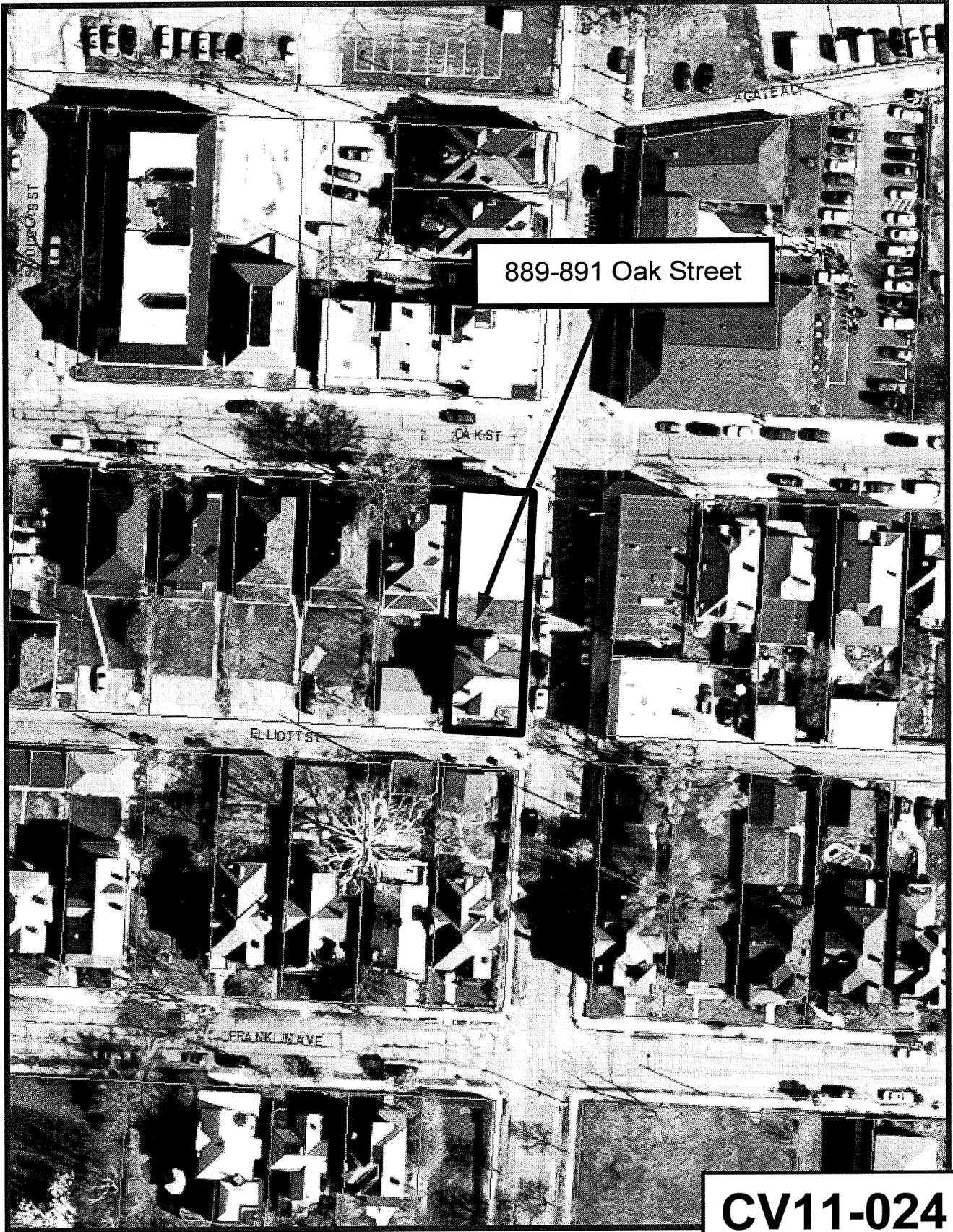
889-891 Oak Street

**CV11-024**



889-891 Oak Street

**CV11-024**



889-891 Oak Street

CV11-024