



#10310-00000-00270

Comments: _____ Application Number: _____ Commission/Group: _____
 _____ Date Received: _____ Planning Area: _____
 _____ Date of Hearing: _____ Acreage: _____
 _____ Zoning Fee: _____ Address Fee: _____
 _____ Existing Zoning: _____ Accepted by: _____

BOARD OF ZONING ADJUSTMENT APPLICATION

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: C.C. 3312.49, to reduce the minimum number of required parking spaces from 49 to 42. C.C. 3342.09, to permit parking spaces to be located within dumpster loading / maneuvering area.

LOCATION

1. Certified Address Number and Street Name 4949 Tuttle Crossing Boulevard
 City Columbus State Ohio Zip 43016
 Parcel Number (only one required.)

5	9	0	-	2	3	3	4	2	2
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APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Dibella's Old Fashioned Submarines
 3. Address 20 North Union St. City Rochester, NY Zip 14607
 4. Phone# (585) 262-3630 Fax # _____
 5. Email Address _____

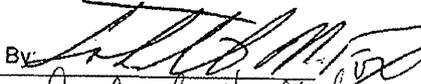
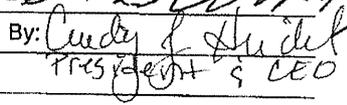
PROPERTY OWNER(S)

6. Name GNWLAAC Real Estate Holding LLC
 7. Address 6220 W. Broad St., Building 3 City Richmond, VA Zip 23230
 8. Phone# _____ Fax # _____
 9. Email Address _____
 Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CIRCLE ONE)

10. Name Jeffrey L. Brown / David Hodge / Smith & Hale LLC
 11. Address 37 W. Broad St., Suite 725 City Columbus Zip 43215
 12. Phone# 221-4255 Fax # 221-4409
 13. Email Address _____

SIGNATURES

14. Applicant Signature Dibella's Old Fashioned Submarines By: 
 15. Property Owner Signature GNWLAAC Real Estate Holding LLC By: 
 16. Attorney/Agent Signature _____



OFFICE USE ONLY

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SIGNATURES

14. Applicant Signature Dibella's Old Fashioned Submarines By:
15. Property Owner Signature GNWLAAC Real Estate Holding LLC By:
16. Attorney/Agent Signature David Hodge

One Stop Shop Zoning Report

Building Services Division
Department of Development
 Report date: 7/21/2010 10:08:07 AM

Parcel Report

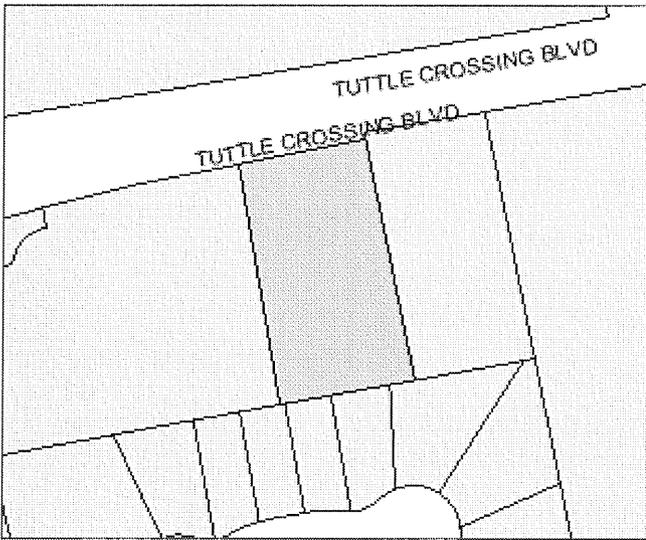
Parcel ID	Owner	Address
590233422	GNWLAAC REAL ESTATE HOLDING LLC	4949 TUTTLE CROSSING BLVD COLUMBUS OH 43016

Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
Z88-3016	LC4	H-35	10	Commercial	(View Document)

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.



AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, 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 4949 Tuttle Crossing Boulevard

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS (4) GNWLAAC Real Estate Holding LLC
6220 W. Broad St., Building 3
Richmond, VA 23230

APPLICANT'S NAME AND PHONE # (same as listed on front of application) Dibella's Old Fashioned Submarines
(585) 262-3630

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS (5) Not applicable.

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
Please see attached list.

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

SIGNATURE OF AFFIANT (8) David Hodge
Subscribed to me in my presence and before me this 12th day of July, in the year 2010
SIGNATURE OF NOTARY PUBLIC (8) Natalie C. Timmons
My Commission Expires: 9/4/10





STATEMENT OF HARDSHIP

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 do 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:

Please see attached statement.

Statement of Hardship

4949 Tuttle Crossing Boulevard

The applicant is proposing the reuse of a Cord Camera (retail) building and property for a restaurant use. Restaurant uses, according to the Zoning Code, require more parking spaces than retail uses. The applicant is therefore planning a reconfiguration of the parking layout on the site. In furtherance of this reconfiguration two variances are required as follows:

3312.49, Minimum number of parking spaces required.

This section would require that 49 parking spaces be provided, where the applicant has proposed that 42 be provided.

3312.49, Dumpster area.

This section requires that a dumpster be located in an area that does not interfere with a parking space, where the applicant is providing parking spaces along the south of site that could be construed as interfering with loading / maneuvering to the dumpster.

The grant of these variances is appropriate. The applicant is providing as much parking as the site will allow in an effort to minimize the parking shortfall. The grant of these variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code.

Dibella's Old Fashioned Submarines

Signature of Applicant: By: David Hudg

Date: 7/12/2010



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 7/7/10



Disclaimer

Scale = 200



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.



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: 590-233422

Project Name: DIEBLE'S SUB

House Number: 4949

Street Name: TUTTLE CROSSING BLVD

Lot Number: N/A

Subdivision: N/A

Work Done: REMODEL

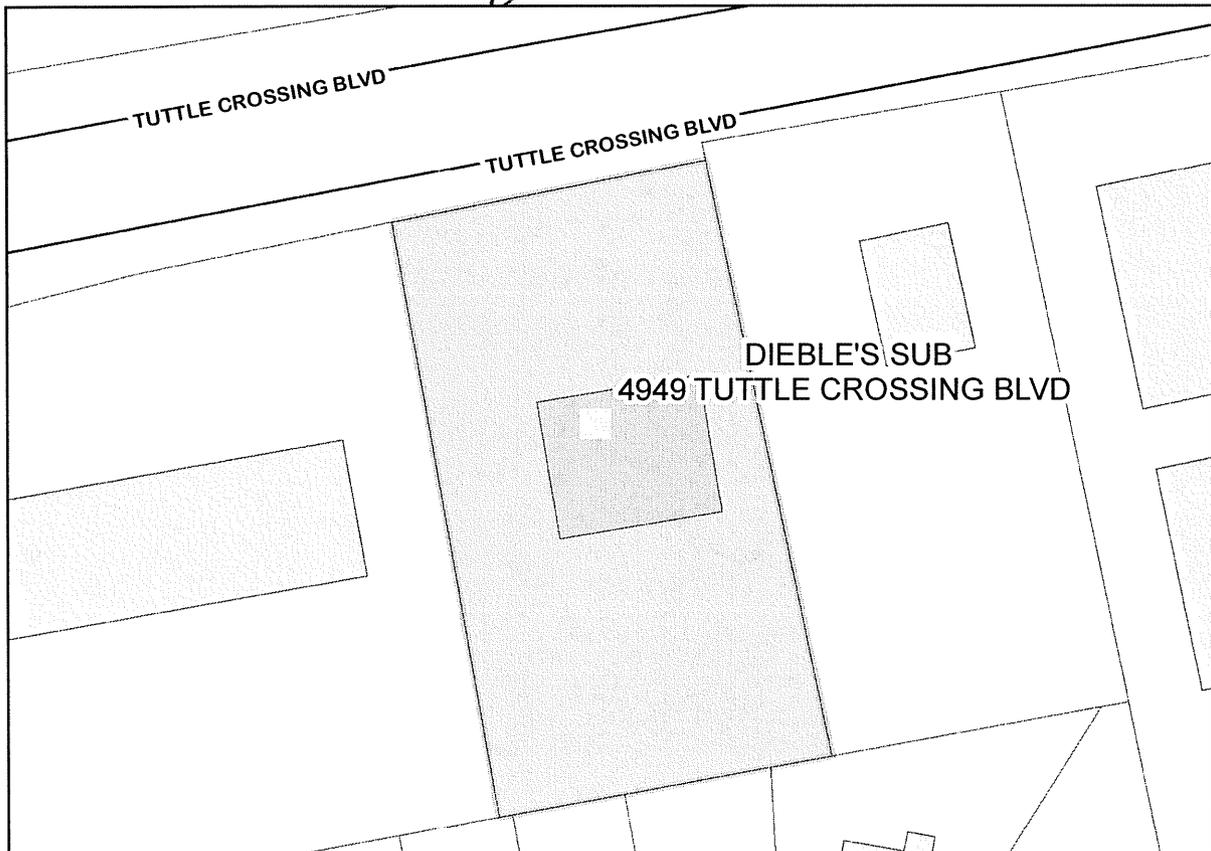
Complex: N/A

Owner: GNWLAAC REAL ESTATE HOLDING LLC

Requested: DAVID HODGE (SMITH & HALE)

Printed By: *Louis D. McCann*

Date: 7/9/2010



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

SCALE: 1 inch = 80 feet

GIS FILE NUMBER: 544666

