



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: 11310-00000-00446
Date Received: 12 Aug 2011
Commission/Group: FNW
Existing Zoning: Application Accepted by: [Signature] Fee: \$1900
Comments:

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- [X] Variance [] Special Permit

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

Requesting variance from Code Section 3312.49 requiring the maximum parking allowed from 1 per each 50 sq. ft. of floor area (4464/50=90) to 1 per each to 1 per each 35 sq. ft. of floor area (4464/35=125)

LOCATION

1. Certified Address Number and Street Name 7130 Sawmill Road
City Columbus State Ohio Zip 43235
Parcel Number (only one required) 590-135891

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Icebreaker Development, LLC
Address 1024 S. 6th St., Suite 201 City/State Terre Haute, IN Zip 47807
Phone # 812-478-0232 x112 Fax # 812-232-8892 Email poleary@womackrestaurants.com

PROPERTY OWNER(S):

Name Newmarket Acquisition Ltd.
Address 191 W. Nationwide Blvd. Suite 200 City/State Columbus, OH Zip 43215
Phone # 614-227-3485 Fax # 614-221-4454 Email CFraas@castoinfo.com
[] Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

- [] Attorney [X] Agent

Name Steven E. Fox, Jr
Address 171 Charring Cross Dr. City/State Westerville, OH Zip 43081
Phone # 614-891-4970 Fax # 614-891-4984 Email: sfox@plsdisc.com

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

APPLICANT SIGNATURE [Signature]
PROPERTY OWNER SIGNATURE (SEE NEXT PAGE)
ATTORNEY / AGENT SIGNATURE [Signature]

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

**Board of Zoning Adjustment Application
Icebreaker Development, LLC
7130 Sawmill Road**

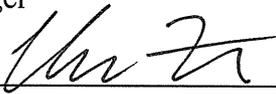
Additional Sheet
Page 1

SIGNATURES:

PROPERTY OWNER SIGNATURE

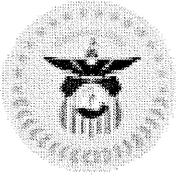
NEWMARKET ACQUISITION LIMITED
an Ohio limited liability company

By: CRI Holdings II, Inc., an Ohio corporation,
its manager

By: 

Name: Charles Fracas

Title: Authorized Representative



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICE

11310-00000-00446
7130 SAWMILL ROAD

One Stop Shop Zoning Report Date: Thu Aug 25 2011

Zoning General Inquiry: 614-645-8637

SITE INFORMATION

Address: 7130 SAWMILL RD COLUMBUS OH 43235
Mailing Address: 191 W NATIONWIDE BLVD
COLUMBUS, OH 43215-2558

Owner: NEWMARKET ACQUISITION LTD
Parcel Number: 590135891

ZONING INFORMATION

Zoning: Z81-099, Commercial, CPD
effective 4/28/1982, Height District H-35

Historical District: N/A

Council Variance: N/A

Historical Site: No

Board of Zoning Adjustment (BZA): N/A

Overlay: N/A

Graphic Commission: N/A

Flood Zone: OUT

Area Commission: N/A

Airport Noise Environ: N/A

Planning Overlay: N/A

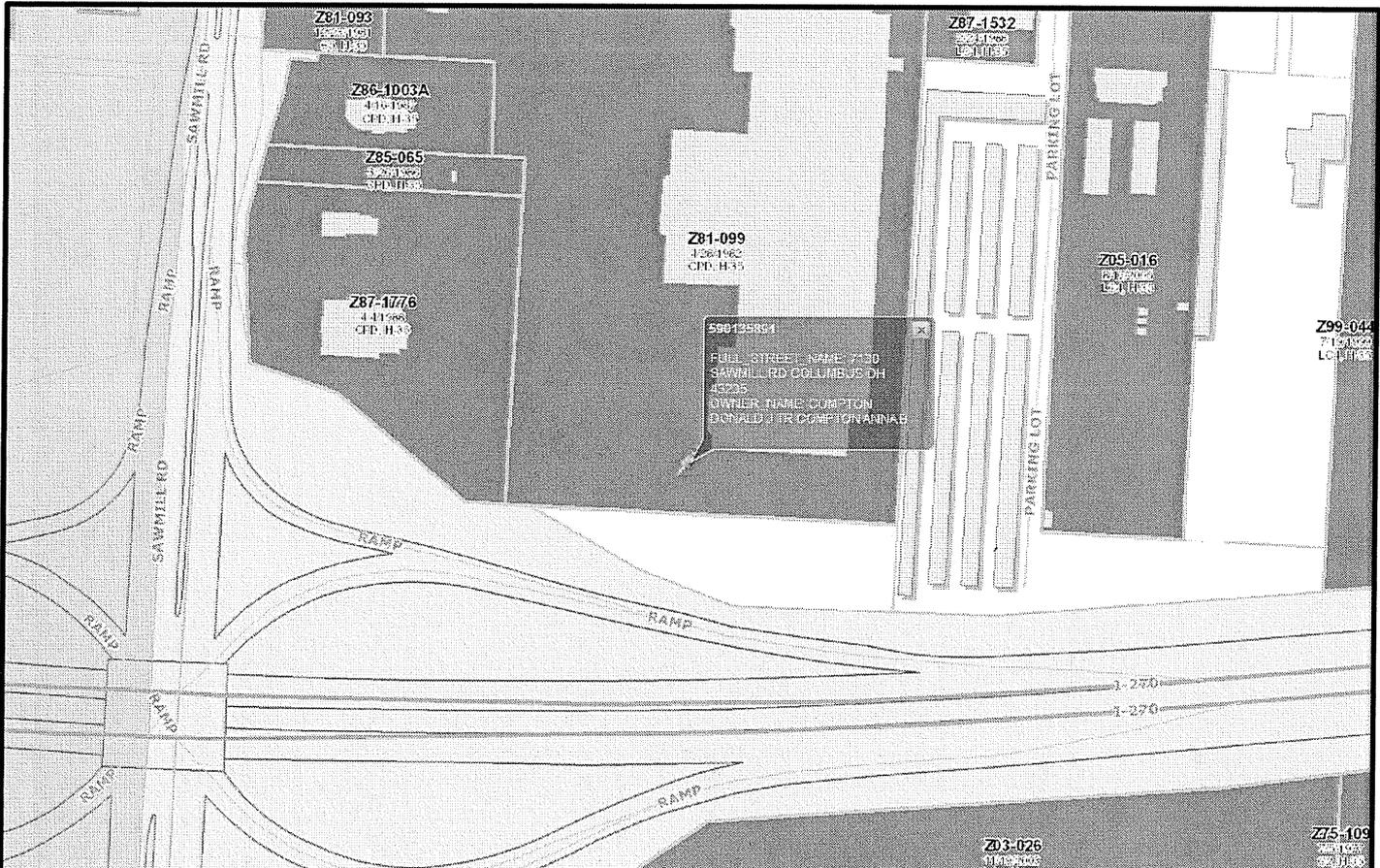
PENDING ZONING ACTION

Zoning: N/A

Council Variance: N/A

Board of Zoning Adjustment (BZA): N/A

Graphic Commission: N/A





BOARD OF ZONING ADJUSTMENT APPLICATION

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AFFIDAVIT

11310-00000-00446
7130 SAWMILL ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Steven E. Fox, Jr.

of (1) MAILING ADDRESS 171 Charring Cross Dr. Westerville, OH 43081

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

(4) Newmarket Acquisition Ltd.

AND MAILING ADDRESS

191 W. Nationwide Blvd. Suite 200

Columbus, OH 43215

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

Icebreaker Development, LLC c/o Patrick M. O'Leary

614-478-0232 x112

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

(5) Far Northwest Coalition

John Best

7527 Foxfield Ct., Columbus, OH 43235

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

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

SIGNATURE OF AFFIANT

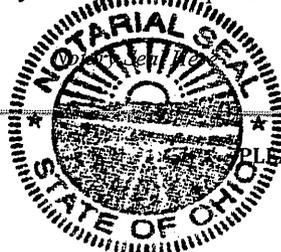
(8)

Subscribed to me in my presence and before me this 11th day of August, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires: _____



PAT GINDLESPERGER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 14, 2011

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STATEMENT OF HARDSHIP

11310-00000-00446
7130 SAWMILL 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:

We are proposing a 4,644 square foot IHOP restaurant that will have a maximum occupant load of 264. Code allows for a maximum of 90 parking spaces and we are requesting a variance for an additional 35 parking spaces for a total of 125. Having just opened the same size restaurant in Reynoldsburg, OH (90 parks) we have found out that our need exceeds space available. At the Reynoldsburg location we have cars being parked along drive aisles and in fields surrounding the restaurant creating a hazard. It hinders emergency vehicles getting to their destination because of tight drive aisles and customer/employees are always safer parking on-site rather than an off-site alternative. It also can create hardships on surrounding property owners.

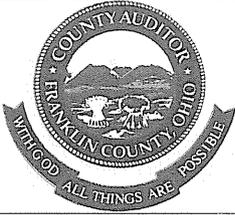
Signature of Applicant

Pam M. O'Connell

Date

8/10/11

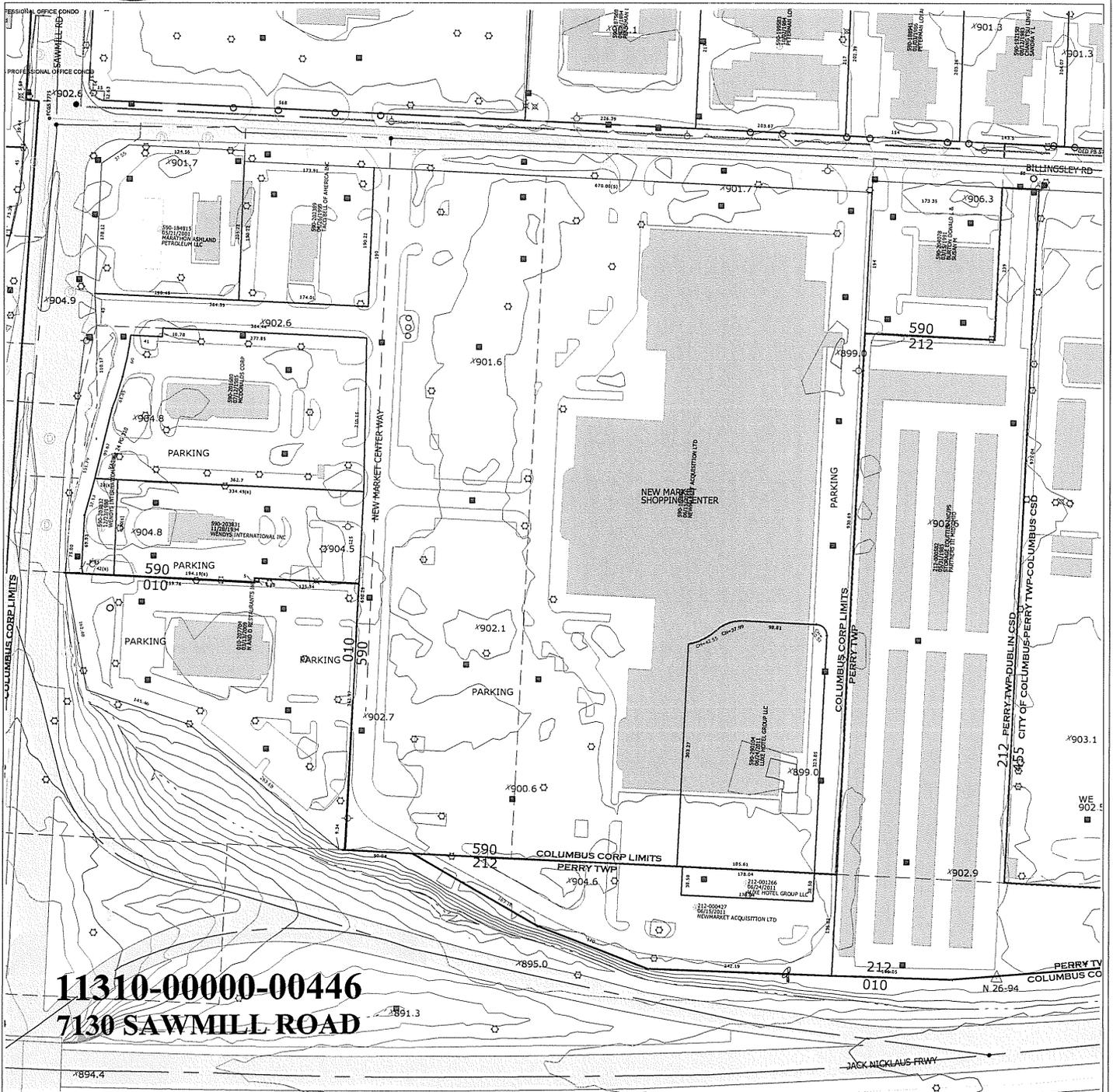
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CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 8/11/11



11310-00000-00446
7130 SAWMILL ROAD

Disclaimer

Scale = 200

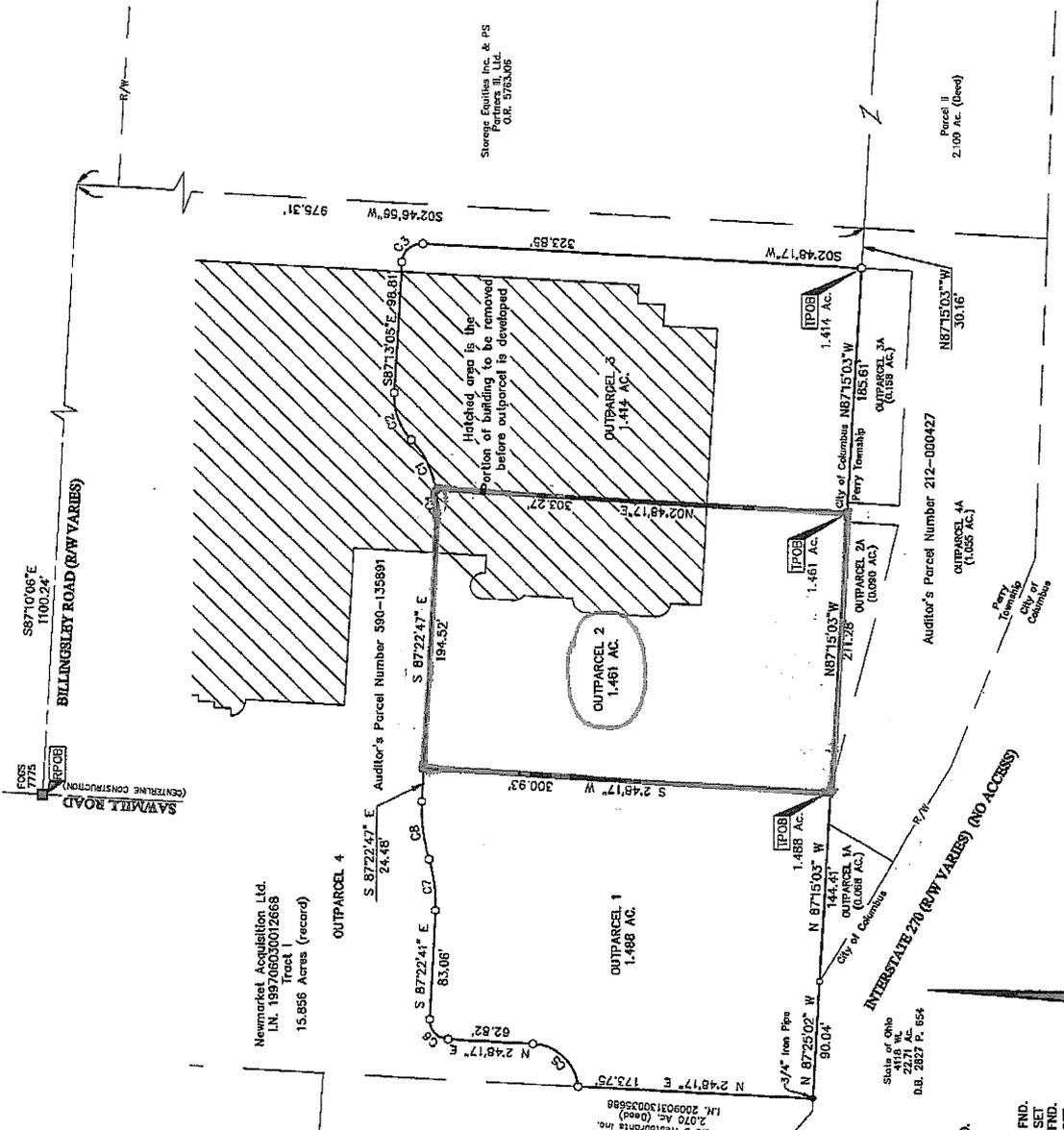


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on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

Real Estate / GIS Department

SURVEY OF ACREAGE PARCELS

SECTION 1, TOWNSHIP 2, RANGE 19 UNITED STATES MILITARY LANDS CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO



CURVE	DELTA	RADIUS	ARC	CH. BRG.	CH
C1	3217.48°	76.50'	43.12'	N 83°48'17" E	42.55'
C2	4507.32°	49.50'	36.99'	N 70°13'09" E	37.89'
C3	9031.22°	14.50'	22.76'	S 42°12'24" E	20.51'
C4	1240.02°	76.50'	16.91'	N 86°17'12" E	16.88'
C5	8209.52°	35.50'	50.91'	N 43°53'13" E	46.66'
C6	8949.59°	14.50'	22.73'	N 47°42'46" E	20.47'
C7	2012.03°	111.50'	39.31'	N 82°31'14" E	39.11'
C8	2012.00°	125.50'	44.25'	N 82°31'13" E	44.02'

BASIS OF BEARINGS:
 The bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (FIPS Adjustment). A bearing of South 87°10'30" East is established for the line of right-of-way of Billingsley Road based on observations of Franklin County Engineering Department monuments FCGS 7772 and FCGS 7769.

FEMA NOTE:
 According to the Federal Emergency Management Agency's Flood Insurance Rate map (dated June 17, 2008), the subject tract shown hereon lies within Zone X (areas determined to be outside 500-year flood plain) Map Number 39049C0152K.

SURVEY NOTE:
 Occupation, in general, fits survey.

SURVEY NOTE:
 This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.



By: *Michael O. Wanchick*
 Professional Surveyor No. 7854

EMHIT
 Evans, Mechwart, Handshien & Thon, Inc.
 550 New Albany Road, Columbus, OH 43204
 Phone: 614.775.4500 Fax: 614.775.2446

Date: May 10, 2011
 Scale: 1" = 60'
 Job No: 2008-1154
 Sheet: 1 of 1

REVISIONS

NO.	DATE	DESCRIPTION

11310-00000-00446

7130 SAWMILL ROAD

Legend:

- = STONE FND.
- = MON. FND.
- = I.P. FND.
- = I.P. SET
- = MAG. NAIL FND.
- = MAG. NAIL SET
- △ = R.R. SPK. FND.
- △ = R.R. SPK. SET
- = P.K. NAIL FND.
- = P.K. NAIL SET

I.P. Set are 1 3/16" I.D. iron pipe with cap inscribed EMHIT INC

GRAPHIC SCALE (in feet)

EXHIBIT A-1 Page 1 of 2

NOTES:

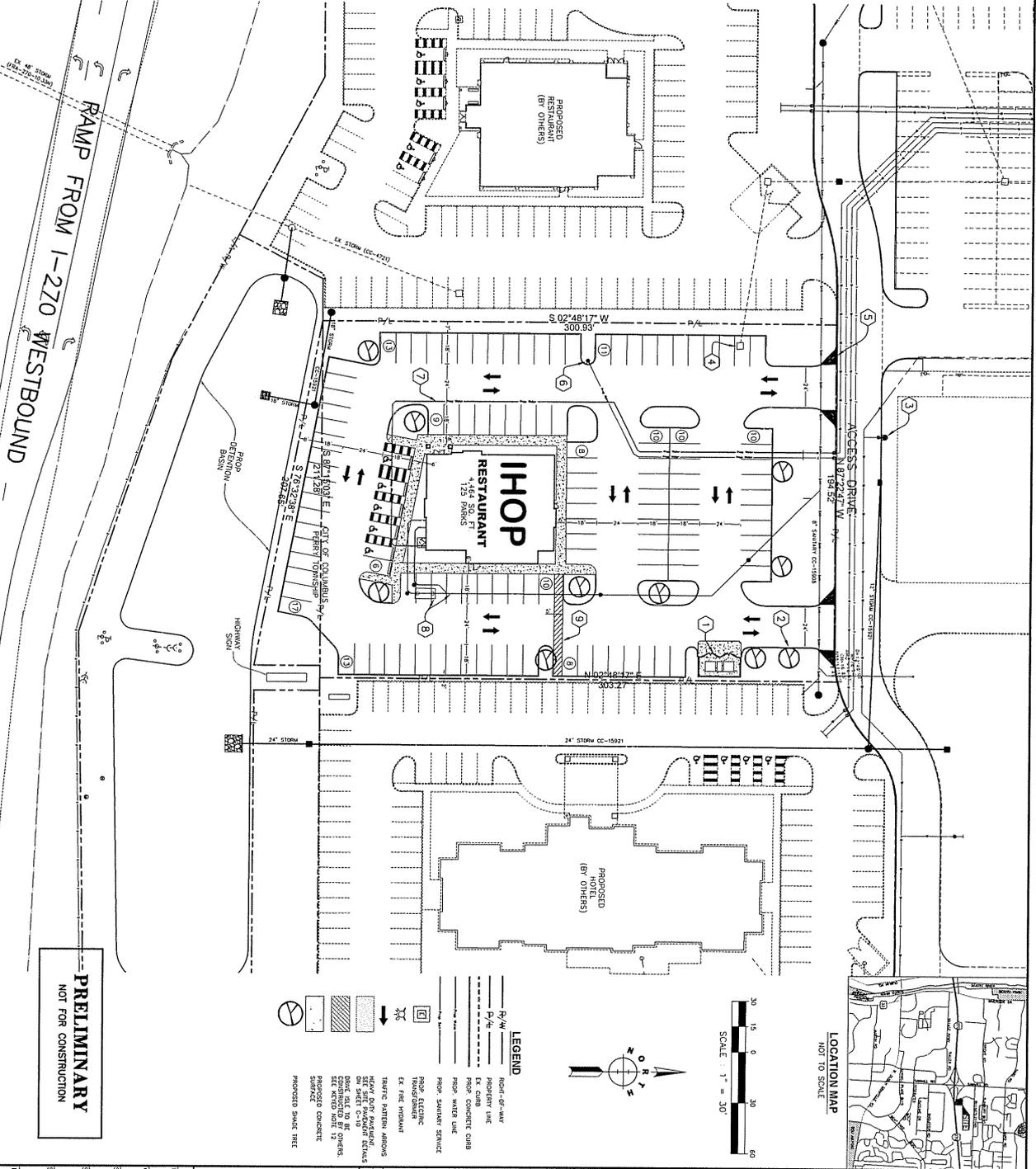
- PROPERTY IS WITHIN ZONE X (URBAN) DETERMINED TO BE OUTSIDE 500'-YEAR FLOOD HAZARD ZONE. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE 100'-YEAR FLOOD HAZARD ZONE. THE LOCATION OF EXISTING UTILITIES HAVE BEEN SHOWN ON THIS PLAN IN ACCORDANCE WITH AVAILABLE RECORDS. IT IS BELIEVED THAT THESE LOCATIONS ARE ESSENTIALLY CORRECT. HOWEVER, THE CONTRACTOR SHALL INVESTIGATE AND LOCATE UTILITIES PRIOR TO BEGINNING WORK. NON-4000ERS WILL BE CALLED DIRECTLY FROM TO BEGINNING WORK. NON-4000ERS WILL BE CALLED DIRECTLY.
- LOT COVERAGE CALCULATION
GREENSPACE = 0.313 AC = 20.2%
IMPERVIOUS = 1.237 AC = 79.8%
TOTAL = 1.550 ACERS
- THE SITE IS CURRENTLY ZONED CPO.
MAXIMUM PERMITTED HEIGHT = 35'
PARKING, LOADING AND LANDSCAPING:
THE PARKING, LOADING AND LANDSCAPING REQUIREMENTS SHALL BE PROVIDED PER CHAPTER 3312 OF THE COLUMBUS CITY ZONING CODE.
- PARKING:
REQUIRED MIN. PARKING SPACES = 1 PER EACH 75 SQ. FT. OF FLOOR AREA:
4,454 SF / 75 = 59 SPACES
4,454 SF / 50 = 89 SPACES
PARKING PROVIDED = 125 SPACES
A VARIANCE FOR MAXIMUM PARKING WILL NEED TO BE OBTAINED.
BICYCLE PARKING REQUIRED = 6
MINIMUM PARKING SPACE SIZE (8'0" x 16' 0") = 30
MINIMUM DRIVE ASLE WIDTH (8'0" x 16' 0") = 30
PER CITY TEXT: 10-INCHES OF TRUNK SIZE PLUS 1 INCH FOR EVERY 4,000 SQ. FT. UP TO 45,000 SQ. FT. 20,000 SQ. FT. / 4,000 = 5 + 1 = 6 INCHES
10' x 45,000 SF = 20,000 SF / 4,000 = 5 + 1 = 6 INCHES
CALCULATED TRUNKS
- SITE LIGHTING FIXTURES TO BE PLACED 3' OFF BACK OF CURB
- VEHICLE STOP SPACES 5' NON-MANUAL WILL BE PROVIDED FOR ALL PARKING SPACES IN ACCORDANCE WITH SECTION 3312.04 OF THE COLUMBUS ZONING CODE.
- PARKING LOT LIGHTS WILL BE PROVIDED ACCORDING TO SECTION 3312.19 OF THE COLUMBUS ZONING CODE.
- COLUMBUS ZONING CODE WILL BE IN ACCORDANCE WITH SECTION 3312.39 OF THE COLUMBUS ZONING CODE.
- PARKING LOT LIGHTS WILL BE PROVIDED IN ACCORDANCE WITH SECTION 3312.43 OF THE COLUMBUS ZONING CODE.
- LANDSCAPING WILL BE IN ACCORDANCE WITH SECTION 3312.21 OF THE COLUMBUS ZONING CODE.
- THE SITE WILL PROVIDE SCREENING IN ACCORDANCE WITH SECTION 3312.21 OF THE COLUMBUS ZONING CODE.
- COLUMBUS ZONING CODE WILL BE IN ACCORDANCE WITH SECTION 3312.15 OF THE COLUMBUS ZONING CODE.
- DUMPSTER SCREENING WILL BE IN ACCORDANCE WITH SECTION 3312.15 OF THE COLUMBUS ZONING CODE.

SANITARY SEWER NOTE:

CONNECTION TO SANITARY SEWER MAINS TO BE MADE WITHOUT
CONNECTION TO SANITARY SEWER MAINS FROM OFFICE 910 DUBLIN RD
910 DUBLIN RD 43225-1500

KEYED NOTES

- PROPOSED CONCRETE DUMPSTER PAD WITH SCREENING. SEE ARCHITECTURAL PLANS FOR DETAILS.
- PROPOSED SHADE TREE, TYPICAL OF 10.
- PROPOSED FINE HYDRANT BY OTHERS.
- EXISTING STORM SEWER TO BE REMOVED.
- 10' SITE DISTANCE TRIANGLE.
- PROPOSED REMOVE FINE DEPARTMENT CONNECTION FROM METEORIC FINE LINE WSP #P-3016.
- PROPOSED 2" WATER SERVICE FROM METEORIC DOMESTIC WATER WSP #P-3016.
- ON-GRADE TRAMP AND SANITARY SERVICE LATERAL.
- PEDESTRIAN ACCESS ROUTE.



PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN TEAM	DATE
SF	
GENERATED BY	
AJC	
SCALE	1" = 20'
SHEET #	1 OF 1
DATE	8/1/2011

PRELIMINARY SITE PLAN
7130 SAWMILL ROAD
COLUMBUS, OHIO 43225

REVISIONS	DATE

P & L Systems, Inc.
171 Chestnut Grove Dr.
Westerville, Ohio 43081
Phone: (614) 991-4970
Fax: (614) 991-4964

IHOP RESTAURANT



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
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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 # **11310-00000-00446**
7130 SAWMILL ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Steven E. Fox, Jr.

of (COMPLETE ADDRESS) 171 Charring Cross Dr. Westerville, OH 43081

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
Newmarket Acquisition Ltd.	191 W. Nationwide Blvd. Suite 200 Columbus, OH 43215
Icebreaker Development, LLC	1024 S. 6th St., Suite 201 Terre Haute, IN 47807

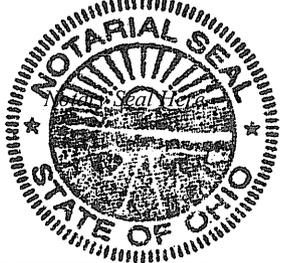
SIGNATURE OF AFFIANT *Steven E. Fox, Jr.*

Subscribed to me in my presence and before me this 14th day of August, in the year 2011

SIGNATURE OF NOTARY PUBLIC *Pat Gindlesperger*

My Commission Expires:

PAT GINDLESPERGER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 14, 2011



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