



COUNCIL VARIANCE APPLICATION

\$1600-

OFFICE USE ONLY:

Planning Area: Near East Received By: S. Pine

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 1157-1159 OAK ST 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 010-017250

If applicable, check here if listing additional parcel numbers on a separate page (Required)

Current Zoning District (s) ARLD

Recognized Civic Association or Area Commission NEAR EAST AREA COMMISSION

(See instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: MIXED USE - ADD ASSEMBLY USE

Proposed Height District: H-35 / UNCHANGED Acreage 0.12

(Columbus City Code Section 3309.14)

APPLICANT: Name NINA MASSERIA

Address 806 BRYDEN RD City COLUMBUS Zip 43205

PROPERTY OWNER(S) Name NINA MASSERIA

Address 806 BRYDEN RD City COLUMBUS Zip 43205

If applicable, check here if listing additional property owners on a separate page (Required)

ATTORNEY / AGENT

Attorney

Agent

Name MICHAEL SEAMON, ARCHITECT

Address 870 FRANKLIN AVE City COLUMBUS Zip 43205

Phone # 614-257-1731 Fax # 614-257-1731

Email seamon.michael@gmail.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature [Signature]

Property Owner Signature [Signature]

Attorney / Agent Signature Michael A. Seamon

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.



CV10-034

AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME MICHAEL SEAMON
of (1) MAILING ADDRESS 870 FRANKLIN AVE, COLUMBUS, OH 43205
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) CERTIFIED ADDRESS FOR ZONING PURPOSES 1157-1159 OAK ST
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) 9/16/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) NINA MASSERIA
806 BRYDEN RD
COLUMBUS OH 43205

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

NINA MASSERIA
614-228-1939

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

(5) NEAR EAST AREA COMMISSION
C/O ANNIE ROSS WOMACK
874 OAKWOOD AVE 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)

SIGNATURE OF AFFIANT

(8) Michael A Seamon

Subscribed to me in my presence and before me this 15th day of September, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) [Signature]

My Commission Expires:

5-11-11



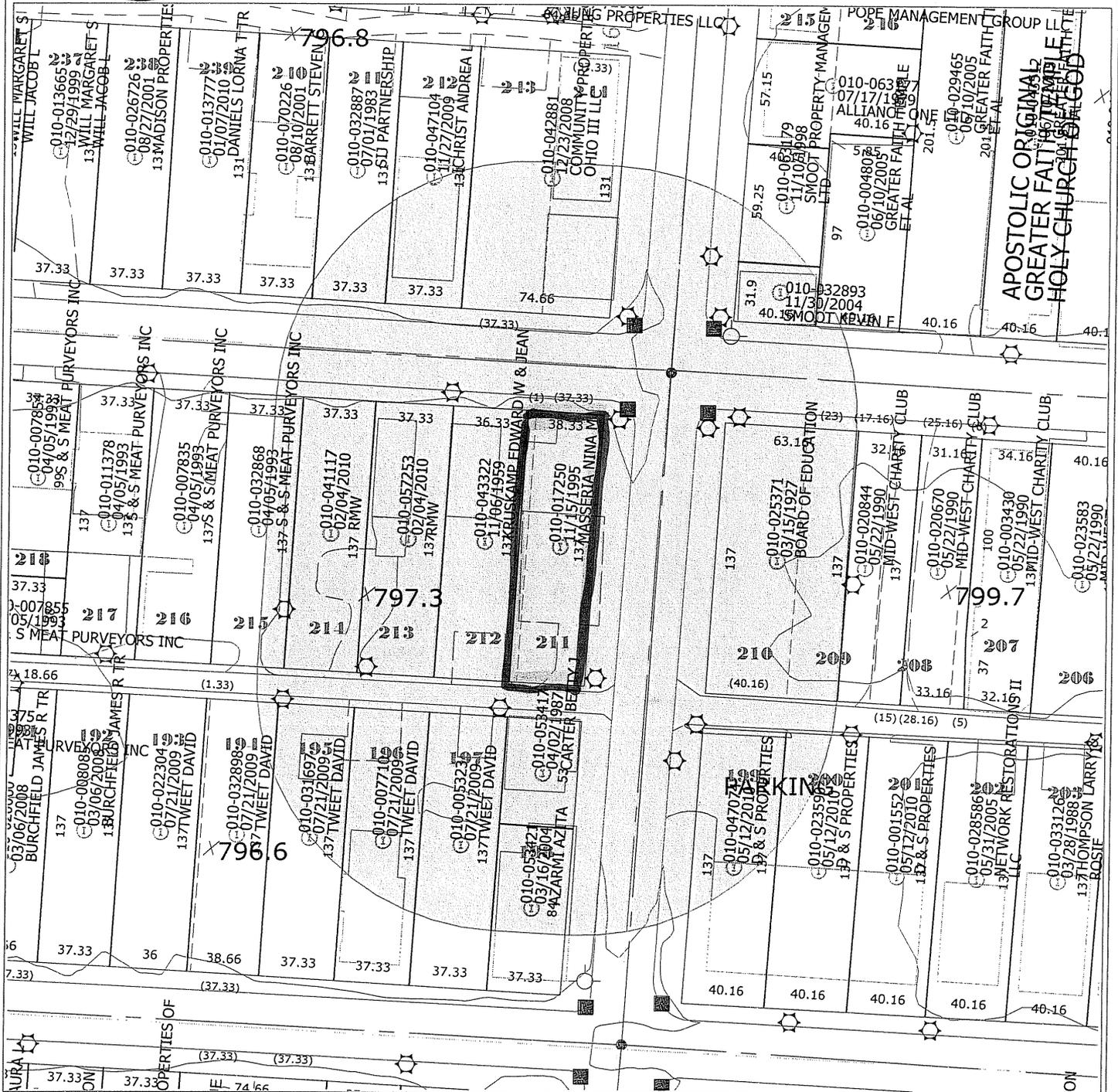
SHANNON ESTEP
Notary Public, State of Ohio
My Commission Expires 5-11-2011



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 6/15/10



Disclaimer

Scale = 74'



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.

APPLICANT:

NINA MASSERIA
806 BRYDEN RD
COLUMBUS OH 43205

OWNER:

NINA MASSERIA
806 BRYDEN RD
COLUMBUS OH 43205

AGENT:

MICHAEL SEAMON, ARCHITECT
870 FRANKLIN AVE
COLUMBUS OH 43205

AREA COMMISSION:

NEAR EAST AREA COMMISSION
C/O ANNIE ROSS-WOMACK
874 ~~OAKLAND AVE~~ OAKWOOD AVE
COLUMBUS OH 43206

SURROUNDING PROPERTY

OWNERS:

GREATER FAITH TEMPLE
1186 OAK ST
COLUMBUS OH 43205

DAVID TWEET
1725 FRANKLIN AVE
COLUMBUS OH 43205

D & S PROPERTIES
753 E BROAD ST
COLUMBUS OH 43205

COLS BOARD OF EDUCATION
REAL ESTATE COORDINATOR
270 E STATE ST
COLUMBUS OH 43215-4312

S & S MEAT PURVEYORS INC
PO BOX 6897
COLUMBUS OH 43205

SIJ PARTNERSHIP
C/O FRANK NUTIS
3540 E FULTON ST
COLUMBUS OH 43227

RMW
C/O ROBERT WILSON
1147 OAK ST
COLUMBUS OH 43205

COMMUNITY PROPERTIES of OHIO
910 E BROAD ST
COLUMBUS OH 43205

EDWARD & JEAN KRUSKAMP
C/O JOHN KEENEY
1153 OAK ST
COLUMBUS OH 43205

ANDREA ICHRIST
1555 FRANKLIN PARK S
COLUMBUS OH 43205

BETTY CARTER
175 S CHAMPION AVE
COLUMBUS OH 43205

AZITA AZARMI
2017 ABERDEEN AVE
COLUMBUS OH 43211

SMOOT PROPERTY MGMT LTD
368 AYLESBURY DR W
WESTERVILLE OH 43082

STEVEN BARRETT
1039 OAK ST
COLUMBUS OH 43205



STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code
Section 3307.10 Variances by City Council

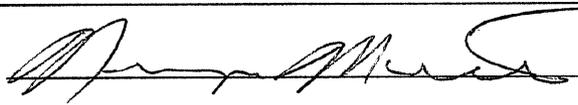
- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular 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 9/15/10

1157-1159 Oak Street, Columbus Ohio 43205

Statement(s) of Hardship & Variances Requested – **REVISED 09/20/10**

Hardship Item 1: Section 3333.02 Allowable Uses:

The existing property contains a two-story non-conforming commercial structure currently used as a Real Estate office (a C-1 Neighborhood Commercial District Use). The building has a documented history of varied neighborhood scale commercial uses over the last 100 years. Research indicates that the building was constructed in the mid to late 1880s, and that the first occupant had a plumbing supply offices on the ground floor and maintained a residence on the second floor. Subsequent uses have included a confectionary store, a bar known as “Cooke’s Grill”, offices of the American Home Foundation, Starcher and Irwin Real Estate, Carriage Trade Realty and the Praise Deliverance Church.

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 small Baked Goods Store (a C-1 Neighborhood Commercial District Use) with limited seating on the ground floor, while maintaining the real estate offices on the second floor of the building. 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 building containing commercial use(s).

Variance 1:
A variance is requested to allow the C-1 Real Estate Office & Baked Goods Store use as conforming uses in the ARLD zoning district.

Hardship Item 2: Section 3312.49 Parking Requirements

The existing site does not meet the parking requirement. The property has an existing gravel lot that accommodates 5 vehicles. On-street parking is available immediately adjacent to this parcel.

Required spaces for real estate office = 5
Required spaces for baked goods store = 12

The hardship in this instance is that this is an existing parcel.

Variance 2:
A variance is requested to reduce the required parking from 17 spaces to the 5 provided.

Hardship Item 3:

The existing parking lot does not meet the following Parking Lot Design Standards:

Section 3312.13 Driveway – Minimum 20’ width not provided
Section 3312.17 Parking Lot Signs – none provided
Section 3312.19 Lighting – Some provided
Section 3312.21(B1 & B3) – Landscaping & Screening – Existing fence shall be maintained
Section 3312.27 Parking Setback Line – Minimum setback not met
Section 3312.31 Parking Space for ADA Compliance – None provided
Section 3312.39 Striping & Marking – None provided
Section 3312.43 Required Surface for Parking – No hard surface provided
Section 3312.45 Wheel Stop Device – None provided

The hardship is that this is an existing lot.

Variance 3:

A variance is requested to allow for the existing parking lot to remain unchanged:

- A. Driveway shall remain 12’ (twelve foot) in width.***
- B. No parking lot signs will be provided.***
- C. Existing lighting shall remain.***
- D. Maintain existing 6’ tall chain-link fence. The entire fence is covered in vegetation, additionally, there is a 6’ tall solid wood fence just behind the chain-link on the east side of the property.***
- E. Reduce parking setback to 0’ (zero feet) along east side of parcel.***
- f. No striping & marking shall be required.***
- G. Existing gravel surface shall be permitted.***
- H. No wheel stop devices shall be required.***

Hardship Item 4: Section 3333.18 & 3333.19 Building Lines & Corner Lots
The existing building does not meet the requirements for minimum building setback, 10’ in this instance. The hardship in this instance is that this is an existing building.

Variance 4:

A variance is requested to reduce the building setback to the existing building footprint along the principal frontage and a setback of ±2’ (two feet) along the secondary frontage.

Hardship Item 5: Sections 3333.21 – 3333.23 Side Yard
The existing building does not meet the requirements for minimum side yard setback. The hardship in this instance is that this is an existing building.

Variance 5:

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

Hardship Item 6: Section 3333.27(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 6:

A variance is requested to eliminate the vision clearance triangle requirement at the intersection of Oak Street and Champion Avenue.

Hardship Item 7: Section 3321.01 Dumpster Area

Dumpster shall not be located in any required yard or setback.

Variance 7:

A variance is requested to permit a new dumpster, screening, concrete pad and approach apron in the required rear yard as shown on the site plan.

A history of 1157-1159 Oak Street

- Believed to have been built in the mid to late 1880's
- First known business: an owner-occupier Peter Gehr a plumber who specialized in steam heat repairs who lived there with his wife from 1904-1937
- 1938 Vacant
- 1939-45 Confectionary owned by Dora Masterson
- 1945-1960 "Cooke's Grill" owned by Ed. B Cooke
- 1962-67 Orville Schadewald
- 1967-1980 Elwood Bulen et al.
- 1981-85 American Home Foundation, Inc.
- 1985-89 Starcher and Irwin Real Estate
- 1990-1995 Carriage Trade Realty
- 1996-2008 Praise Deliverance Church
- 2008-present Carriage Trade Realty



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV10-034

Being first duly cautioned and sworn (NAME) NINA MASSERIA
of (COMPLETE ADDRESS) 806 BRYDEN RD, COLUMBUS, OH 43205

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 of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

NINA MASSERIA
806 BRYDEN RD
COLUMBUS OH 43205
(614) 228-1939

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Nina Masseria

Subscribed to me in my presence and before me this 15th day of September, in the year 2010

SIGNATURE OF NOTARY PUBLIC

Shannon Estep

My Commission Expires:

5-11-11

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



Seal Here
SHANNON ESTEP
Notary Public, State of Ohio
My Commission Expires 5-11-2011

CJ10-034

Legal Description:

Parcel Number: 010-017250

1157-1159 Oak Street, Columbus Ohio 43205

Situated in t the County of Franklin, State of Ohio and City of Columbus described as:

Being Lot Number Two Hundred Eleven (211) in HOFFMAN & MCGREWS SECOND AMENDED ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 200, Recorder's Office, Franklin County, Ohio, and also Lot Number TWO Hundred Twelve (212) of HOFFMAN & MCGREWS SECOND AMENDED ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 207, Recorder's Office, Franklin County, Ohio, and described as follows:

Beginning at the Northwest corner of said Lot Number 212, thence southerly along the East line of said Lot Number 212 to the South line of said lot, thence westerly along said South line a distance of One (1) foot to a point; thence northerly along a line parallel to and One (1) foot west of the East line of said Lot 212 to a point in the North line of said lot; thence easterly along said North line to the place of beginning.

CITY OF COLUMBUS, OH

HISTORY ADDRESS INQUIRY - ALL APPLICATIONS BY PARCEL NUMBER

010-017250

ADDRESS 1157-1159 OAK ST

INTERSECTION	CHAMPION-OHIO	HIST-PROP	N	ZIP CODE	43205	0
PARCEL NO	010-017250	CENSUS	3800	SUB-DIV	HOFFMAN & MCGREW	
HIST-DIST		BLOCK	301	LOT NO	211	

PERMIT ID	55491	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	10-15-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	P	C-40 CODE		OBBC			
DESCRIPTION							
PERMIT ID	15735	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	08-19-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	B	C-40 CODE		OBBC			
DESCRIPTION	FIN CERT OF OCC-DUMM-08.15.85-60356						
PERMIT ID	52544	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	05-16-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	P	C-40 CODE		OBBC			
DESCRIPTION							
PERMIT ID	69584	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	04-16-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	R	C-40 CODE		OBBC			
DESCRIPTION							
PERMIT ID	76555	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	04-16-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	H	C-40 CODE		OBBC			
DESCRIPTION	R-159						
PERMIT ID	60356	RES/COMM		# OF UNITS	0	VALUE	10,000
CREATE DATE	04-05-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	B	C-40 CODE		OBBC			
DESCRIPTION	ALT TO 2 STY BRK STORAGE & APT BLDG-PARTITIONING, DRYWALL,FLOORING,DOORS, WIN						
PERMIT ID	99267	RES/COMM		# OF UNITS	0	VALUE	0
CREATE DATE	03-29-85	NEW/RPLC/ALTER		CONT. LIC. #			
PERMIT TYPE	E	C-40 CODE		OBBC	0		
DESCRIPTION	H-159						

DATE	08-08-89
REQ. TYPE	O
REQ. #	Z8909383
STATUS	

CV10-034



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 6/15/10



Disclaimer

Scale = 100



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.

CV10-034

One Stop Shop Zoning Report

Building Services Division Department of Development

Report date: 8/5/2010 2:08:14 PM

Parcel Report

Parcel ID	Owner	Address
010017250	MASSERIA NINA M	1157 OAK ST COLUMBUS OH 43205
010017250	MASSERIA NINA M	1159 OAK ST COLUMBUS OH 43205

Base Zoning Report

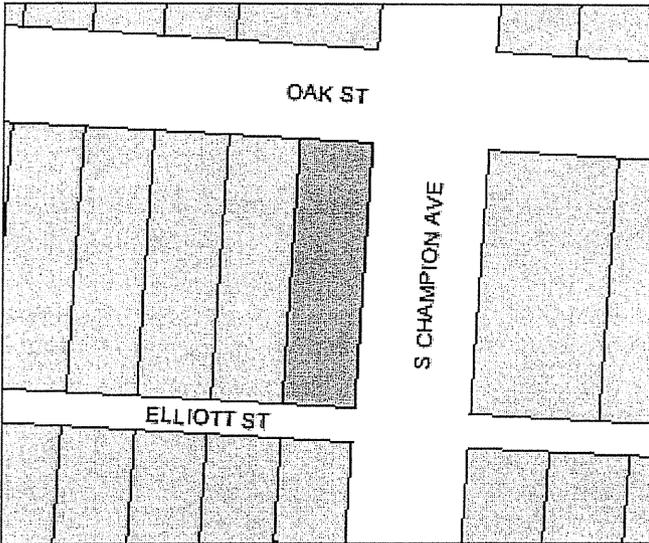
Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
Z73-197	ARLD	H-35	36	Multi-Family	(View Document)

Flood Zone

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

Area Commissions

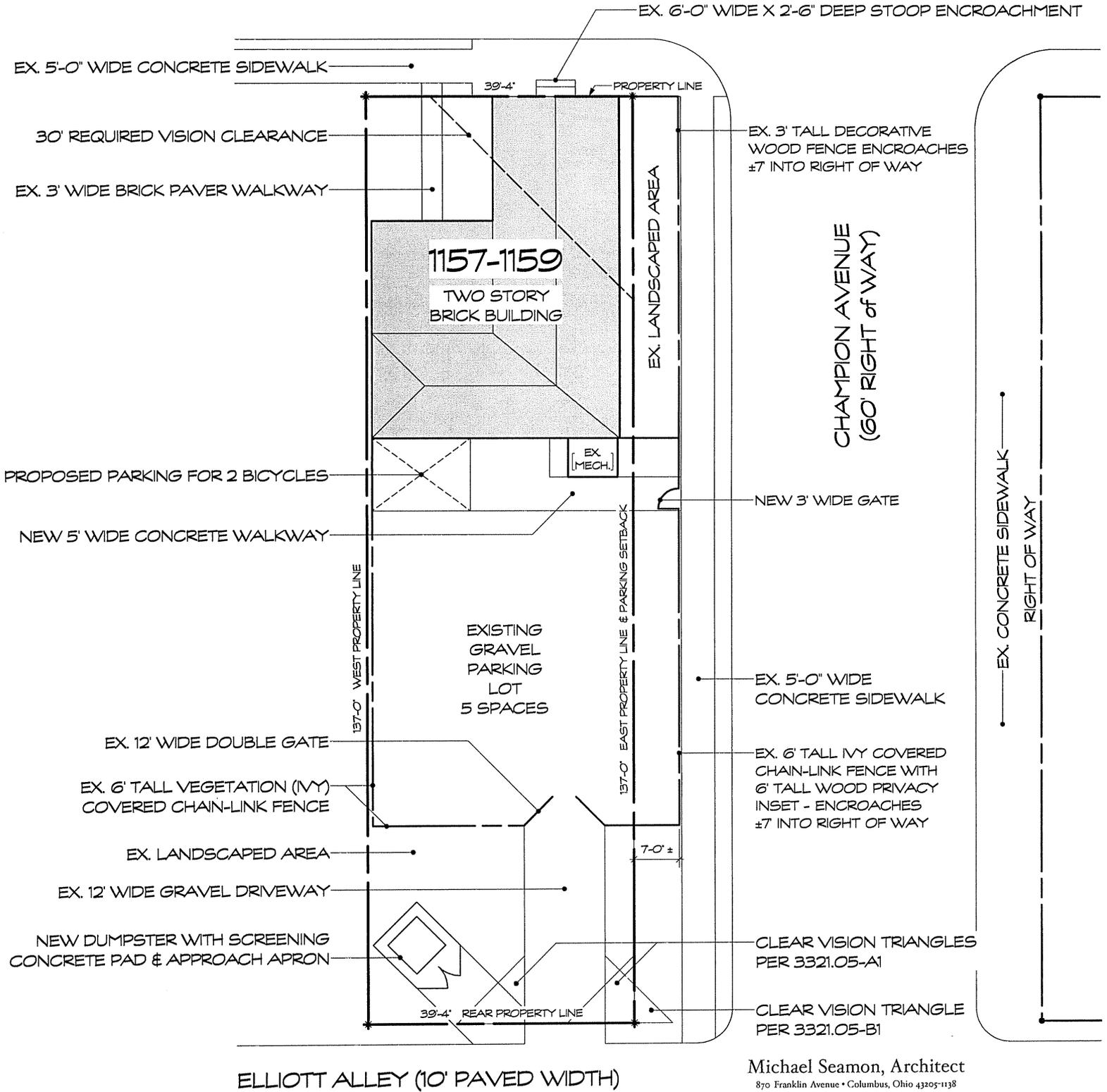
Area Name	INFObase URL
Near East Area Commission	INFObase Page



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.

CV10-034

OAK STREET (50' RIGHT of WAY)



ELLIOTT ALLEY (10' PAVED WIDTH)

Michael Seamon, Architect
870 Franklin Avenue • Columbus, Ohio 43205-1138
(614) 257-1731 (tel & fax)

1157-1159 Oak Street
Columbus, OH 43205

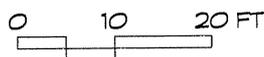
Site Plan

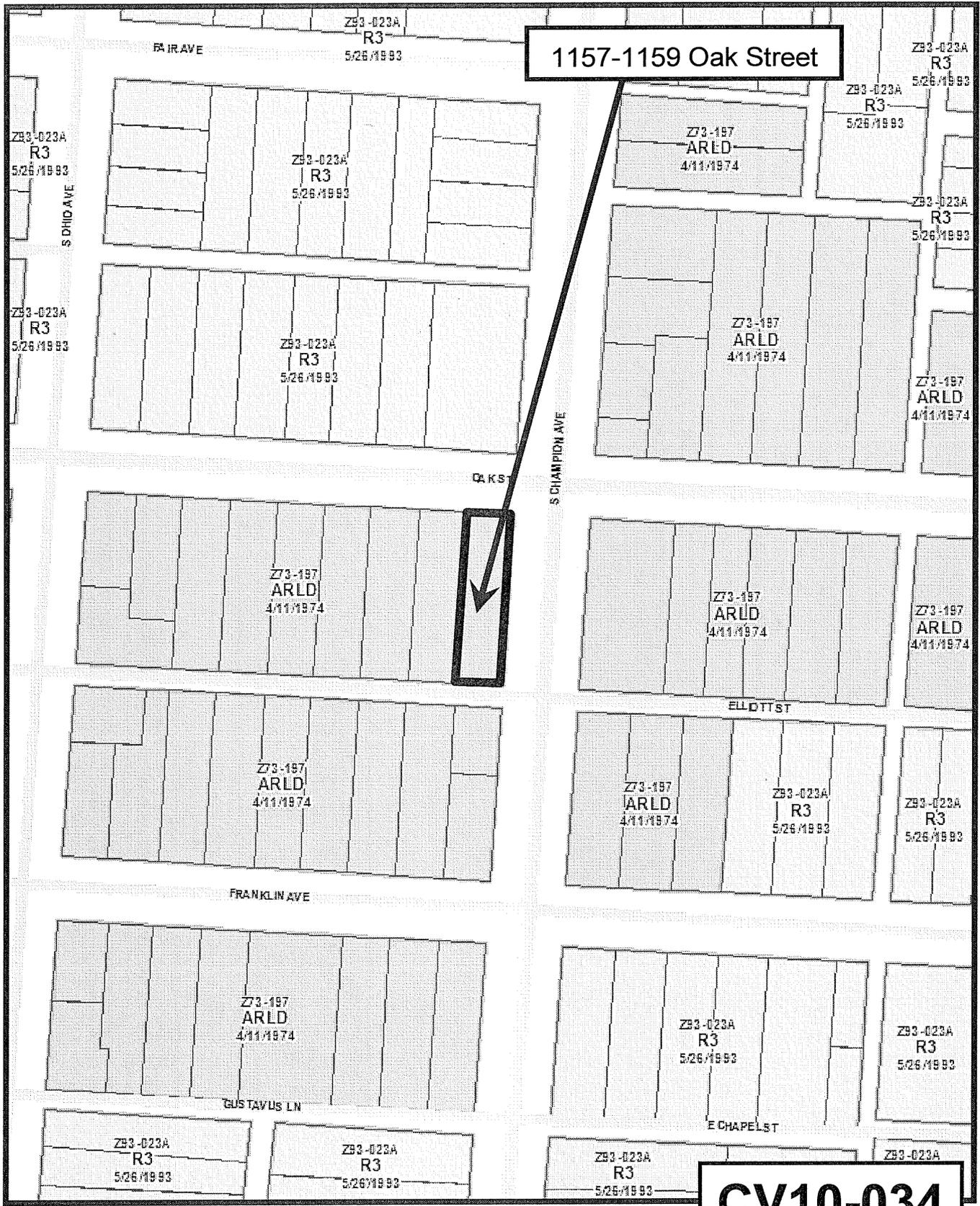
September 20, 2010

MSS10.104 • SD-1

1157 - 1159 OAK STREET SITE PLAN

ARLD DISTRICT
PARCEL # 010-017250
0.12 ACRES





1157-1159 Oak Street



CV10-034

Z93-023A
R3
5/26/1993

FAIR AVE

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

S DHD AVE

Z93-023A
R3
5/26/1993

Z73-197
ARLD
4/11/1974

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

Z73-197
ARLD
4/11/1974

Z73-197
ARLD
4/11/1974

OAK ST

S CHAMPION AVE

Z73-197
ARLD
4/11/1974

Z73-197
ARLD
4/11/1974

Z73-197
ARLD
4/11/1974

ELDTT ST

Z73-197
ARLD
4/11/1974

Z73-197
ARLD
4/11/1974

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

FRANKLIN AVE

Z73-197
ARLD
4/11/1974

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

GUSTAVUS LN

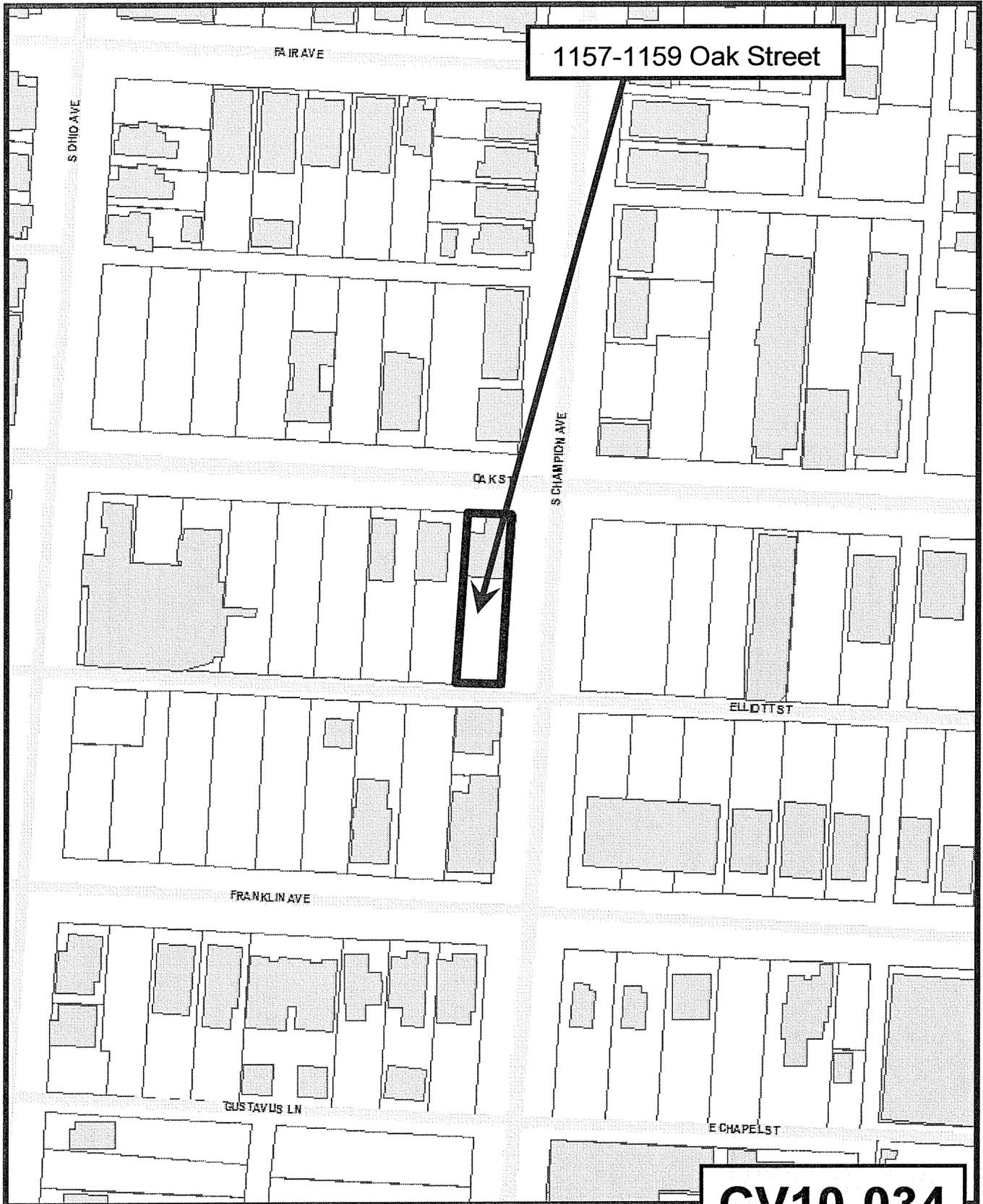
E CHAPEL ST

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993

Z93-023A
R3
5/26/1993



1157-1159 Oak Street



CV10-034



1157-1159 Oak Street

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