

A SITE PLAN  
1/13-14

CV13-014 Final Received  
5/10/13

S1.0



DATE	DESCRIPTION
MAY 10, 2013	ISSUED FOR PERMITTING

**YELLOWBRICK PIZZA PATIO**

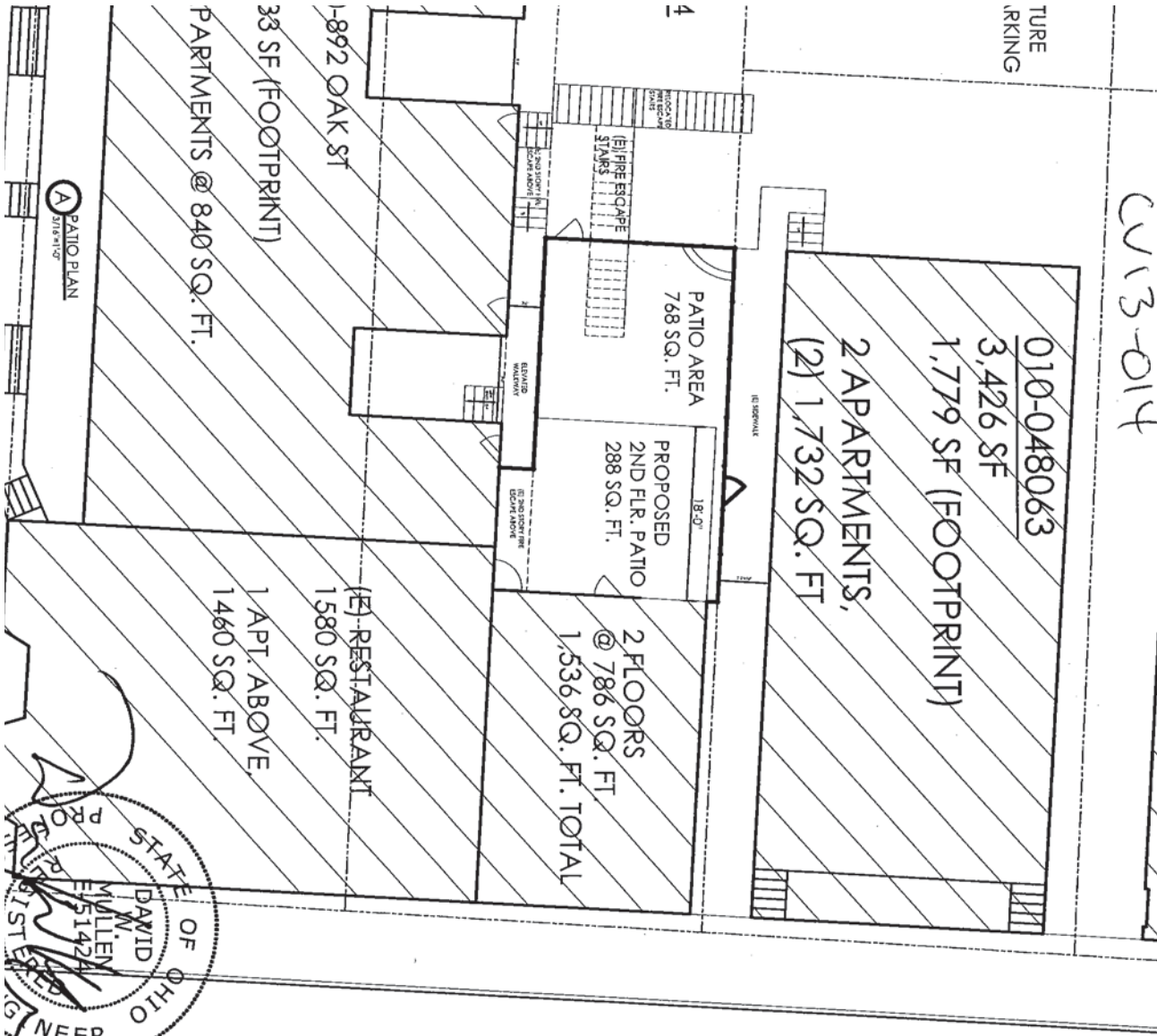
18TH & OAK STREET  
COLUMBUS, OHIO 43025

ENGINEERING GROUP, LTD.  
1411 KANAWHA SUITE 201  
COLUMBUS, OHIO 43215  
614.891.0000  
WWW.ENGINEERINGGROUP.COM

It is the policy of this firm to only employ individuals who are duly licensed or registered professional engineers in the state in which they are practicing. The undersigned hereby certifies that the design and construction of the project described herein was prepared by a duly licensed or registered professional engineer in the state in which it is being practiced.

5/10/2013 11:11 AM

Enlarged Patio Detail  
CV13-014



S 18th STREET



YELLOWBRICK PIZZA PATIO

MAY 10, 2013



SCALE: 1/8" = 1'-0"  
S1.1



### 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)

CV13-014

### 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 Statements of Hardship.

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Signature of Applicant Robert W. Lister Date 3/1/13

**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

## Statement of Hardship

**Foreword** This is an updated version of CV06-001. It has been amended to apply for a variance to build a patio to the existing operating restaurant at 880-894 Oak which was granted by CV06-001, to request commercial use for the property located at 77 S Eighteenth Street for use as a restaurant, and to request manufacturing and commercial use for the first floor of the property located at 63-71 S Eighteenth Street as a production bakery and retail space.

### Hardships:

**The project is making use of existing buildings and conditions which creates a hardship for density, parking, driveway, lot area, setback, yard, and uses requirements. The projects intent is to keep the look of the neighborhood intact while developing the buildings to better suit the neighborhoods current needs residentially and commercially.**

Item 1 3333.02, Allowable Uses

880-894 Oak:

The proposed restaurant and attached 768ft<sup>2</sup> fenced in patio is not a permitted use in an ARLD district. There is currently a restaurant permitted by variance CV06-001 with a rear yard which has lain vacant for several years. A majority of the potential restaurant users would access the building by foot, so parking would not be greatly impacted. A restaurant with connected patio use is consistent with the Near East Area Plan. The additional patio is consistent with properties in the same zoning district and would replace an undeveloped lot.

77 S Eighteenth St.:

The proposed restaurant located at 77 S Eighteenth St. is not permitted in an ARLD district. The building has lain vacant for several years and is attached to 892 Oak St which is currently a C-1 use restaurant. The buildings will be connected by a walkthrough and share the previously mentioned patio. The proposed fine dining establishment would add to the neighborhoods appeal as a restaurant hub and promote more residential interest in the neighborhood.

73-75 S Eighteenth St.:

The property at 73-75 S. Eighteenth St. is an existing 2-family dwelling. As stated in section 3333.02, a 2-family dwelling is a non-conforming use for an ARLD district if the property was not separately owned or of record on January 14, 1959. While the existing building meets this requirement, the request is to maintain the use in the event of catastrophic loss to the structure.

63-71 S Eighteenth St.:

The proposed wholesale bakery located at 71 S Eighteenth St. and Commercial Retail space at 63 S Eighteenth St. manufacturing and commercial uses are not permitted in an ARLD district. The building would consist of a wholesale bakery and a retail space on the first floor and 2 residential units on the second floor. The proposed wholesale bakery and retail space would add to the neighborhoods business diversity while complimenting existing establishments making use a building which has remained vacant for several years.

**A variance is requested to allow commercial use on the first floor of 800-894 oak, commercial use of 77 S Eighteenth St., manufacturing/commercial use on the first floor of 63-71 Eighteenth St., and allow a 2 family dwelling at 73-75 S. Eighteenth St.**

## Item 2 ARLD density requirement

All of the lots for which buildings are located on are contained within an ARLD district. The proposed number of units for this site has been established as 31 and the overall lot square footage is 38,605. The existing density for the site is 46.2 units per acre. The proposed density for this site is 34.83 units per acre. While still over the required density of 17.4, the proposed work would result in a decrease in density.

## Item 3 3312.49, Minimum number of parking spaces required

The existing site does not meet the parking requirement. With a total of 14 spaces, the proposed structures will provide a much needed amenity providing secure parking for the new residents of the dwellings.

## Proposed 31 dwelling units

66-78 Douglass – 16 units @ 1.5 spaces/unit = 24 spaces

847 Oak – 4 units @ 1.5 spaces/unit = 6 spaces

880-892 Oak – 6 units @ 1.5 spaces/unit = 9 spaces

73-75 S Eighteenth St. – 2 units @ 2 spaces/unit = 4 spaces

63-71 S Eighteenth St. – 3 units @ 2 spaces/unit = 6 spaces

**Required spaces = 49**

Proposed Restaurant at 892 oak (1580ft<sup>2</sup>) (1space/75ft<sup>2</sup>)

**Required spaces = 21**

Proposed Patio (768ft<sup>2</sup>) (1space/150ft<sup>2</sup>)

**Required spaces = 5**

Proposed Restaurant at 77 S Eighteenth (1536ft<sup>2</sup>) (1space/75ft<sup>2</sup>)

**Required spaces = 21**

Proposed Restaurant patio at 77 S Eighteenth (288ft<sup>2</sup>) (1space/150ft<sup>2</sup>)

**Required spaces = 2**

Proposed Production Bakery at 63 S Eighteenth (483ft<sup>2</sup>) (1space/750ft<sup>2</sup> + 1 business vehicle)

**Required spaces = 2**

Proposed Commercial Retail space at 71 S Eighteenth (483ft<sup>2</sup>) (1space/250ft<sup>2</sup>)

**Required spaces = 2**

Total required spaces = 102

Total parking spaces proposed = 14

**A variance is requested for the 90 spaces of required parking that are not being provided.**

## Item 4 3312.13, Driveway requirements

The proposed site plan shows a new driveway off Oak St. to access the internal part of the site. The existing building footprints will not permit the driveway to be any wider than 13 feet wide as it falls between 2 existing buildings. As stated in section 3312.13, a width of 20 feet is required for the driveway.

**A variance is requested to allow a driveway width that is less than what is allowed.**

Item 5 3333.15, Lot Area requirements

The proposed lot coverage of the site is 60 % based of the 23,335 ft<sup>2</sup> total building area and 38,605 ft<sup>2</sup> total lot area. The existing lot coverage of the site is 54 %. The proposed structures will provide a much needed amenity providing secure parking for the new residents of the condominium buildings. These structures will also help alleviate the lack of parking for the site.

**A variance is requested to allow a building area denser than what is allowed.**

Item 6 3333.18, Setback requirements

The existing buildings do not meet the setback requirement. As stated in section 333.18 the required building setback for ARLD district shall be 25 feet.

**A variance is requested to allow a setback less than 25 feet.**

Item 7 3333.22 – 3333.255, Yard requirements

The existing buildings do not meet the front, side, or rear yard requirements. As stated in sections 3333.20 – 3333.255 there are requirements for the size of front, side and rear yards for a building. These required sizes cannot be met due to the existing density of the site.

**A variance is requested to allow the yard conditions as shown.**

Item 8 3321.05, Vision Clearance

The existing conditions do not meet the vision clearance requirement. As stated in section 3321.05, a vision clearance of 30 feet is required at street intersections and 10 feet at vehicular access points. Neither the main streets nor the access point to the interior of the site meet this requirement.

**A variance is requested to allow a vision clearance less than what is allowed.**

Item 9 3312.25, Maneuvering

The existing conditions do not meet the requirement that maneuvering for parking spaces be provided on the same lot as the parking spaces.

**A variance is requested to allow maneuvering over property lines to access parking spaces.**



**CV13-014**



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# STANDARDIZED RECOMMENDATION FORM

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)

**FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW**

Case Number

CV13-014

Address

72 DOUGLASS ST.

Group Name

NEAR EAST AREA COMMISSION

Meeting Date

5/9/13

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation

(Check only one)

- Approval 11-0-0
- Disapproval

**NOTES:**

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Vote

11-0-0

Signature of Authorized Representative

Kurtis D. Bell

SIGNATURE

NEAC

RECOMMENDING GROUP TITLE

252-3283

DAYTIME PHONE NUMBER

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.



Olde Towne East Neighborhood Association  
P.O. Box 7016  
Columbus, Ohio 43205  
May 8, 2013

Near East Area Commission  
c/o 912 Precinct CPC, 950 East Main Street  
Columbus, OH 43205

Commissioners:

The Olde Towne East Neighborhood Association (OTENA) signed a Good Neighbor Agreement with Yellow Brick Pizza located on Oak Street and 18<sup>th</sup> Avenue in Olde Towne East on May of 2009. The agreement addressed concerns about parking, resale of liquor license, carry out beer and the respectful use of music and gathering. Yellow Brick has always honored this agreement and been a great asset to the Olde Towne East community.

Recently the Yellow Brick owners have met with OTENA and nearby residents to discuss their tentative plans to create an outside courtyard patio and additional dining and kitchen space to the back of their restaurant. Their overall design incorporates the use of "green material" and encourages patrons to use off street parking. Any additional noise from the patio should be limited due to close proximity of the buildings and the tall surrounding fence.

Because of our Good Neighbor Agreement and Yellow Brick's mindful planning, Olde Towne East Neighborhood Association supports their patio expansion. We also recommend approval of any rezoning requests to the Near East Area Commission ( NEAC) and/or the City of Columbus.

Matt Fennen  
President, OTENA



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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 # CV13-014

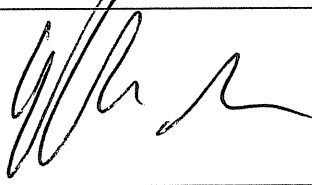
STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Yhezek Levi

Of [COMPLETE ADDRESS] 139 E Main St. Ste 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. 	2. Julie A. Kearley Et. Al. Fabulous Real Estate Investments, LLC 3086 Wakeshire Drive Dublin, OH 43017
3. W on Main LLC 139 E Main St. Ste 103 Columbus, Oh 43215	4.

Check here if listing additional parties on a separate page.

#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 27th day of February in the year 2013

#### SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Shannon Estep  
8/30/2016



**SHANNON ESTEP**

**NOTARY PUBLIC  
STATE OF OHIO**

**My Commission**

**Expires** six months after date of notarization.

**August 30, 2016**

This Project Disclosures statement expires six months after date of notarization.

**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