

CV03-035
STATEMENT OF HARDSHIP
211 S. Oak Street-Council Variance

This Statement of Hardship is submitted in conjunction with the Application for Council Variance for property situated at 211 S. Oak Street, on Columbus's far north side. On or about May 12, 2003, this Site was annexed from Sharon Township to the City of Columbus. Its prior zoning classification in the County was a "split zoning" between R4, Residential and RI, Restricted Industrial. Following initial acceptance by the Franklin County Board of Commissioners, a rezoning application, for "comparable zoning" was filed with the City of Columbus.

As discussed throughout the rezoning process, the Applicant intends to utilize this Site in connection with its comparable rezoning from the RI classification in the County, to LM, Limited Manufacturing, with significantly restricted neighborhood-scale commercial uses, offices, and small-scale warehousing. No actual "manufacturing" of products will take place.

As shown on the attached site plan, this Site is uniquely odd shaped. The upside down "T" shape and the residential property to the west of the Site, render certain portions of the Site unuseable for parking, traffic, building, etc. The southwest portion of the Site will necessarily be used for detention, in connection with a pre-constructed catch basin located in or around that area. Thus, more than .3 \surd acres is entirely unuseable. Moreover, and as a result of both parking and building set-backs requested by the City of Columbus, a significant portion of the Site is restricted.

During the rezoning process, the Applicant engaged engineers to create a site plan worthy of zoning clearance passage. Due to development constraints, the following four (4) variances are identified for this Site:

- (1) §3342.28 - Reduction in required parking spaces from 54 to 46;
- (2) §3342.15 - For maneuvering within the parking setback from Oak Street;
- (3) §3342.18 - For parking within the Oak Street setback;

Because of the proposed mixed-use nature of this project, the request for a parking space variance is reasonable, and has been approved by the City of Columbus Transportation Division. The parking variance is necessitated by both the unique features of the land (i.e., hardships in developing therewith), and practical difficulties in conforming with the development standards requested by City Staff during the rezoning process.

In addition, and to meet requests of City Staff, the Applicant has proposed parking and maneuvering within the setback from Oak Street. In varying City Code, this proposed activity within the setback reduces the use and traffic from the residential to the west of the Site.

With regard to the effects of the requested variances, the Applicant respectfully submits the following:

(1) The property in question was split-zoned in the County, which zoning included an industrial classification. The companion legislation to rezone to LM, with significantly reduced uses, will assist the property in yielding a reasonable return. The property directly south of the Site is likewise split-zoned, to include both industrial and residential uses, and is used for a home business, for purposes of woodworking and wood refinishing. Directly east of the Site is the active Conrail Railroad line. That railway is very active (20 to 30 trips per day), and results in significant noise when trains pass. The property to the north was likewise annexed, and is currently in the process of being rezoned to LM with restricted commercial/manufacturing uses. Farther north is a tavern, and Park Road. To the north ~~and~~ west are a carwash and residential lots. To the immediate west of this Site is a residential development. The Applicant believes that the rezoning request, and this council variance, will produce an appropriate buffer between the residential lots and the existing commercial railroad tracks. Moreover, there is a significant question as to whether any other return on the property could be had, without the requested rezoning and these variances.

(2) The requested variances are not substantial in size or scope. While necessitated by the unique configuration of the lot and City Staff requirements, the variances serve to reduce the overall effects of commercial development on the nearby residential property.

(3) The essential character of the neighborhood already includes the mixed-uses of commercial, manufacturing and residential, discussed above. Within a one-mile radius there are manufacturing uses, bars/taverns, carwashes, an active railway line, and residential development. Again, this request will serve to buffer the nearby residential development from otherwise intense manufacturing activity.

(4) The variances requested do not adversely effect the delivery of governmental services. On the contrary, they facilitate the same and allow for an appropriate construction/engineering for site drainage and the availability of sewer and water to the Site.

(5) As discussed above, this property has been annexed to the City of Columbus and the Applicant is seeking a comparable rezoning, consistent with the City of Columbus's policy that encourages the same.

(6) The property owner's predicament cannot be feasibly obviated to other means, due to the unique lot configurational and the requirements from City of Columbus staff for this development.

(7) The spirit and intent of the zoning requirements will be met, and substantial justice done, by granting the requested variances. These variances make the Site useable.

For the above reasons, the Applicant respectfully requests approval of this council variance application and the variances requested herein.

Respectfully submitted,

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