

CV17-044

**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.

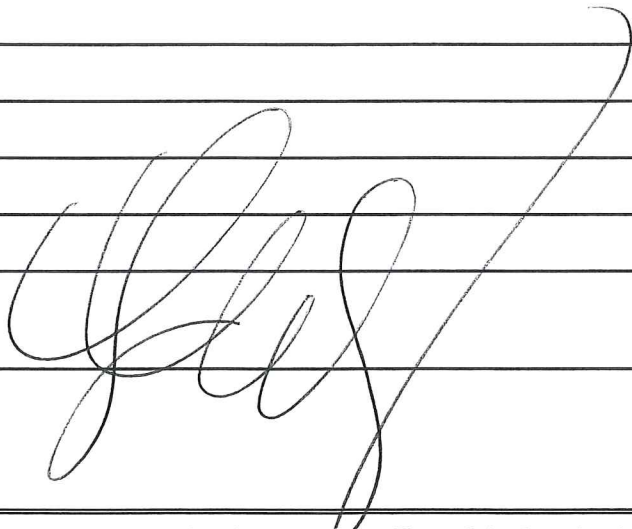
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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:**

*Please See attached*

Signature of Applicant



Date

*5-15-17*

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**  
Applications must be submitted by appointment. Call 614-645-4522 to schedule. e  
**Please make checks payable to the Columbus City Treasurer**

STATEMENT OF HARDSHIP (COMPANION COUNCIL VARIANCE)

APPLICATION: CV17-044  
PROPERTY ADDRESS: 6261 Wright Road  
PROPERTY SIZE: 75.7 +/- Acres  
CURRENT DISTRICT: TND (NC, NE) and R, Rural,  
PROPOSED DISTRICTS: PENDING  
PUD-8, Planned Unit Development  
CPD, Commercial Planned Development  
OWNER: George A. Skestos, Tr.  
APPLICANT: Homewood Corporation  
c/o Laura MacGregor Comek, Esq.  
Laura MacGregor Comek Law, LLC  
300 E. Broad St., Ste 450  
Columbus, OH 43215  
[laura@comeklaw.com](mailto:laura@comeklaw.com)

DATE OF STATEMENT: May 24, 2017  
SPECIAL PERMIT CODE: 3389.032 Animal Shelter/Kennel

**Introduction:** The subject property site ("Site") was annexed in 2001, and a large portion of the annexed territory was zoned TND (residential) back in 2001. The 6 +/- acres at the corner of Gender and Wright Roads retained the R Rural zoning.

The entire 75 +/- acre tract is currently being rezoned, and the 6 +/- acres of R Rural is planned for CPD Commercial Development with C4 and C5 commercial uses.

The zoning received preliminary approvals from City staff and Greater South East Area Commission, pending a final traffic study review (which has been submitted).

The Site is bordered on the west by Gender Road and across Gender Rd by a large unincorporated area with housing, World Harvest Church to the northwest, unincorporated single family lots and R Rural, metro parks to the north, by R Rural to the east and to the south by PUD 8.

The overall Site has approximately 20 acres of open space/parkland (not including storm water management areas) for both active and passive recreational opportunities for the residential development areas.

Recently, while finalizing the zoning process, the owner and applicant thought to consider a specific use, a charitable project, within a portion of the proposed CPD Commercial Development, specifically a private dog shelter.

The dog shelter use is a permitted commercial use, however, the outside dog runs are only permitted in the M or MI district – thus a Council Variance is needed.

Also, dog runs outdoors require a special permit, which application was filed contemporaneous herewith.

Attached to this application for Council Variance is:

1. a copy of the zoning site plan,
2. landscape detail plan,
3. concept site plan, and
4. zoning text with conditions for landscaping, development standards for fencing, etc.
5. Also attached is the concept building rendering.

The Applicant has committed to these plans. They are referred to as concept because they are subject to minor revisions and alterations that might be determined through final design and engineering. However, the applicant has done preliminary engineering and preliminary architectural plans, such that these concepts substantially reflect the layout and design of the proposed private dog shelter.

#### DOG SHELTER CONCEPT:

The proposed dog shelter will be private, not open to the public. The owner/applicant are working with the Capital Area Humane Society (CAHS) to establish this facility as a 'holding location' for dogs and stray litters that are routinely received (mostly from south and south east Ohio).

Functionally, the purpose of this shelter is to perform preliminary operations on new dogs. They are quarantined for a period of time. During that time – AVERAGE STAY IS 5 DAYS – they are evaluated for general health issues, general immunization and spay/neutering, behavioral issues/adoptability. They are then taken to the CAHS for adoption.

The benefit to CAHS is space and timing. In short, the initial evaluations and quarantine functions are difficult to accommodate with the adoption function/process. In short, quarantined dogs take up space that could be used for dogs that are ready to adopt. Adding this preliminary evaluation site will allow the CAHS to function more effectively with the end result to have more, healthy dogs adopted !

Then entire process is dog-centric. The CAHS staff will be overseeing the functional operations of the location. There are between 10-15 employees total. There are 3-4 shipments per week of dogs.

The site layout controls the operations. There is gated access only for staff and shipments. Again, this site is NOT open to the public. Dogs are transported in shuttles, and are loaded / unloaded INDOORS.

There are designated (fenced) play areas for ON LEASH activities, where green space, trees and other landscape features are provided.

Regarding dog runs, it is important that dogs be let to run without leashes for exercise and monitoring of behaviors. These runs are completely screened by walls (100% opacity). There are not enclosed, so that they dogs get outside time/exercise. There are 5 on each side of the building. Again, all activities are dog centric and monitored, such that there are no dogs un attended.

This location will not have signage, will be fenced (decorative metal fence 6 feet high with complementary 4 foot horse fencing (meshed) around the green on leash play areas).

In addition, there is extensive landscaping proposed. There are street trees continuous along the Wright Road frontage and along the commercial access drive from Wright Road into the CPD area. As between the commercial and residential sub areas, there are 3 evergreens and 2 deciduous trees per 100 feet. There is a residential setback built into the plan, in addition to the commercial setback area.

All animal waste materials are stored indoors and get private pick ups 2-3 times per week.

Regular municipal trash will be located in a dumpster and screened per code.

Other than the 10 outdoor dog runs (5 each side of the building), which are monitored, the site operates like a C4 commercial use, with significantly reduced traffic impacts (reduced from any commercial use of this same size/scale).

Lighting, is planned for compatible styling, cut off down in type and not more than 14 feet where within 50 feet of the residential area. Lighting will be limited.

#### SUPPORT –CRITERIAL FOR APPROVAL

In short, the Columbus City Code contains general requirements that outdoor dog runs be located in the M or M district, and that they receive a special permit.

The factors to be considered for a Council Variance include:

1. Is the variance substantial?

Response: This variance is not substantial when taken in context. The alternative would be to seek rezoning of 3 acres to the M district adjacent to residential, which

is seen as unnecessary and not intended to introduce industrial uses to the area. IN fact, the use of dog shelter is permitted in the commercial CPD, it is only the limited outdoor runs that trigger the variance. As set forth below, the runs are only 10 (5 each side of building), are 100% opaque, are more than 50 feet from residential units and are buffered by significant landscaping inside decorative fencing. The business operation reflects 'best practices' in animal care and is dog centric.

2. Does the variance alter the essential character of the area?  
Response: Interestingly, this area retains a certain rural character, especially along Wright Road, and despite the build up of residential and commercial areas along Gender Road. The proposed building has a 'barn' appearance.
3. Is there an adverse effect on adjacent property owners?  
Response: We believe that the building, use, private nature of access and operations do not have an adverse effect on adjacent owners. This use is actually a buffer between residential units and commercial to the east and south. To the north, this is a rural area, such that the barn use and front door (residential looking building) is presented. Parking is to the rear, and otherwise the street scape is created through the zoning.
4. Is there an adverse effect on the delivery of governmental services?  
Response: There is no effect on governmental services. The uses (commercial) require private refuse.
5. Did the owner/applicant purchase the property with knowledge of the limitations?  
Response: yes, and this effort is intended to create compatibility among uses, including small scale outdoor areas for the dogs.
6. Can the variance request be obviated?  
Response: No, the outdoor activity (albeit limited in area) is important for good dog/animal care and healthy exercise activities.

Here, the owner/applicant seeks approval of the special permit, and has filed a companion Council Variance to allow the outdoor runs in the future CPD district.

This request is not significant and will not result in a detriment to the public good. The context here is intense commercial uses that abut residential. This use will be somewhat of a buffer between those uses and will include heightened development standards, discussed below.

Also, given the care/structure of functional operations proposed for this facility, this investment will be almost anonymous in the landscape as between commercial and residential. There are only 10 runs, 5 on each side of the building. They are completely screened from view. The dogs are monitored and scheduled for evaluations, scheduled for exercise time. There are no unattended animals. There is additional landscaping, setbacks and decorative fencing.

[Contrast this use with typical commercial activity, including parking, loading and unloading, differing hours of operation and on site activities. Those are not present with this use/facility]

The facility in general is private, so there are no public visitors, no public access and no unauthorized persons on site, access being ONLY from a secure gated access point.

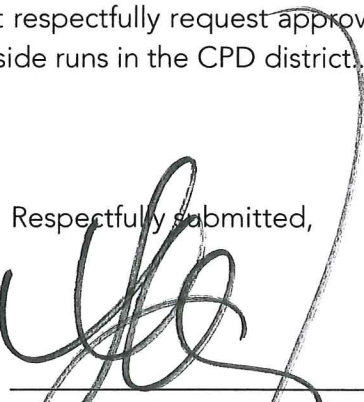
This request has no effect on the delivery of governmental services. The unique features of a dog shelter require private trash services. Again, the site has low traffic and is seen as a reduction in traffic from typical commercial uses.

The area retains a rural character, despite the significant build up of Gender Road. This site is incorporated into the overall zoning plan, and includes a building rendering that retains the rural character, while still fronting the road (parking to road) and is seamlessly incorporated into the landscape/street scape.

The dog runs are ancillary to overall functions of the shelter. All activities are supervised and the operation is a MUCH NEEDED community service.

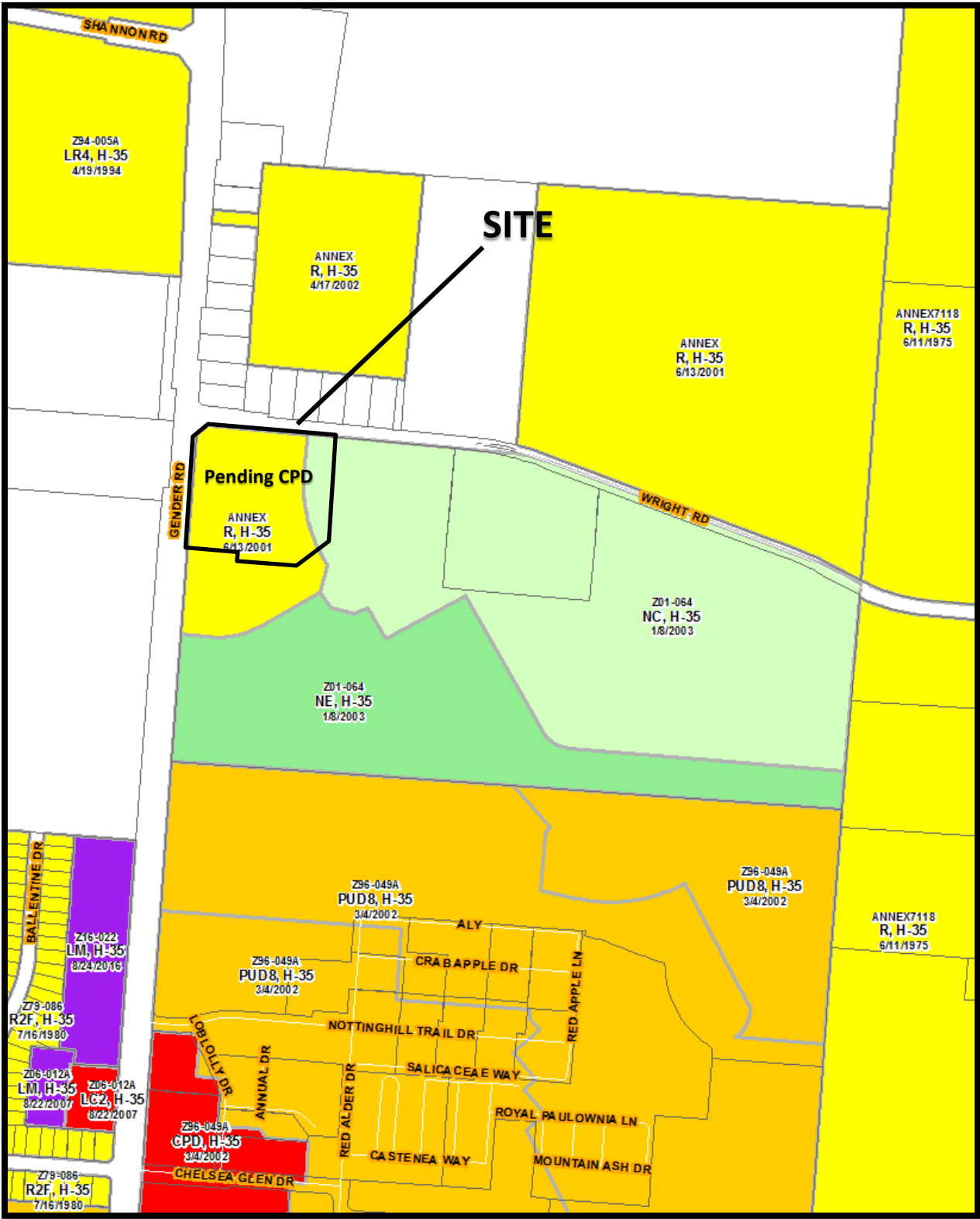
Lighting will not encroach neighboring properties and the main hours of operation are 7-6 pm, with 24 hour presence by reduced staff to retain supervision and care for the dogs.

For these reasons, the owner and applicant respectfully request approval of the Council Variance to permit the dog shelter with outside runs in the CPD district.

Respectfully submitted,  


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Laura MacGregor Comek (0070959)  
Laura M Comek Law LLC  
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Columbus, Ohio 43215  
Ph. 614.560.1488  
Email. [laura@comeklaw.com](mailto:laura@comeklaw.com)  
*Attorney for Owner and Applicant*



CV17-044  
6261 Wright Road  
Approximately 6.39 acres



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6261 Wright Road  
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Department of Building & Zoning Services  
Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224-3218  
Phone: 614-645-7433 www.columbus.gov

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

Case Number: CV17-044 & 216-054

Address: 6261 WRIGHT RD

Group Name: GREATER SOUTHEAST AREA COMMISSION

Meeting Date: 06/28/2017

Specify Case Type:

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

Recommendation:  Approval  
(Check only one)  Disapproval

**NOTES:** COMMISSION HEARD 2ND TIME FOR UPDATE TO APPLICATION AND RESULTS OF TRAFFIC IMPACT AND SUBSEQUENT PLANS. MOTION MADE TO APPROVE +/or SUPPORT; SECONDED AND VOTE CARRIED.

Vote: 0-1

Signature of Authorized Representative: L Schacht, ZONING CHAIR LISAL SCHACHT  
SIGNATURE

Greater South East Area Commission  
RECOMMENDING GROUP TITLE

614-496-5482  
DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, OH 43224.

**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 # CV17-044

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Laura Macgregor Cornick, Esq.  
of (COMPLETE ADDRESS) 300 E. Broad St. Suite 450 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 format:

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

<p>1. <u>George A. Skestos, Tr.</u> <u>c/o Laura Macgregor Cornick, Esq.</u> <u>300 E. Broad St. Suite 450</u> <u>Columbus, Ohio 43215</u> <u>ph. 614-520-1488</u></p>	<p>2. <u>Homewood Corp</u> <u>2700 E Dublin-Granville Rd</u> <u>Columbus, Ohio 43231</u> <u># employees: 30</u></p>
<p>3.</p>	<p><u># 614 898 2700</u></p>

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

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 24th day of May, in the year 2017

Marian R. Geer  
SIGNATURE OF NOTARY PUBLIC



Notary Seal Here  
Marian R. Geer  
Notary Public, State of Ohio  
My Commission Expires 11-02-18