



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 STATEMENT OF HARDSHIP

Signature of Applicant *[Signature]* Date 7/27/04

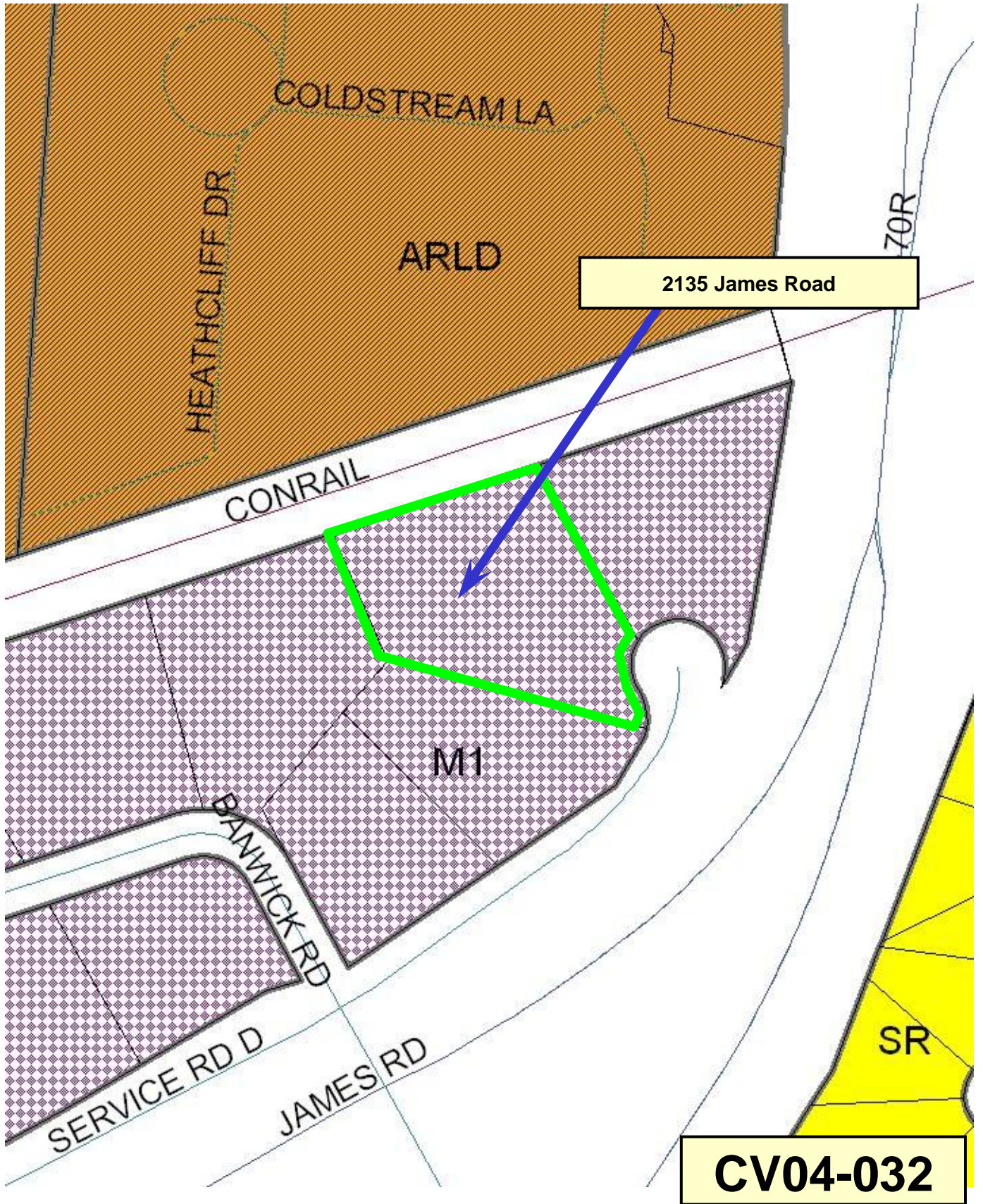
Applicant: BDT Investment Company**Statement of Hardship**

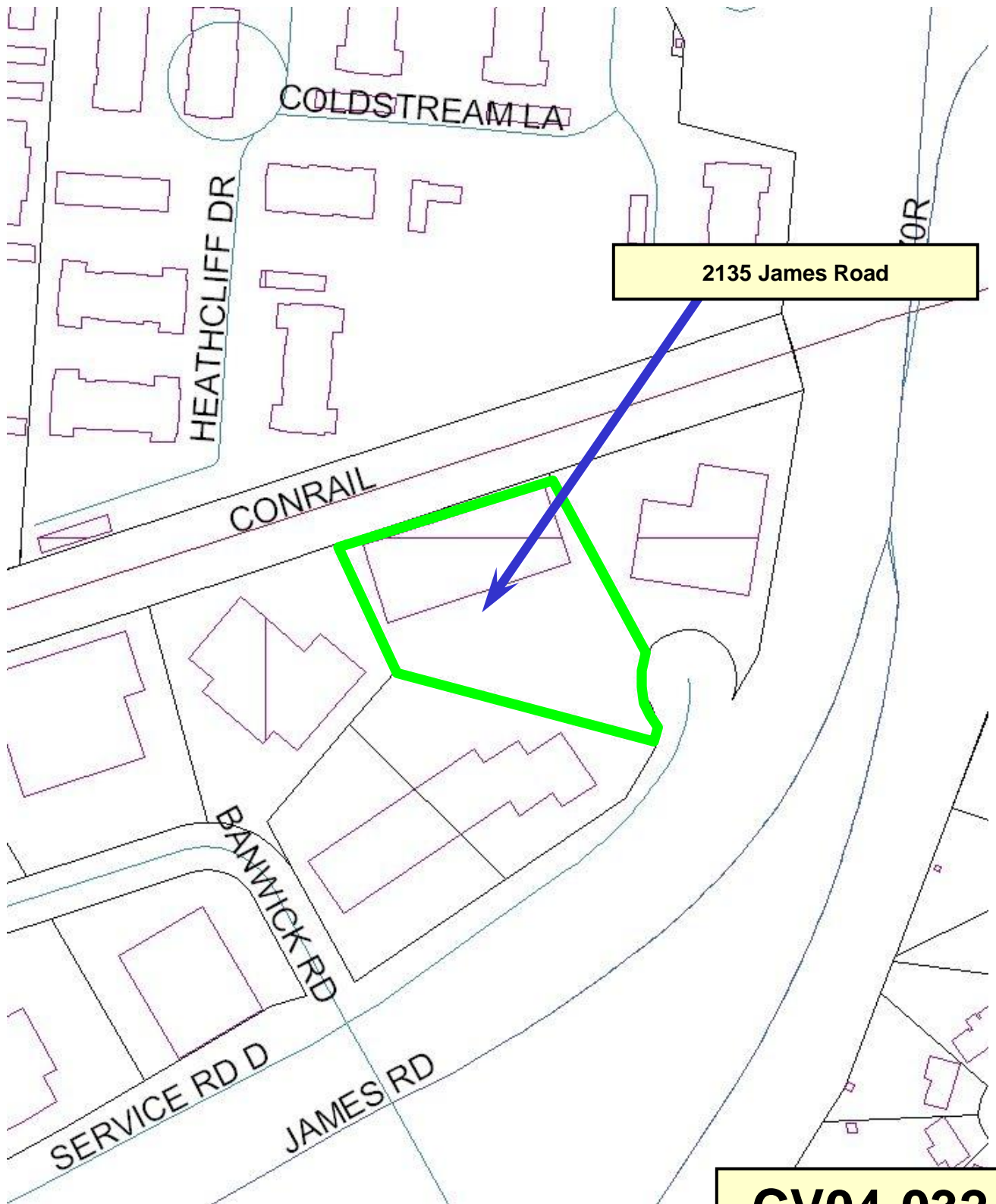
The subject property is currently zoned M-1. The Applicant desires to lease the property for use as an automotive repair and body shop, including painting. Since such use is not a permitted use under Columbus City Code §3365.01, the Applicant seeks a variance from that section.

The subject property is located in a commercial/industrial park known as Berwick Centre and is segregated from residential areas by its proximity to the James Road/I-70 interchange. In addition, railroad tracks and mature trees are located at the rear of the subject property, which provide adequate screening to adjacent apartments

It appears that other properties located in the Berwick Centre operate similar garage repair/paint shops. The Applicant faces a hardship if the subject property may not be used for the same or similar purposes as the surrounding properties. Due to the inherent nature of a commercial/industrial park, the proposed use as an automotive repair and body shop will not adversely affect the surrounding properties. In addition, the proposed use, because it is similar to other uses in the area, will not create increased risk of fire or pose a danger to public safety. The proposed use will not increase traffic in the area because it creates less traffic and less heavy truck traffic than other uses permitted in the M-1 District. The proposed use will not adversely affect supply of light or air to the adjacent properties. Since the proposed use is not unusual to the area, it will not unreasonably diminish property values in the surrounding areas.

Based on the foregoing, Council can determine that the requested 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city. As such, permitting such use on the subject property will relieve a hardship and will permit the owner full use of the subject property without adversely affecting other property owners.





2135 James Road

CV04-032

