

CV11-009



**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)

**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 Azeb Hussein Date 3/16/2011

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
For all questions regarding this form and fees please call: 614-645-4522  
**Please make all checks payable to the Columbus City Treasurer**

**STATEMENT OF HARDSHIP – COUNCIL VARIANCE REQUEST**  
**APPLICATION # CV11-009**

The Applicant seeks to obtain a council use variance and certain traffic and design variances to permit it to operate a drive-through market and beverage store at an existing building located at 3163 East Main Street. The subject property is zoned C-4; the requested use requires C-5 zoning.

The subject property is located approximately four parcels east of James Road 1 (two parcels west of Ashburton Road), on the south side of East Main Street. The East Main Street corridor features heavy highway oriented commercial uses along both the north and south sides and falls within the Eastmoor Community Commercial Overlay district.

The business for which this variance is sought will sell beverages, beer, wine, and snack foods to customers in a drive-through format. The drive through is a part of an adjoining market, which is a permitted use in the C-4 district and for no variance is sought. Inside sales are conducted at the market. The overwhelming majority of sales at the drive-through portion will be to customers in their automobiles.

Access to the property is provided by a curb cut on East Main Street and from an alley that runs east-west behind (south of) the property between James Road and Ashburton Road. Customers will enter the drive-through from the alley, go north through the building, and exit onto East Main Street. Signage will direct exiting traffic to make a right turn only for egress. As a result, no stacking of traffic or congestion will occur on or into East Main Street. The applicant has discussed this traffic flow pattern with the Division of Traffic Engineering, which has indicated its approval, subject to obtaining a variance from the stacking requirements of 3312.11. The variance is necessitated by the tight configuration of the property. However the impact of that variance will be mitigated if not totally eliminated by the proposed traffic pattern which will put any stacked traffic in the rear (south) of the building, toward and onto a very lightly used alley.

The desired use is consistent with past uses of the property as well as those in the immediate vicinity. Adjacent uses include a tool rental store, tire store, beauty salon, barber shop, gas station, motel, and funeral home. Because the applicant is a tenant and cannot make physical changes to the property, the applicant desires to maintain it in accordance with the Overlay requirements.

The applicant's business relies on spontaneous purchase decisions by existing traffic and is not considered a "destination" business. Thus the requested use will not add to the congestion of public streets or result in changes or increases in traffic patterns. In addition the variance will not result in an impairment of the supply of light and air to neighboring properties, 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, or otherwise adversely affect the surrounding properties or neighborhoods. There will be no discernible vibration, emissions of smoke, dust or other particulates, odors, glare, light, or heat from the business. Allowing the variance will provide a positive economic impact by providing employment and preventing empty buildings which contribute to blight.

The applicant notes that in the recent past similar use variances have been granted for drive-throughs in C-4 districts along the East Main Street and East Livingston Avenue corridors. Thus denial of the variance would work a material hardship on the Applicant and deprive the Applicant of rights enjoyed by other similarly situated landowners.





3163 East Main Street

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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 # CV11-009

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] AZeb Hussein

OF [COMPLETE ADDRESS] 1071 ROSS Rd. Columbus, Ohio 43227  
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. <u>AZeb Hussein</u> <u>Bafana Inc.</u> <u>1071 Ross Rd.</u> <u>Columbus, Ohio 43227</u>	2. <u>Sue Holestein</u> <u>Progeny Partnership</u> <u>275 N. Ardmore Dr.</u> <u>Columbus, Ohio 43209</u>
3. <u>3 Full-time employees</u> <u>2 Part-time employees</u>	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT AZEB HUSSEIN

Subscribed to me in my presence and before me this 24<sup>th</sup> day of March, in the year 2011

SIGNATURE OF NOTARY PUBLIC Dawn Mason

My Commission Expires: 10/15/2011



DAWN MASON  
Notary Public, State of Ohio  
My Commission Expires  
October 15, 2011

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

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