

# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.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.

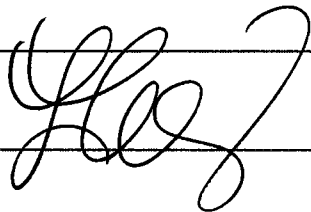
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the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

*please see attached*

Signature of Applicant



Date

*10.7.15*

**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 checks payable to the Columbus City Treasurer**

STATEMENT OF HARDSHIP

Owner/Applicant: Tim A. White and White Acres LLC  
c/o Laura MacGregor Comek, Esq.  
300 E Broad St., Ste 450  
Columbus, Ohio 43215  
Site Address: 5730 Hayden Run Rd  
Parcel Nos.: 010-293805; 010-293806  
Zoning Districts: R  
Date: October 6, 2015  
Application: CV15-061

This Statement is submitted with a Council Variance that is companion to rezoning Z14-010. The purpose of this CV is to legitimize the existing, legal non conforming uses and standards, resulting from annexation from Washington Township to the City back in 2014.

The following variances are sought:

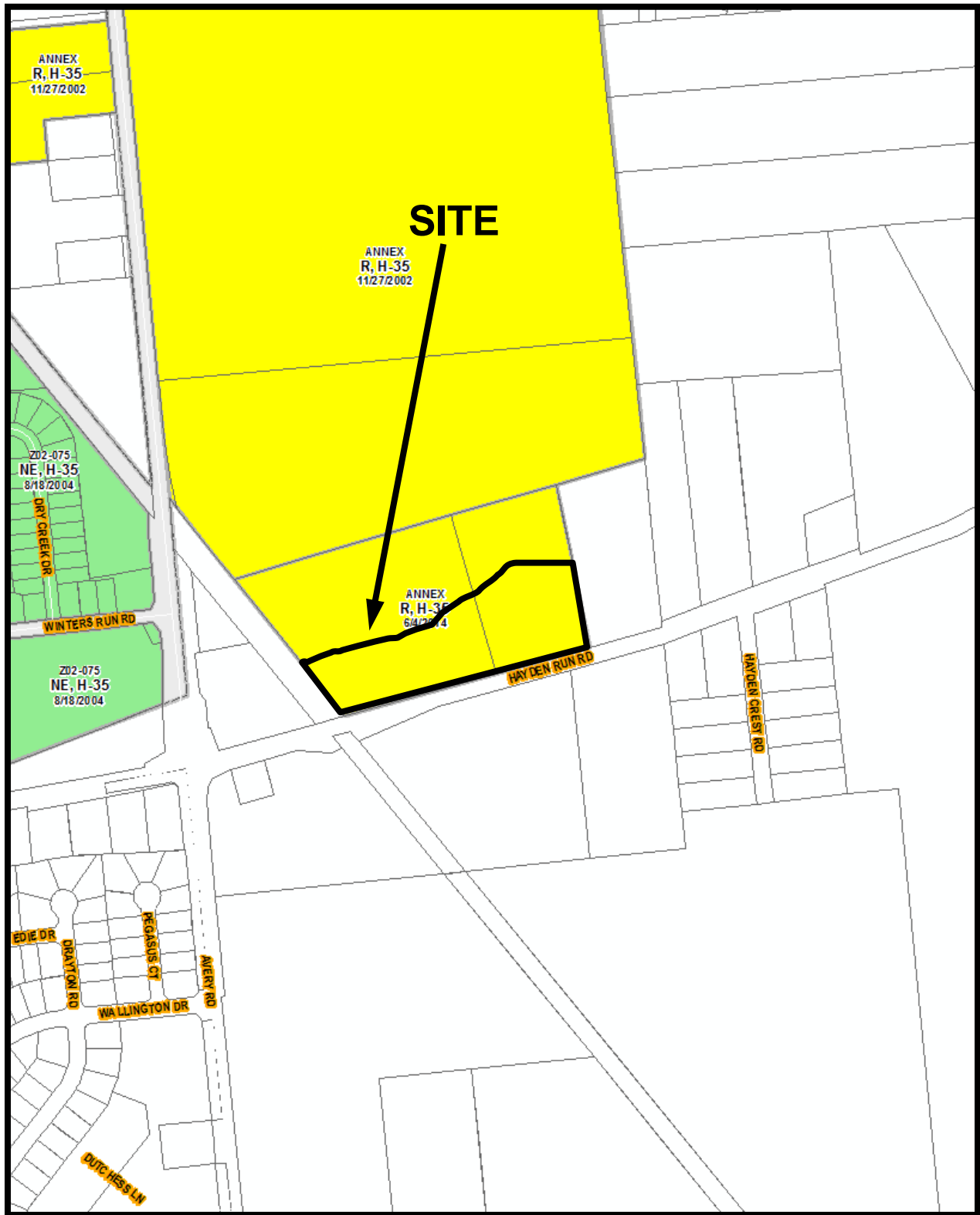
1. Variance from C.C.C. §3332.02 to allow and legitimize the existing legal development on Site that includes a commercial tractor/farm equipment dealership (sales, service, leasing and accessory parts sales), accessory structures to the use, and residential structure.
2. Variance from C.C.C. §3312.21 to allow no hedge screening or landscaping for parking as currently exists.
3. Variance from C.C.C. §3312.27(4) to allow zero (0) foot parking set back.
4. Variance from C.C.C. §3312.39 to allow the parking lot to remain un-striped (as is).
5. Variance from C.C.C. §3312.41 to allow the parking lot to remain non-conforming for access and circulation (as is).
6. Variance from C.C.C. §3312.43 to allow the parking lot to remain unpaved (as is).
7. Variance from C.C.C. §3312.45 to allow the parking lot spaces to remain without wheel stop devices (as is).
8. Variance from C.C.C. §3312.49 to reduce the number of required parking spaces from 168 (considering all areas retail) to the current number of 5 (as is).
9. Variance from C.C.C. §3332.21 to allow a fifteen (15) foot building set back.

The essential character of this corridor is rural and residential. The surrounding land uses are similar. The request is in keeping with the general character of the area, has no effect on the delivery of governmental services. This variance will ensure the status quo for this property until future development – in which case further city review would occur.

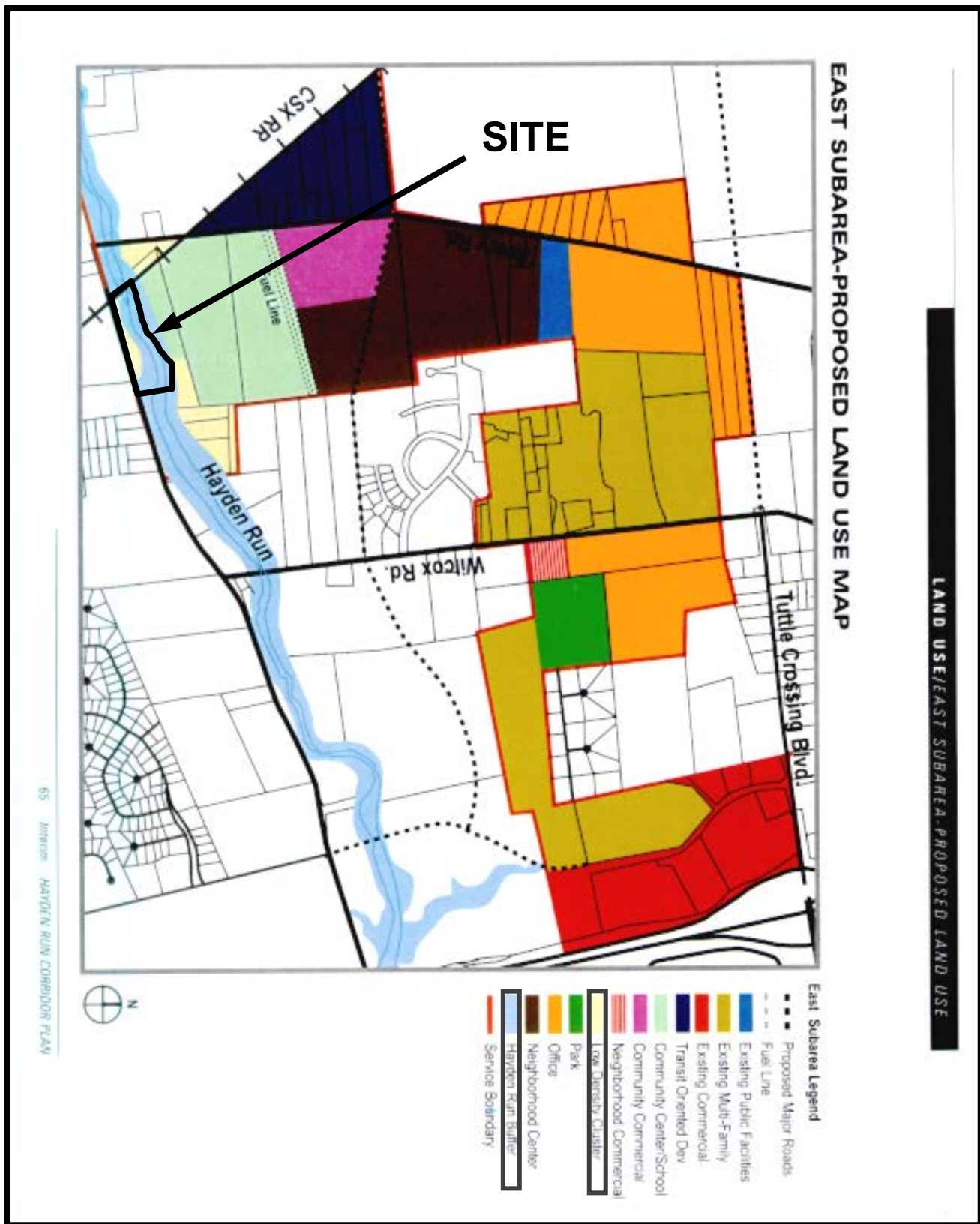
For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted

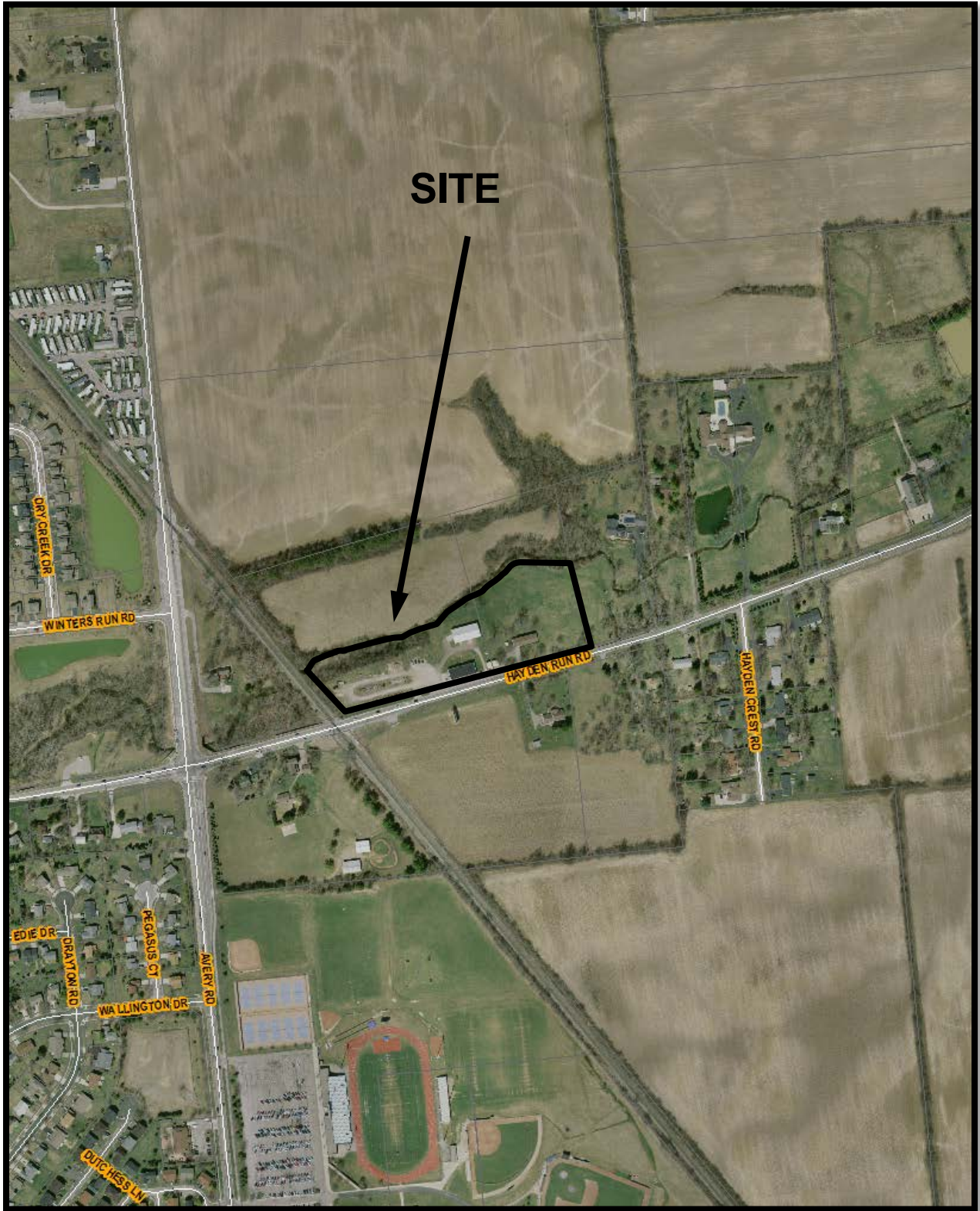
Laura MacGregor Comek, Esq.  
300 E Broad St., Ste 450  
Columbus, Ohio 43215  
Phone: (614) 228-5511  
[LComek@comeklaw.com](mailto:LComek@comeklaw.com)  
Counsel for Owners/Applicant



CV15-061  
5730 Hayden Run Road  
Approximately 6.32 acres



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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 # CV 15-061

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Laura MacGregor Comela, Esq  
of (COMPLETE ADDRESS) 300 E Broad St., Ste 450 Cols, 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

1. <u>DCR Comm'l Development LLC</u> <u>10104 Brewster Ln., Powell, Ohio 43065</u> <u>attn: David Ruma</u> <u>of Employees</u>	2.
3. <u>Tim White of White Acres LLC</u> <u>17500 Waldo Rd.</u> <u>Marysville, Oh 43040</u> <u>of Employees</u>	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 7th day of October, in the year 2015

Marian R. Geer  
SIGNATURE OF NOTARY PUBLIC



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

**This Project Disclosure expires six (6) months after the date of notarization.**

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