



DEPARTMENT OF BUILDING AND ZONING SERVICES

Council Variance Application
111 North Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

See attached.

Signature of Applicant

[Handwritten signature]

Date

2-25-19

CV19-017

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

Property Address: 5015 Dierker Road
Parcel ID: 010-122781
Owner/Applicant: Arlington Resources, Ltd.
5011 Dierker Road
Columbus, Ohio 43220

Attorney: Eric Zartman
Underhill & Hodge
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
eric@uhlfirm.com

Date of Text: April 2, 2019

The Applicant submits this Statement of Hardship in support of its Council Variance Application. The site is located on the west side of Dierker Road, north of Henderson Road, and south of Country Corner Drive. The site consists of a single parcel, PID: 010-122781, which is zoned under the C-2, Office Commercial District.

The Applicant also owns the parcel which is adjacent to the south and zoned C-4, Regional Scale Commercial District. The site is also bordered on the west by C-4, Regional Scale Commercial District, on the north by AR-1, Apartment District, and on the east (across Dierker Road) by AR-1, Apartment District. The site is currently vacant land, except for a monopole telecommunication device which is located in the rear of the property.

The site is not subject to a commercial overlay nor a planning overlay and it is not a historic site. The site is located within the boundaries of the Southwest Quadrant of The *Northwest Plan (2016)*. The Plan recommends commercial uses for the site, including retail, office, institutional, and fuel service uses.

Applicant proposes the development of the Site with a building with three uses. The first use is that of a leasing office where the Applicant will manage its residential properties, a use which is permitted in the C-2, Office Commercial District. As a second use for the site, the Applicant proposes accompanying storage space for storage of items which are necessary for the operation of any leasing office. These items could include items such as filing cabinets, paint, temporary heaters/A.C. units, backup generator, lawn mower, tools for small repairs, furniture, and etc. This storage space is a warehouse use under the M, Manufacturing district, but it is notable that the Applicant is limiting the scope of this space so that only the storage of items and materials which accompany the leasing office and property management uses are permitted. Lastly, the Applicant also proposes three second-floor dwelling units, a use which is permitted in the C-2 district when located above C-2 uses.

With respect to screening, the Applicant will comply with all applicable zoning code sections. Any and all of the Applicant's loading and unloading activity will occur within the structure in the

storage space. Also, all uses (office, warehouse, and residential) will keep refuse within their respective units and place individual receptacles in a designated collection area on specific collection days.

The Applicant's proposal is appropriate under the General Land Use Policies and Land Use Recommendations of *The Northwest Plan*. The proposed development is consistent with the land use and density recommendations of the Plan. The Plan classifies the site as commercial, for which the proposed leasing office is an appropriate use. Further, the proposed residential density is low to medium density at 3 dwelling units on a half-acre lot. This proposed density is far lower than the adjacent north and east properties which are classified for high-density residential at 16-24 dwelling units per acre. While the Plan does not necessarily classify the site for warehouse use, the Applicant submits that this use is appropriate when limited to accompanying storage for C-2 office uses.

The Applicant respectfully requests the following variances to allow the proposed development:

1. 3353.03 – Permitted uses. The Applicant requests a council variance to permit Section 3363.02 warehouse uses which accompany the leasing office and property management uses.
2. 3353.05(B) – C-2 district development limitations. The Applicant requests a variance to allow dwelling units above warehouse uses.
3. 3311.28(a) – Less objectionable uses. This section does not permit M, Manufacturing uses within 25 feet from any residential and apartment residential districts. The Applicant requests a variance to allow warehouse uses to be 10 feet or more from residential and apartment residential districts.
4. 3312.09 – Aisle. Applicant requests a variance to reduce the drive aisle from 20 feet to 3.6 feet. In consideration of this variance, the Applicant notes that this reduced drive aisle is between the subject site of this application and Applicant's property to the south. These parcels will share access and drive aisle. While the requested variance appears to be substantial, in practice drives will have a full drive aisle for internal circulation.
5. 3312.25 – Maneuvering. Applicant requests a variance to permit maneuvering across parcel lines. In consideration of this variance, the Applicant notes that the parcel line which is requested to be maneuvered across is the boundary the subject site shares with the Applicant's property to the south.

The Applicant submits that the requested use variance will not adversely affect the surrounding property owners and that denial of this variance would result in an unnecessary hardship. The Applicant is a small business owner and leases approximately 40 dwelling units in Columbus. The Applicant's business has grown to a point where it is ready to make a large investment and develop a central leasing office to manage its properties. Under the Zoning Code, a central leasing office for dwelling units is a permitted C-2 use. The Department of Building and Zoning Services has determined, however, that storage of materials necessary to manage those dwelling units is not an accessory use to the leasing office. Rather, storage items such as filing cabinets, paint, temporary

heaters/A.C. units, backup generator, lawn mower, tools for small repairs, furniture, and etc. is a primary use in and of itself and requires a council variance to permit warehouse uses in a C-2 district. It is, therefore, a hardship that the Applicant is permitted to open a leasing office but not permitted to store materials which are necessary for the Applicant to manage the properties which it leases.

The proposed use variance will not adversely affect the surrounding property or the surrounding neighborhood. The scale of the items to be stored is very small compared to what the term warehouse generally evokes. The scope of the council variance is limited to materials which accompany the leasing office and property management use. With respect to the neighbors, the Applicant owns the property which encompasses the majority of the southern boundary. The properties to the north and east are high density residential apartment developments, which surely have far higher quantities of the exact same items in their storage.

The Applicant will take all necessary measures to ensure that this use variance will not impair an adequate supply of light and air to the adjacent property. Further, Applicant will work with all necessary divisions with the Department of Public service to ensure that this development will not 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. It is for all of these reasons above, that Applicant submits that denial of the requested use variance would result in an unnecessary hardship.

With respect to the requested area variances, the Applicant also submits that the requested variances are warranted as a result of practical difficulties. The property is small in area and has a unique trapezoid shape. As a result, the property is rather narrow with limited developable area. The requested area variances are a result of the same condition: the parking area in relation to the southern parcel line. This condition requires both reduced drive aisle and maneuverability across parcel lines. Most significant, however, is that the Applicant also owns the property to the south. Both parcels will share access and drive aisles. Therefore, regardless of the requested variances, the site will allow for full range of mobility and full width drive aisles.

The variance request to permit residential uses above warehouse uses is appropriate because that specific warehouse use is limited to storage which accompanies a permitted C-2 use. This specific would not be necessary if the Department of Building and Zoning Services had determined that this storage area was an “accessory use” as defined by the Zoning Code.

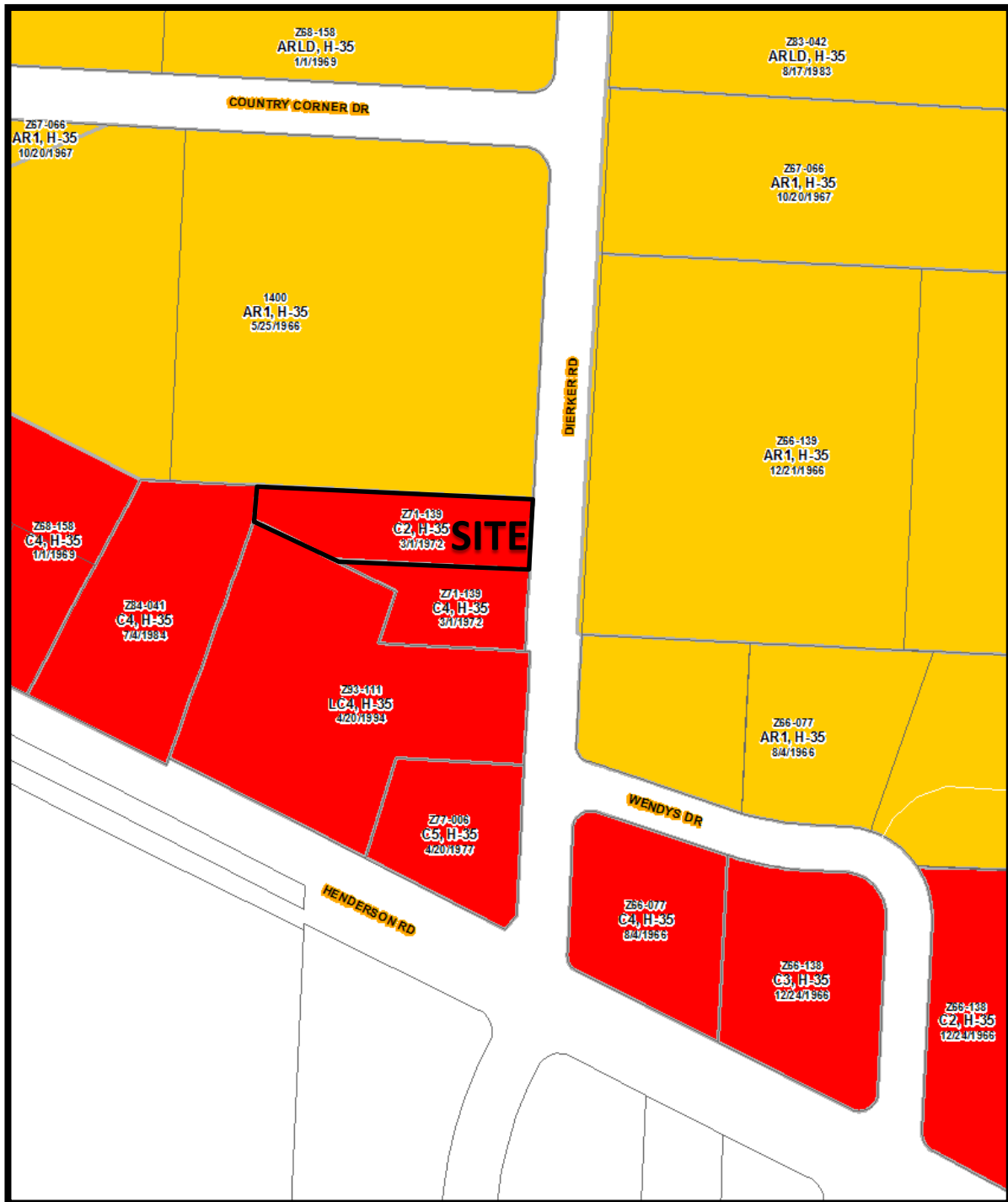
The variance request reduce warehouse use separation from residential districts is also appropriate because any and all of the Applicant’s loading and unloading activity will occur within the structure in the storage space

The proposed development is low impact and will allow the Applicant to realize a reasonable return on a property with limited developable area. The area variances are not substantial because

of the site's shared access and drive aisles and the limited warehouse uses. The essential character of the neighborhood will not be substantially altered by the requested area variances and the Applicant is the only property owner which will be affected. The requested area variances will not substantially affect the delivery of governmental services.

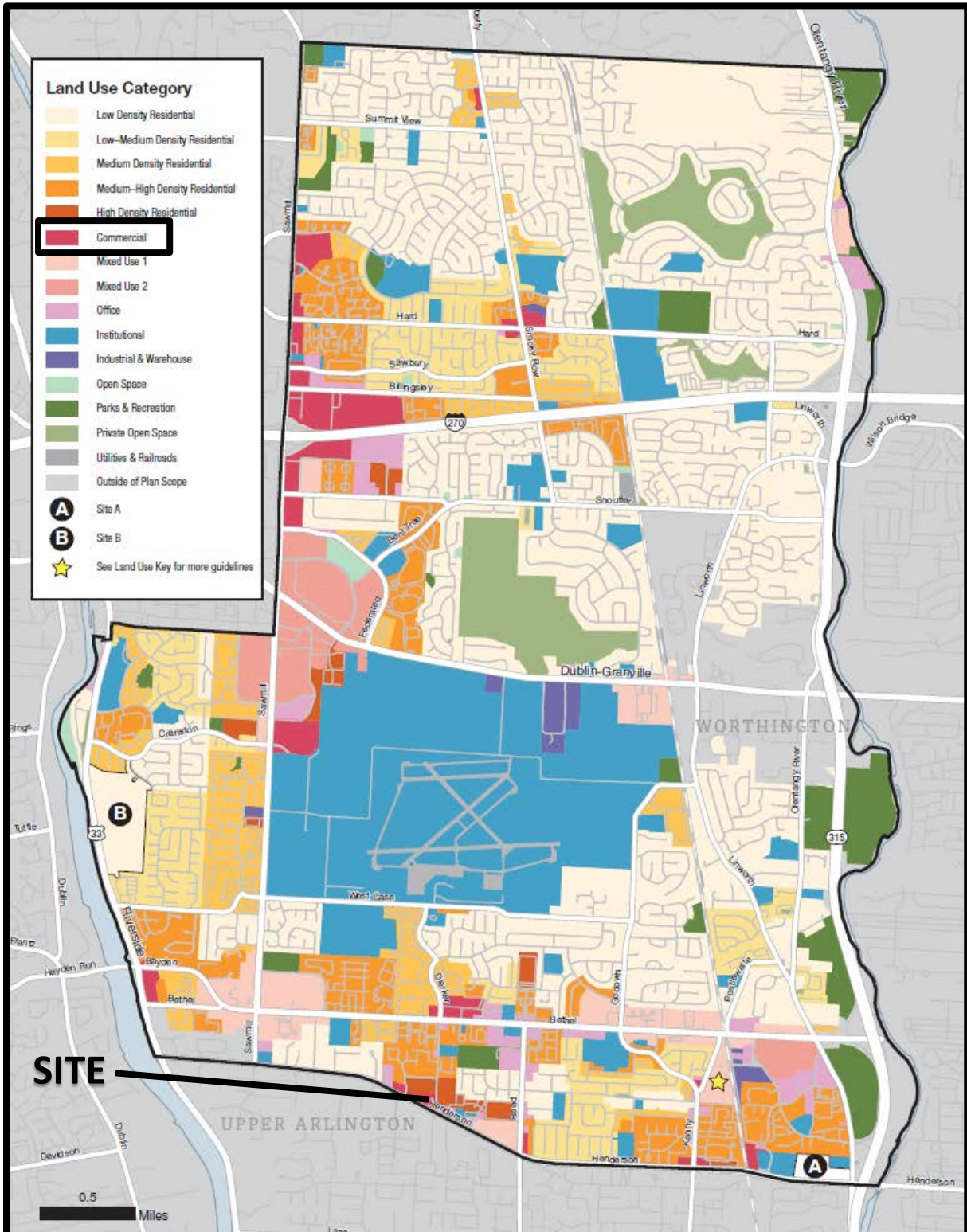
Applicant respectfully submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system to allow developments which fit within the spirit and intent of the zoning district but do not exactly fit under the strict letter of the zoning code.

The Applicant respectfully requests the Columbus City Council weigh these factors in its consideration, find that this Applicant suffers from a practical difficulty, and that denial of the requested use variance would result in an unnecessary hardship.

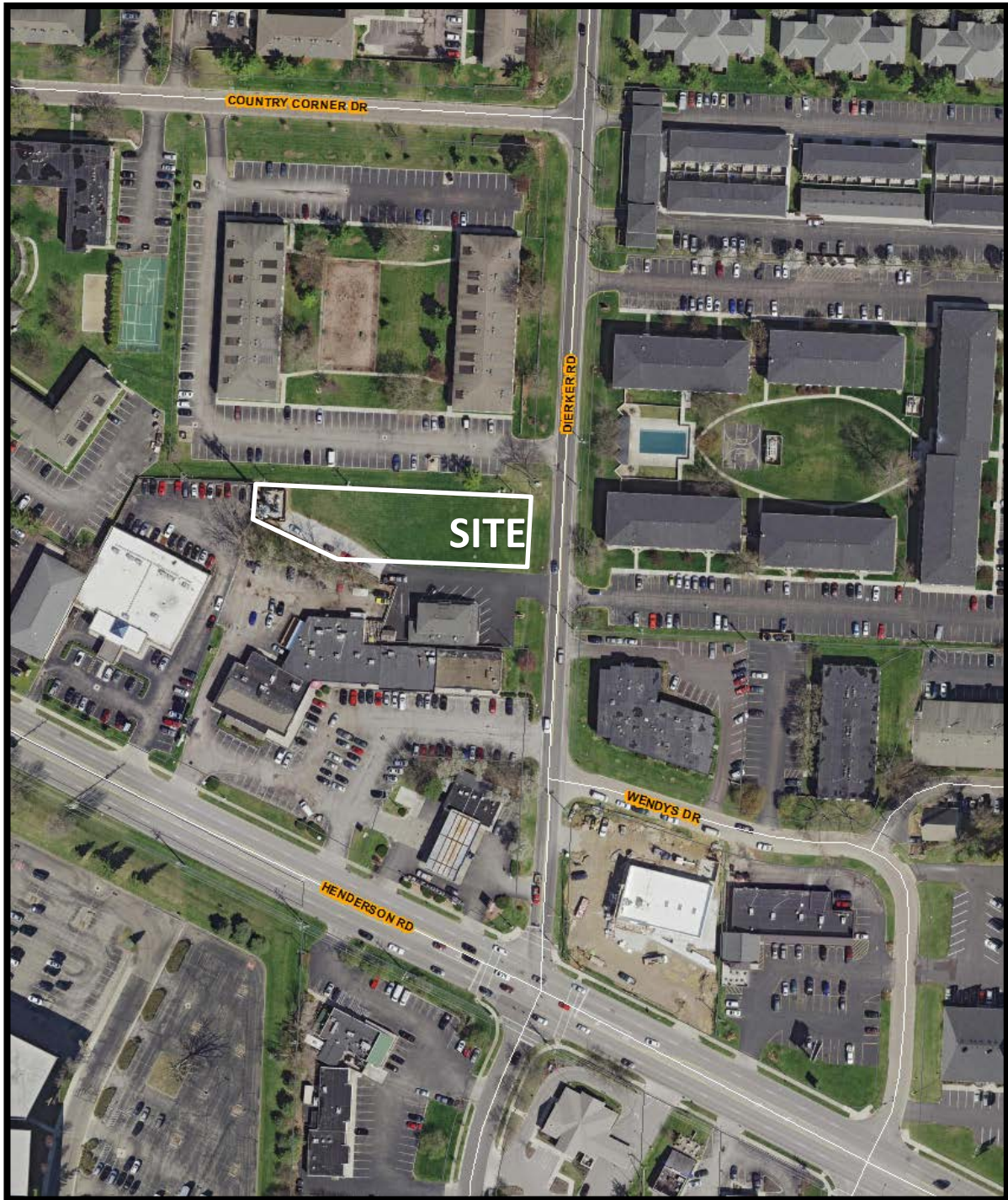


CV19-017
5015 Dierker Road
Approximately 0.51 acres

Northwest Plan (2016) – “Community Commercial” Recommended



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Approximately 0.51 acres



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Approximately 0.51 acres

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
(PLEASE PRINT)

Case Number: _____

Address: _____

Group Name: _____

Meeting Date: _____

Specify Case Type:

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

Recommendation:

(Check only one and list basis for recommendation below)

- Approval**
- Disapproval**

NOTES: _____

Vote: _____

Signature of Authorized Representative: _____

SIGNATURE

RECOMMENDING GROUP TITLE

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, 111 N. Front St, Columbus, OH 43215.



Council Variance Application

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DEPARTMENT OF BUILDING AND ZONING SERVICES

PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CW19-017

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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 (include contact name and number)
Business or individual's address
City, State, Zip Code
Number of Columbus based employees
(Limited to 4 lines per box)

Table with 4 columns for listing parties with interest in the project. Column 1 contains 'Arlington Resources, Lt. 5011 Dierker Road Columbus, Ohio 43220'. Other columns are empty.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Handwritten signature of Eric Zartman

Subscribed to me in my presence and before me this 26th day of February, in the year 2019

SIGNATURE OF NOTARY PUBLIC

Handwritten signature of Kimberly R. Grayson and commission expiration date 1-11-2021

My Commission Expires:



This Project Disclosure Statement expires six months after date of notarization.
KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
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