

CV09-011



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 Rebecca Johnson, attorney Date 5/4/09
and on behalf of Skilken RT, LLC

**COUNCIL VARIANCE
1953 Morse Road**

COUNCIL VARIANCE: Convenience Store with fuel sales and carwash
PROPERTY ADDRESS: 1953 Morse Road, Columbus, Ohio 43229
PARCEL NUMBERS: 010-011297
OWNER: Chrysler Realty Corp.
APPLICANT: Skilken TH, LLC
DATE OF APPLICATION: September 29, 2009

I. INTRODUCTION:

The property subject to this Council Variance application is approximately 5.774 acres in size. It is commonly known as 1953 Morse Road and consists of Parcel Numbers 010-011297 (the site). The site is currently zoned in the C-4, General Commercial District. The applicant proposes a Council Variance to permit the use of a convenience store with fuel sales and a carwash on approximately 1.815 acres of the property. Additionally, applicant requests a variance to permit twenty-six (26) parking spaces at this location.

II. STATEMENT OF HARDSHIP:

The Applicant has requested a Council Variance for this site in order to avoid an unnecessary hardship. The Applicant, exercising good faith and due diligence, cannot finalize the purchase of the property without a guarantee that the Applicant will be able to use the site for the stated business purpose of a convenience store with fuel sales and a carwash. As a result, the Applicant requests a Council Variance to permit the requested use. Moreover, the current owner of the property has filed for Chapter 11 bankruptcy, which makes time of the essence.

This Council Variance would be in harmony with the general purpose and intent of the Zoning Ordinance and preserve its spirit. This section of Morse Road includes Northland Mall and a number of strip commercial centers. Therefore, the granting of this Council Variance will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

The Applicant agrees to a follow-up rezoning of the 1.815 acres and for the balance of the parcel approximately 1.000 acres, to CPD or LC4 within eighteen months from the date that the ordinance is passed.

This site plan shall be developed in accordance with the applicable Northland Development Standards relating to buffering, landscaping and screening and in substantial compliance with any applicable Regional Commercial Overlay and/or Morse Road Graphics Overlay. Any slight adjustments to said site plan is subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

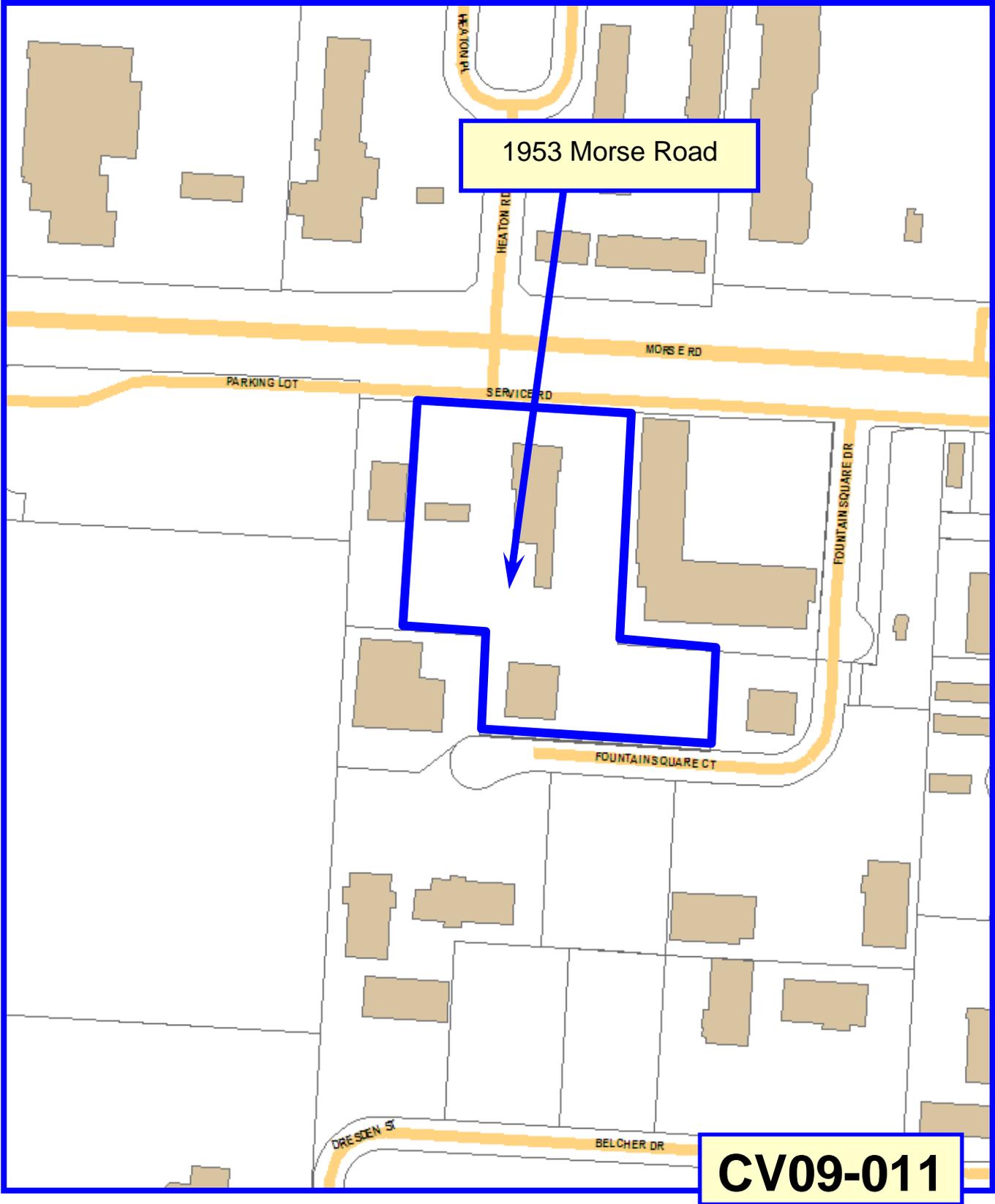
In addition, the Applicant agrees to the following for the site:

- A. Abandonment: The retail filling station shall be considered abandoned if it has ceased operations or is closed to the public for a minimum of 6 months in any 12 month period. The owner or lessee of the retail filling station and/or related structures shall, within 7 days of the beginning of the closure period referred to herein:

1. Install wheel blocks, firmly attached, across the driveway entrance to the fuel area to prohibit unauthorized vehicle parking or abandonment of motor vehicles.
2. Shall remove all signs and pumps.
3. Shall board up all windows, doors and entrances to prevent the breakage of glass and the unauthorized entrance therein.
4. Take appropriate action as required by the City of Columbus Fire Code to treat abandoned underground tanks.
5. Shall during the closure period cut all grass, remove all rubbish and weeds and continue maintenance as may be necessary to prevent the building or structure from deteriorating into a state of disrepair.

B. Carwash Development Standards:

1. There shall be at least one (1) employee attendant on duty and working at this location at all times that the carwash is open for business.
2. The carwash shall operate only as an automatic wash with an attendant on duty. There shall be no self-serve washing facilities, although vacuum stations may be available on a self-serve basis.
3. All car washing and car drying equipment shall be completely contained within the carwash building, enclosed storage facility or underground.
4. Only vacuum equipment shall be permitted outside of the carwash building or storage facility above grade.
5. No on-site parking space shall be used of any purpose other than incidental use related to the carwash and/or retail gas filling station, including but not limited to parking of vehicles and vacuuming of vehicles while the vehicles are on the premises for the carwash. No parking space shall be rented, leased or in any way offered for use or be allowed to be used for storage or parking of vehicles unrelated to the carwash and/or retail gas filling station.



1953 Morse Road

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1953 Morse Road

Area 20
Morse Road: I-71 to Cleveland Avenue

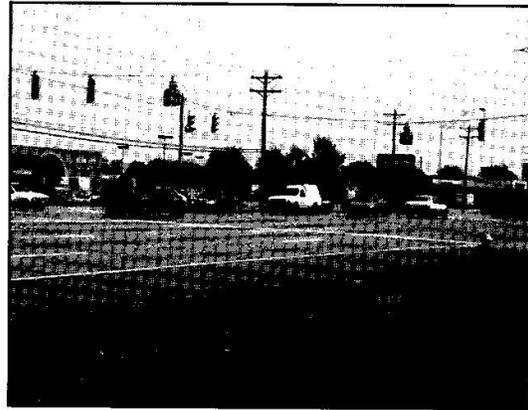


This section of the Morse Road corridor is intensely developed and includes Northland Mall and a number of strip commercial centers. Zoning includes commercial (C2, C3, C4, LC4, and CPD), multi-family residential (R4 and ARO), parking (P1) and manufacturing (M).

Stabilization of older commercial corridors is crucial to the economic health of the city. Morse Road serves as the “Main Street” for the Northland community. Development activity occurring here should be sensitive to the corridor’s high visibility. The city’s Morse Road Market Analysis and Redevelopment Strategy, conducted as a part of this plan update, identifies steps the city and community can take to ensure the long-term viability of this important corridor. The report identifies Northland Mall as a key opportunity site and recommends that if the mall site is not sustained as a retail center, that the area be redeveloped as a mixed-use site with office, different types of high-quality residential and retail, and open space.

It is the recommendation of the Northland Plan that:

- recommendations of the Morse Road Market Analysis and Redevelopment Strategy and Morse Road Design Study, as well as any future design recommendations, be implemented.



CV09-011

Mr. Jeff S. Murray – Chairperson FAX 614-818-4399



Fax

To: Rebecca Egelhoff	From: Jeff Murray
Fax: 614-227-6041	Pages: 2
Phone: 614-227-6040	Date: 5/29/09
Re: CV09-011 1953 Morse Rd.	Email: Rebecca@thelosam.com

Dear Ms. Egelhoff,
It appears that you plan to divide this parcel into four sub parcels. I have identified those on attachment 1.

Sub parcel A will contain the gas station/convenience mart/car wash that you are seeking the council variance for. Our committee voted to support this application with the following conditions:

1. Outside display areas to be limited to displays on a 4' sidewalk surrounding the building and displays on the ends of the pump islands NOT facing Morse Rd not to exceed a footprint of 2'x2' and not to exceed 4' in height.
2. All lighting and landscaping to comply with the Northland Development Standards.
3. Lot coverage no to exceed 80%.
4. All graphics to comply with the Morse Rd. Graphics Overlay.

Applicant agrees to file for a rezoning of the balance of this parcel within sixty days of obtaining ownership. Rezoning should be to LC4 or CPD incorporating the full Northland Development Standards. All C4 uses to be allowed except: Check Cashing and Loans; Missions and Shelters; Pawn Brokers, Bars Cabarets, and Nightclubs; Auto and Truck Repair. This rezoning to be completed within one year after filing.

If you have any questions please contact me at:

Work, 614-882-8558, ext. 207

Fax, 614-818-4399

Email, jeffmurray@wideopenwest.com.

Best regards,

Jeff S. Murray
Chairperson, Development Committee
Northland Community Council



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV09-011

Being first duly cautioned and sworn (NAME) Rebecca L. Egelhoff
of (COMPLETE ADDRESS) 175 S. Third St, Ste 220, 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 formats

- Name of business or individual
- Business of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

SKI-Ken TH, LLC 4270 Morse Road Columbus, OH 43230 ~ 2 Columbus Based Employees Contact: Frank Petruziello 614-418-3100	Chrysler Realty Company, LLC Successor by Conversion to: Chrysler Realty Corporation (See Attached Exhibits A) 1000 Chrysler Drive Auburn Hills, MI 48326 Contact: Mark Noyd

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT Rebecca Egelhoff
Subscribed to me in my presence and before me this 17th day
of May, in the year 2009
SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires: _____

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

Notary Seal Here



GARY L. JONES
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.