

**AMENDED
STATEMENT OF HARDSHIP – COUNCIL VARIANCE REQUEST
APPLICATION # CV10-002**

The Applicant seeks to obtain a council use variance to permit it to continue to conduct certain administrative and storage aspects of its tree service business, known as Schmitt Tree Experts. The business has been conducted on the subject property since the applicant acquired the property on May 22, 2008.

Schmitt Tree Experts' business is conducted primarily off site at customers' homes or businesses, and includes tree trimming and pruning, tree and stump removal, lot clearing, and related services for residential and commercial customers. Activities requested to be conducted onsite consist of only the following: office and administrative functions; storage of supplies and equipment; and parking of vehicles, including those of employees during work hours and of service vehicles when not in use for the business. Other functions of the business which have been conducted onsite, including cutting, splitting, and grinding of tree branches, trunks, stumps, and brush, and sales of firewood, which were requested on the initial filing, are withdrawn from the Application and will not be conducted at this location.

The subject property consists of a single 3.276 acre parcel on the west side of Westerville Road, north of Ferris Road. The property is zoned Rural. The property is improved with a two story house, a barn-type structure, and smaller storage sheds. Access to the property is provided by two curb cuts on Westerville Road. All drive ways and parking areas are unpaved.

The subject parcel and an abutting property to the northwest, which are within the City of Columbus boundaries, are abutted on three of their four sides by Rural-zoned Mifflin Township properties. The properties to the immediate south and west, and the property abutting the eastern portion of the northern boundary, all lie within Mifflin Township and, like the subject parcel, are zoned Rural. The other property immediately adjacent to the north abutting the majority of the northern boundary of the subject property lies within the City of Columbus and is zoned LM. That site is improved with a large drive-through self storage facility. Further north nearing Morse Road are retail uses, including a boat dealer, and a garden store/farm implement dealer. Across the street is a Columbus public golf course.

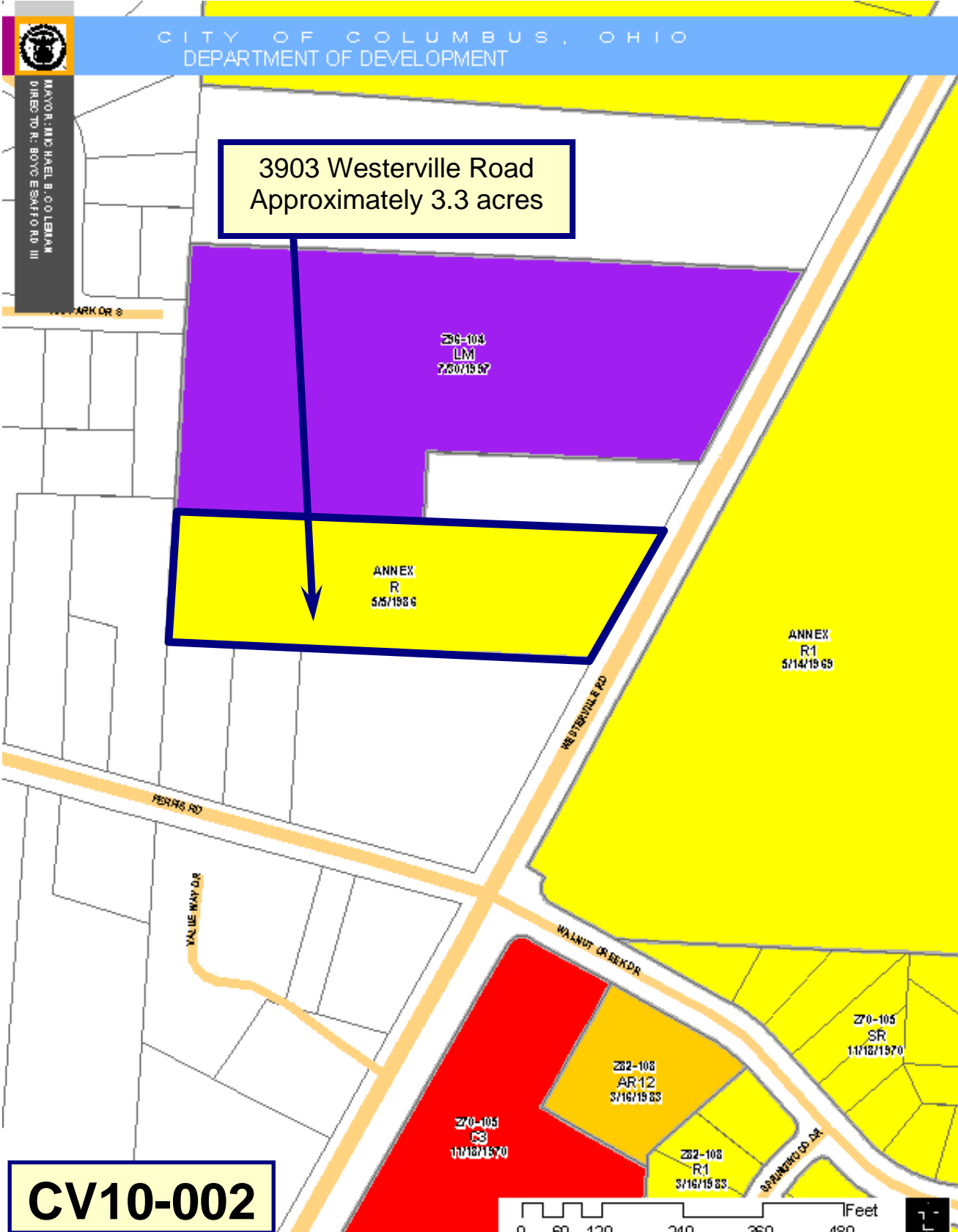
In addition to the use variance, the applicant requires and respectfully requests the following variances:

1. Code Section 3312.43 to permit parking areas to be unpaved;
2. Code Section 3312.39 to permit unmarked and unstriped parking areas.

The requested variances will result in a reduction of the uses on the site. No additional improvements of the site are planned. However existing mounding and natural buffering consisting of trees and other landscaping will be maintained or enhanced. All storage/parking sites will remain behind such buffering so as to be shielded from view of the street and adjacent properties. There will be a reduction in the vehicular traffic on, to and from the site. All business activities involving power equipment will be moved offsite. Other than the sounds of vehicles entering, exiting or traversing the property, the Applicant anticipates there will be no significant noise during business or nonbusiness hours associated with the conduct of the

business. There will be no discernible vibration, emissions of smoke, dust or other particulates, odors, glare, light, or heat from the business.

Finally the use is consistent with the other uses along the Westerville Road corridor. 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.

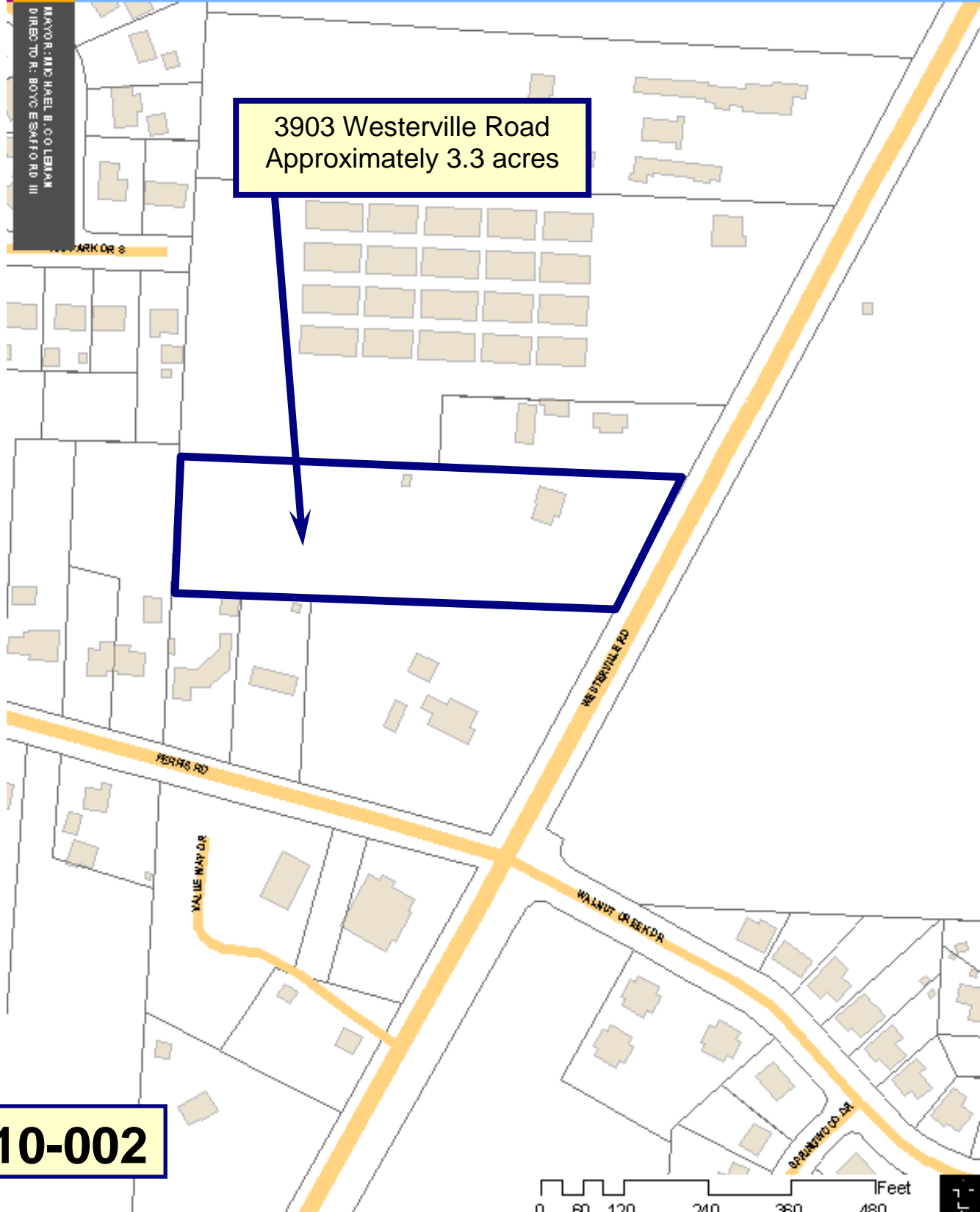




CITY OF COLUMBUS, OHIO
DEPARTMENT OF DEVELOPMENT

MAYOR: MICHAEL B. COLEMAN
DIRECTOR: BOYCE SMITH RD III

3903 Westerville Road
Approximately 3.3 acres

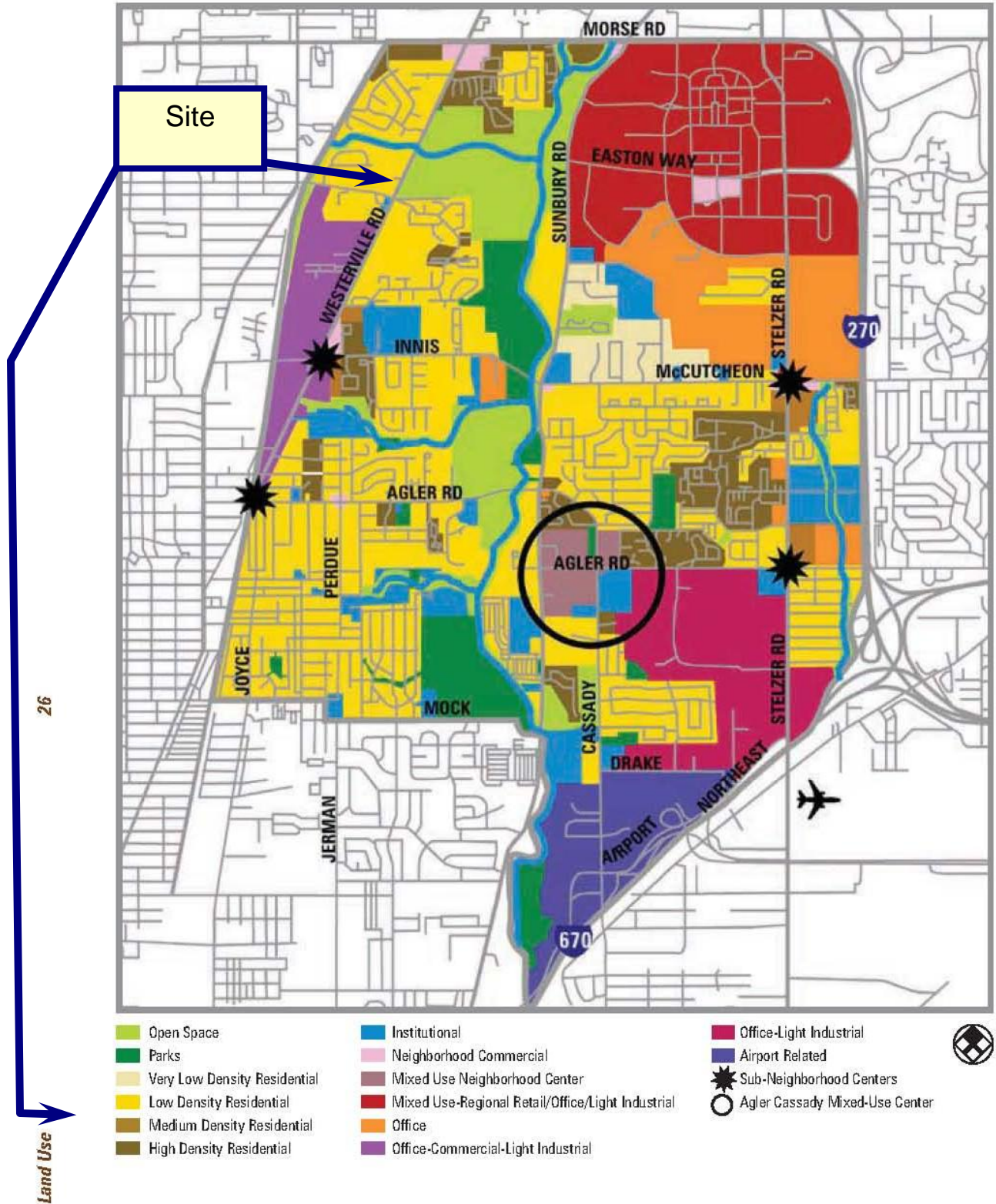


CV10-002





Figure 5. Land Use Plan



Hitt, Dana

From: allison patterson [kellum88@yahoo.com]

Sent: Thursday, February 09, 2012 10:01 AM

To: Hitt, Dana

Subject: Re: January agenda

NEAC voted to disapprove CV10-002-10315-00000-00037 on Feb. 2, 2012.

Any questions call me on 596-2963.

Mrs. Porter



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

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 # CV10-002

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Brent D. Rosenthal

Of [COMPLETE ADDRESS] 366 East Broad Street, Columbus, Ohio 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 or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

<p>1. Larry M. Schmitt 5529 Rockwood Road 5529 Rockwood Road Columbus, Ohio 43229 Zero* Larry Schmitt (614) 266-2818</p>	<p>2. Virginia Schmitt 5529 Rockwood Road 55529 Rockwood Road Zero* Larry Schmitt (614) 266-2818</p>
<p>3. *The tenant, Schmitt Tree Experts currently has 13 Columbus based employees.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this Brent D. Rosenthal day of December, in the year 2011

SIGNATURE OF NOTARY PUBLIC

My Commission Expires: 04-12-2016



Kathy L. Benjamin
Notary Public, State of Ohio
My Commission Expires 04-12-2016

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

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