

**Re: Council Variance Application
7909 Station Street**

STATEMENT OF HARDSHIP

The property subject of this Council Variance Application (“Site”), was recently annexed to the City of Columbus on or about July 15, 2002. This council variance is being filed contemporaneously with an application for comparable rezoning and is necessary to address the current structure and the pre-existing legal, non-conforming development standards.

Following a meeting with the Zoning Clearance Staff, the following variances have been identified:

1. C.C.C.§3363.23; §3363.24; 3363.25 - To reduce the building setback along Oak Street from 25' to 20';
2. C.C.C.§3363.23 - To reduce the building setback along Station Street from 25' to 17';
3. C.C.C. §3342.18 - To reduce the parking setback along Station Street from 10' to 0';
4. C.C.C. §3342.15 - To allow maneuvering within the parking setback for all 41 spaces;
5. C.C.C. §3342.11 - To eliminate the requirement for green space/hedge;
6. C.C.C. §3342.17 - To eliminate the requirement for a 5' fence/wall;
7. C.C.C. §3342.28 - To reduce the required number of parking spaces from 60 to 35;
8. C.C.C. §3342.28 - To eliminate the requirement for two handicap parking spaces.

As discussed in the Introduction to the Limitation Text being submitted with the contemporaneous Rezoning Application, the above variances are necessary to legitimize the current development standards (which are legal and non-conforming/grandfathered). The Applicant, by virtue of the existing structures and existing configuration of parking/buildings, etc., is experiencing a hardship conforming to the development standards of the Columbus City Code, which standards were not applicable at the time of construction.

With regard specifically to variance No. 7 above, a 19-space variance was originally requested, to allow the Applicant to comply with the previously approved building plans which call for parking, 19 spaces, which spaces are not yet paved or striped. After review with the City of Columbus Transportation Division, the Applicant has revised the request to allow for six additional spaces to variances from Code. This request is made to provide adequate handicapped/ADA spaces, within the limited allotted parking area. The Applicant considers the requested parking variance still adequate to serve parking needs, due to the small-scale commercial nature of the business. Note: the requested rezoning to LM is only necessary to accommodate the small-scale storage use. Otherwise, the proposal is entirely small-scale neighborhood commercial. The existing building consists of 17 small (i.e., less than 1200 sq. ft.) units, for small scale businesses. Such small spaces simply do not generate as much traffic as more intense, big-box style commercial businesses. The accompanying rezoning application and text has eliminated higher intense commercial and manufacturing uses, so as to maintain the small-scale commercial.

In light of the surrounding industrial development, the variances requested are not significant and do not alter the essential character of the neighborhood, which is a mixed use of industrial and well-buffered residential. The proposed variances do not hinder the delivery of governmental services, but rather serve to enhance the delivery of such services, including utilities (water and sewer). In fact, the installation of a sanitary sewer line through the property, tying into others directly south, was a much needed infrastructure improvement for the area.

The requested variances cannot be obviated through other means. Again, these variances are a direct result of the current, existing location of the structures. To the extent other development standards can be conformed to Code, the applicant has done so. In other words, these variances are the least number of items, for which variances should be sought.

For these reasons, and because the Applicant has requested a comparable zoning to legitimize the legal, non-conforming mixed commercial/warehouse use for the property, the Applicant respectfully requests Council acknowledge the current circumstances and pass the requested variances to legitimize the same.

Respectfully submitted,

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