



**STATEMENT OF HARDSHIP**

APPLICATION #

CV02-059

**3307.09 Variances by Board.**

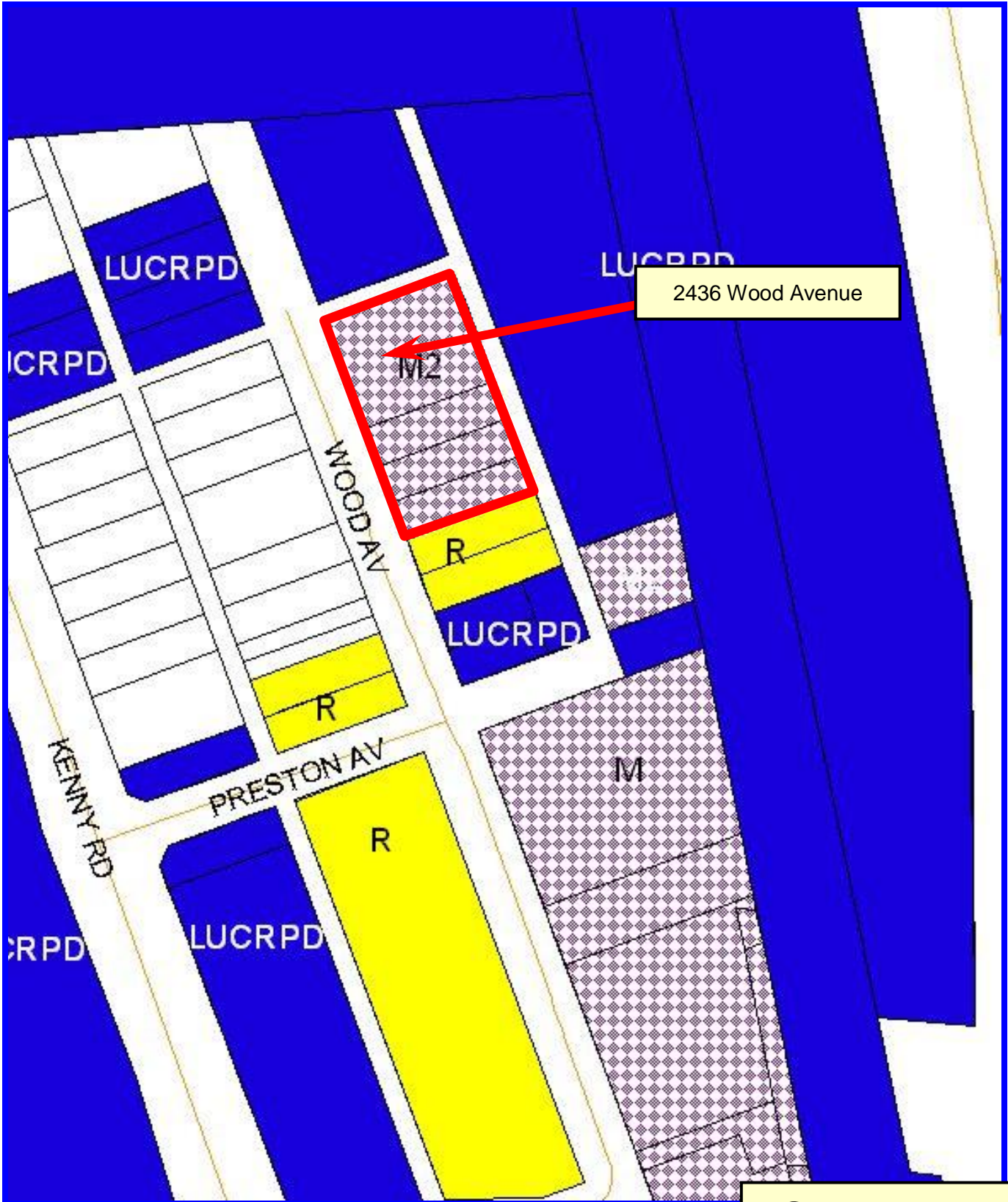
- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
  - 1. That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.
  - 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  - 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  - 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

**I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:**

Applicant seeks the following variances: (1) Section 3367.01, to permit a gymnastics school in the M-2, Manufacturing District; (2) Section 3342.28, to reduce the required parking from 49 spaces to 48 spaces; (3) Section 3342.24, to permit the continued use of an existing gravel parking lot with a zero setback (Section 3342.18); (4) Section 3342.15, to permit parking spaces to be accessed from Wood Avenue; (5) Section 3367.15 (c) and (d), to waive the requirement that suitable ground cover and shrubbery be planted within an area extending 50 feet from an abutting street line, and to permit off-street parking and/or loading within this 50 feet; and (6) Section 3342.17, to waive the requirement that any portion of a parking lot within 80 feet of residentially zoned property shall be screened along its perimeter.

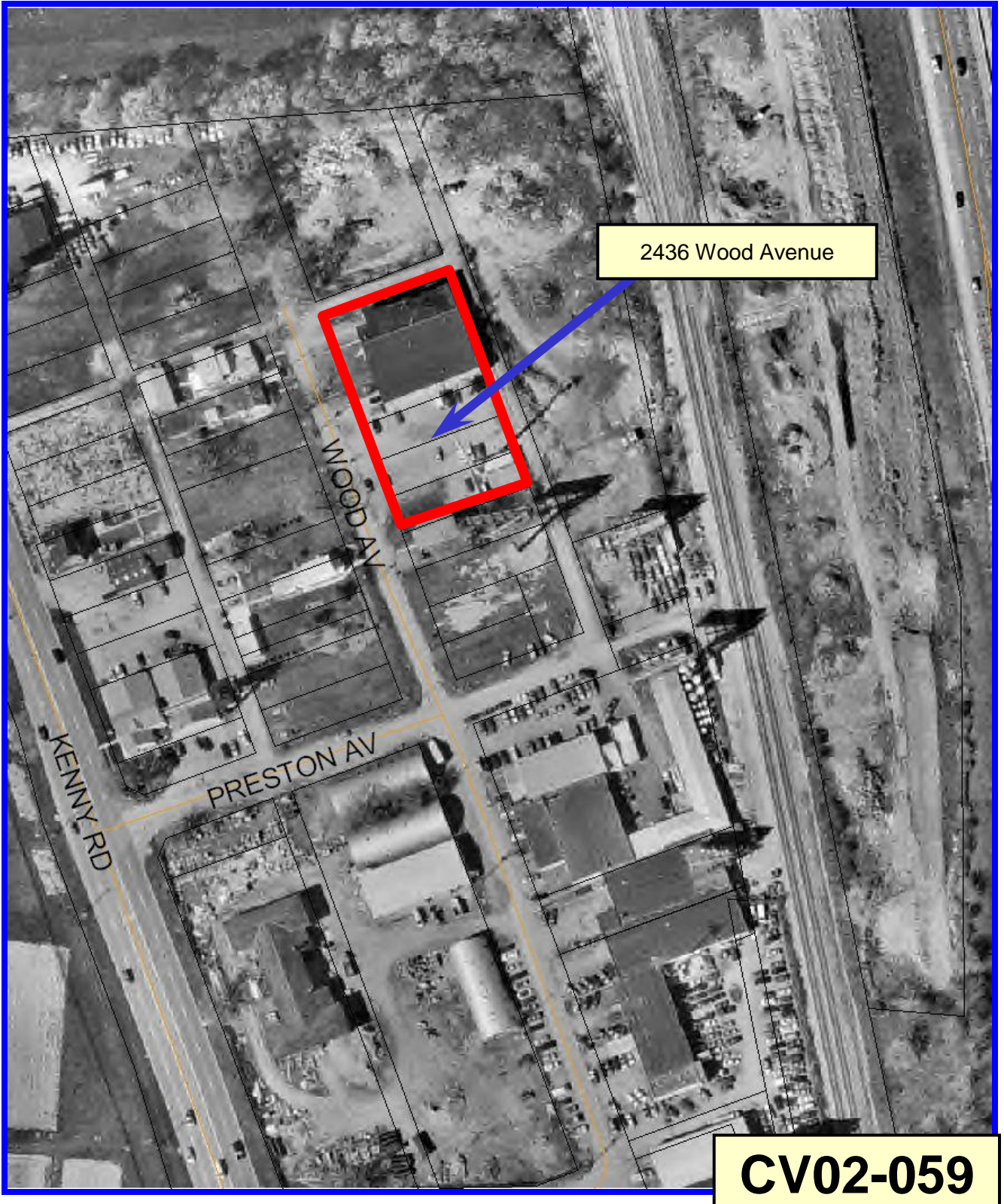
The existing zoning district does not permit the proposed use, but the high ceiling and open areas of the existing building make it ideal for this use. The applicant wants to expand its existing gymnastics school while maintaining the existing gravel parking lot. The handicap spaces have been located on a hard surface and will use Wood Avenue for access. The absence of screening and landscaping on the perimeter of the lot will have little or no effect on residentially owned property, as it is located across Wood Avenue. Said variances 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 City of Columbus.

Signature of Applicant By: Amor L. Underhill Date 11/16/05  
 Wendy's Gymnastics & Fitness



**CV02-059**





City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

**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 # CV02-059

Being first duly cautioned and sworn (NAME) Jeffrey L. Brown  
 of (COMPLETE ADDRESS) 37 W. Broad Street, Suite 725, 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 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

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

|  |  |
|--|--|
| 1.<br>Wendy's Gymnastics & Fitness<br>2460 Wood Avenue<br>Columbus, Ohio 43221 | 2.<br>Gomez Realty LLC<br>2261 Oxford Road<br>Columbus, Ohio 43221 |
| 3.   | 4.   |

SIGNATURE OF AFFIANT

*[Handwritten Signature]*

Subscribed to me in my presence and before me this 31<sup>st</sup> day of October, in the year 2005

SIGNATURE OF NOTARY PUBLIC

*[Handwritten Signature]*  
04-25-09

My Commission Expires:

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



JENNIFER T. HUETTE  
 Notary Public, State of Ohio  
 My Commission Expires 04-25-09