

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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 not included, a new application (and applicable fees) 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 Exhibit A.

Signature of Applicant

Donald Hank

Date

12/23/22

Exhibit A

Council Use Variance – 3440 West Broad Street

Background

Applicant is the owner of two (2) parcels of property located at 3440 West Broad Street, Columbus, Ohio 43204, known as Franklin County Auditor Tax Parcel Id. No.'s 010-006891 and 010-006683 (collectively, the "Property"). The Property is in the C-4, Regional Scale Commercial, District and the M, Manufacturing, District. The Property is also subject to the Regional Commercial Overlay ("RCO") standards under the Columbus Zoning Code. The Property is improved with an approximately 21,103 square foot building, which was previously used as a bowling alley, and a surface parking lot. The Property is located on the north side of West Broad Street to the west of the Camp Chase Trail and railroad overpass. The Property is located to the south of the Great Western Shopping Center (which is zoned M, Manufacturing), and to the north of certain properties zoned M, Manufacturing. There also appears to be an oil/fuel storage facility located to the south of the Property and just outside of the City of Columbus.

Applicant desires to use the Property as a motorcycle storage and wholesaling facility. Applicant owns a business that exports whole motorcycles to Japan and sells individual motorcycle parts online. Additionally, Applicant desires to lease approximately 512 square feet for the sale of art supplies. Applicant is requesting to rezone the C-4 portion of the Property to the M, Manufacturing District, in order to permit the desired uses over the entirety of the Property. Applicant has filed this Council Variance Application in conjunction with the Rezoning Application in order to legitimize the existing conditions on the Property and to recognize the City's request for additional West Broad Street right-of-way.

Area Variances Requested

1. City of Columbus Zoning Code (the "Zoning Code") Section 3312.13(B) requires a non-residential driveway to have a minimum width of 20 feet and a maximum width of 35 feet measured at the street right of way line. Applicant is requesting a variance to legitimize the existing 13 foot wide driveway.
2. Zoning Code Section 3312.21(A) requires the interior of any parking lot containing 10 parking spaces or more to be landscaped. Interior landscaping shall be provided at a minimum ratio of 1 shade tree for every 10 parking space or fraction thereof. Applicant is requesting a variance to legitimize the 0 existing interior trees and landscaped islands on the Property.
3. Zoning Code Section 3372.804(A) requires the setback for a building or structure along a primary street to be a minimum of 20 feet when a parking lot is not located in front of the building. Applicant is requesting a variance to legitimize the location of the building after the dedication of land for additional West Broad Street right-of-way. After the right-of-way dedication, the building will be located 12 feet from the West Broad Street right-of-way.

4. Zoning Code Section 3372.804(B) requires the setback for a surface parking lot along a primary street to be a minimum of 10 feet. Applicant is requesting a variance to permit the location of the existing parking lot, which will be 2 feet from the new West Broad Street right-of-way.
5. Zoning Code Section 3372.807(A) requires a minimum three foot high continuous row of planted shrubs to be planted to screen surface parking from a public street to an overall opacity of 75 percent. Applicant is requesting a variance in order to legitimize the existing condition of the land in front of the parking area. The parking lot is screened from West Broad Street by extensive mounding.

Partial Termination

The 5 requested variances from the Zoning Code involve legal, non-conforming buildings and improvements. The variances shall terminate when the owner (including any future owner) of the Property voluntarily demolishes at least 75% of the existing building on the Property.

Statement in Support

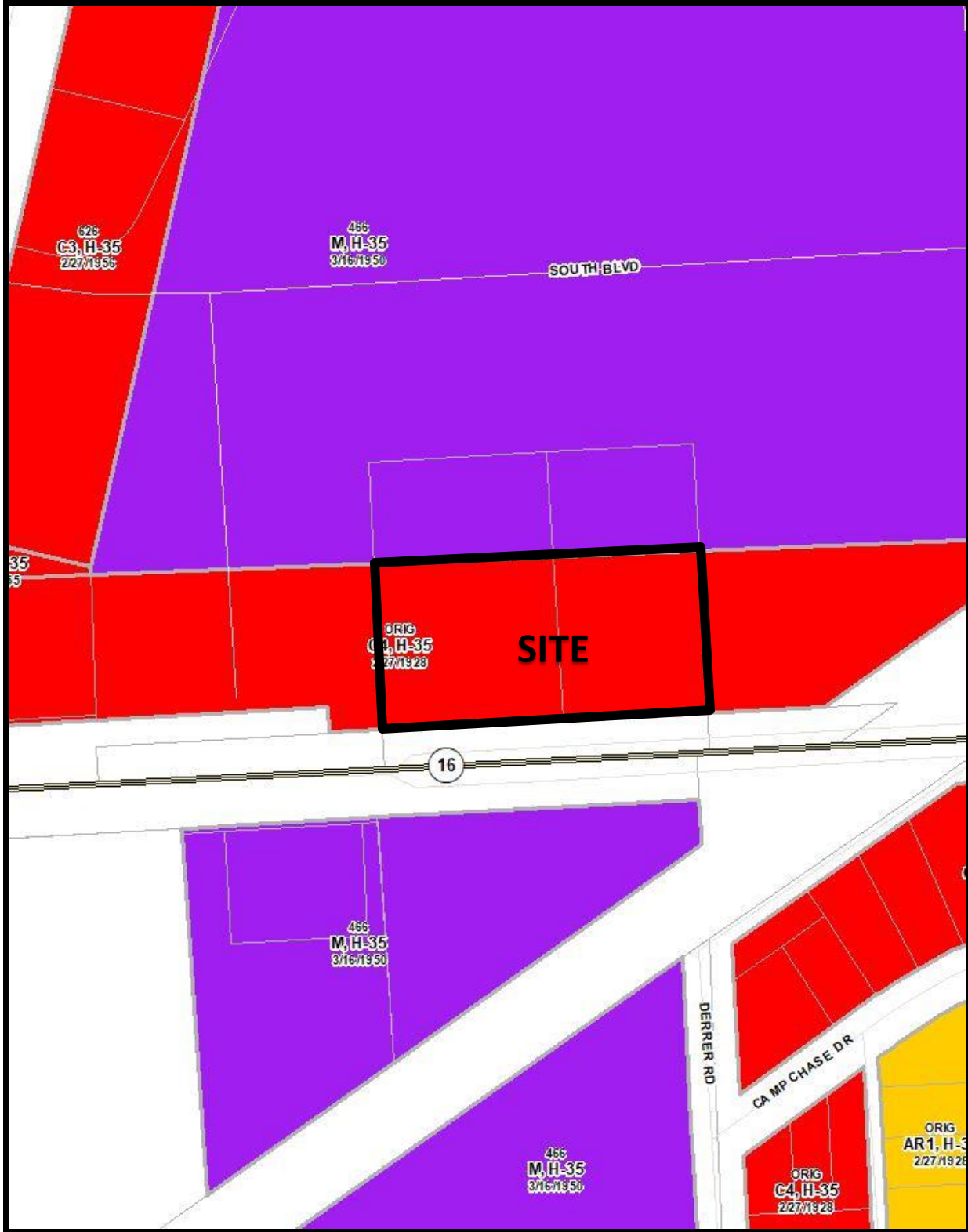
The requested variances are either to legitimize the existing conditions on the Property or to recognize the development standards after the dedication of land for additional West Broad Street right-of-way. The building and improvements on the Property were installed in the early 1950's and simply do not meet some of the existing Zoning Code standards. Applicant has the practical difficulty of owning a property that was legally improved, but no longer meets updated development standard and overlay requirements under the Zoning Code.

The Property will not yield a reasonable return and there can be no beneficial use of the Property without the variances. The variances are required in order to legitimize the existing site conditions and dedication of a portion of the Property for additional West Broad Street right-of-way. The variances are not substantial and do not alter the essential character of the neighborhood. The Property is isolated by the Camp Chase Trail and railroad overpass and the significant mounding on the Property. The surface parking lot is barely visible from West Broad Street. The variances will not adversely affect the delivery of governmental services; the Applicant's predicament feasibly cannot be obviated through some method other than a variance; and the spirit and intent behind the zoning requirements will still be observed and substantial justice done by granting the variances.

By: _____

Printed Name: Donald Plank

Dated: 6/29/2023



CV22-159
3440 W. Broad St.
Approximately 1.20 acres



CV22-159
3440 W. Broad St.
Approximately 1.20 acres

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number Z22-099 / CV22-159

Address 3440 West Broad Street

Group Name Greater Hilltop Area Commission

Meeting Date 3/7/2023

Specify Case Type
 BZA Variance / Special Permit
 Council Variance
 Rezoning
 Graphics Variance / Plan / Special Permit

Recommendation
(Check only one) Approval
 Disapproval

LIST BASIS FOR RECOMMENDATION:

Applicant agrees to following conditions - Area Commission approval conditional upon these three items.

1. Property owner agrees to install a row of shrubs in front of the building on the property within ninety days of the effective date of the ordinance involving CV22-159.
2. The property owner, its successors or assigns, and its tenants, agents, and contractors shall not park tractor trailers on the 1.2 acre property overnight.
3. All storage on the 1.2 acre property shall be enclosed in the building on the property.

Vote 14 For, 1 abstention due to potential perceived conflict

Signature of Authorized Representative  Rachel F. Wenning

Recommending Group Title Greater Hilltop Area Commission

Daytime Phone Number 614 623 5069

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-159

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

Being first duly cautioned and sworn (NAME) Donald T. Plank
of (COMPLETE ADDRESS) Plank Law Firm, LPA, 411 East Town Street, Floor 2, 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 (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. Tom VanStavern 1534 Glenn Avenue, Columbus, Ohio 43212 1	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 28th day of June, in the year 2023

[Signature]
SIGNATURE OF NOTARY PUBLIC

Mon
My Commission Expires

Notary Seal Here



Craig J. Moncrief, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

Project Disclosure Statement expires six (6) months after date of notarization.