



DEPARTMENT OF BUILDING AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

CV16-009

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:

PLEASE SEE ATTACHED COMMENTS

Signature of Applicant

[Handwritten signature]

Date

1/28/14

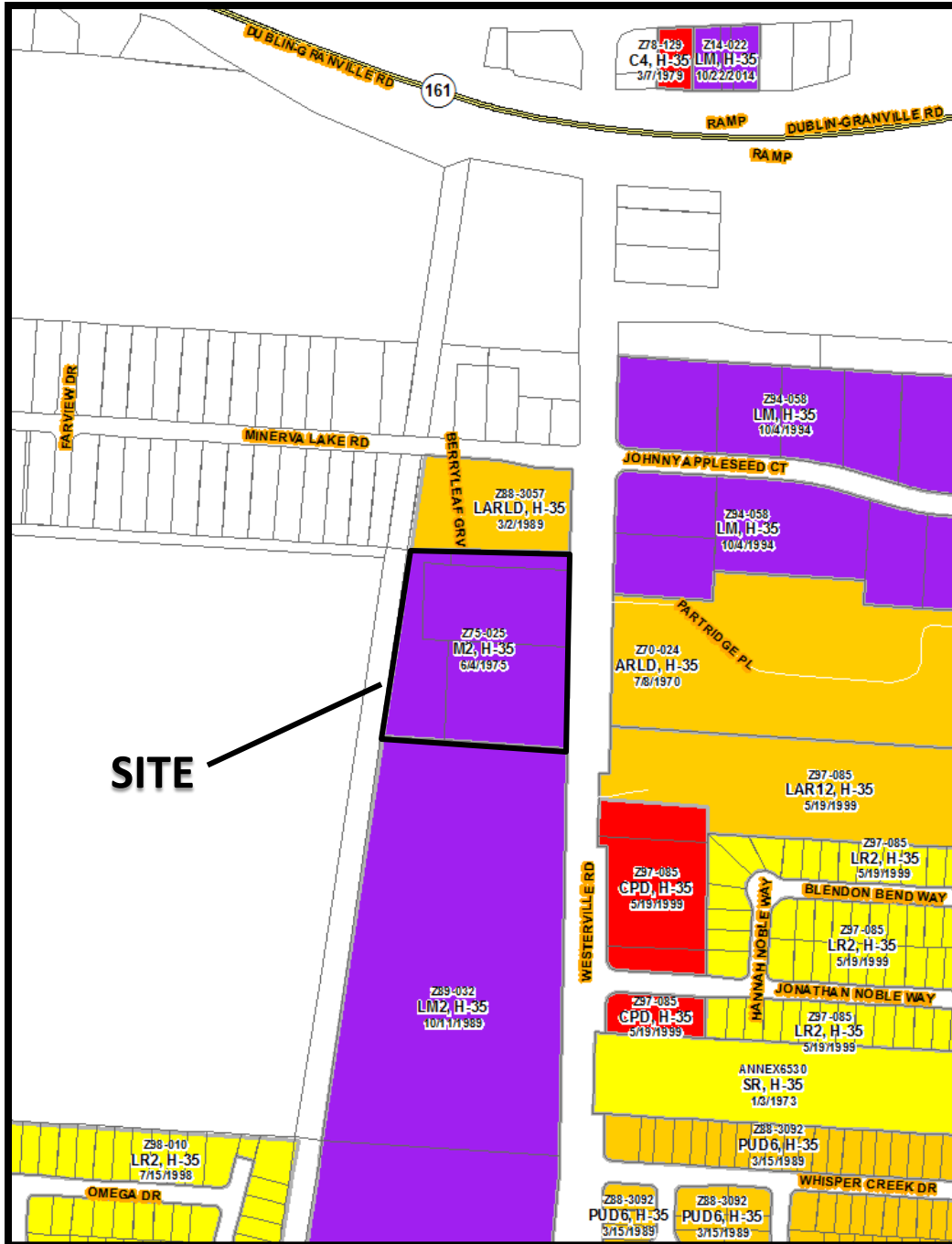
PLEASE NOTE: Incomplete information will result in the rejection of this submittal. Applications must be submitted by appointment. Call 614-645-4522 to schedule. Please make checks payable to the Columbus City Treasurer

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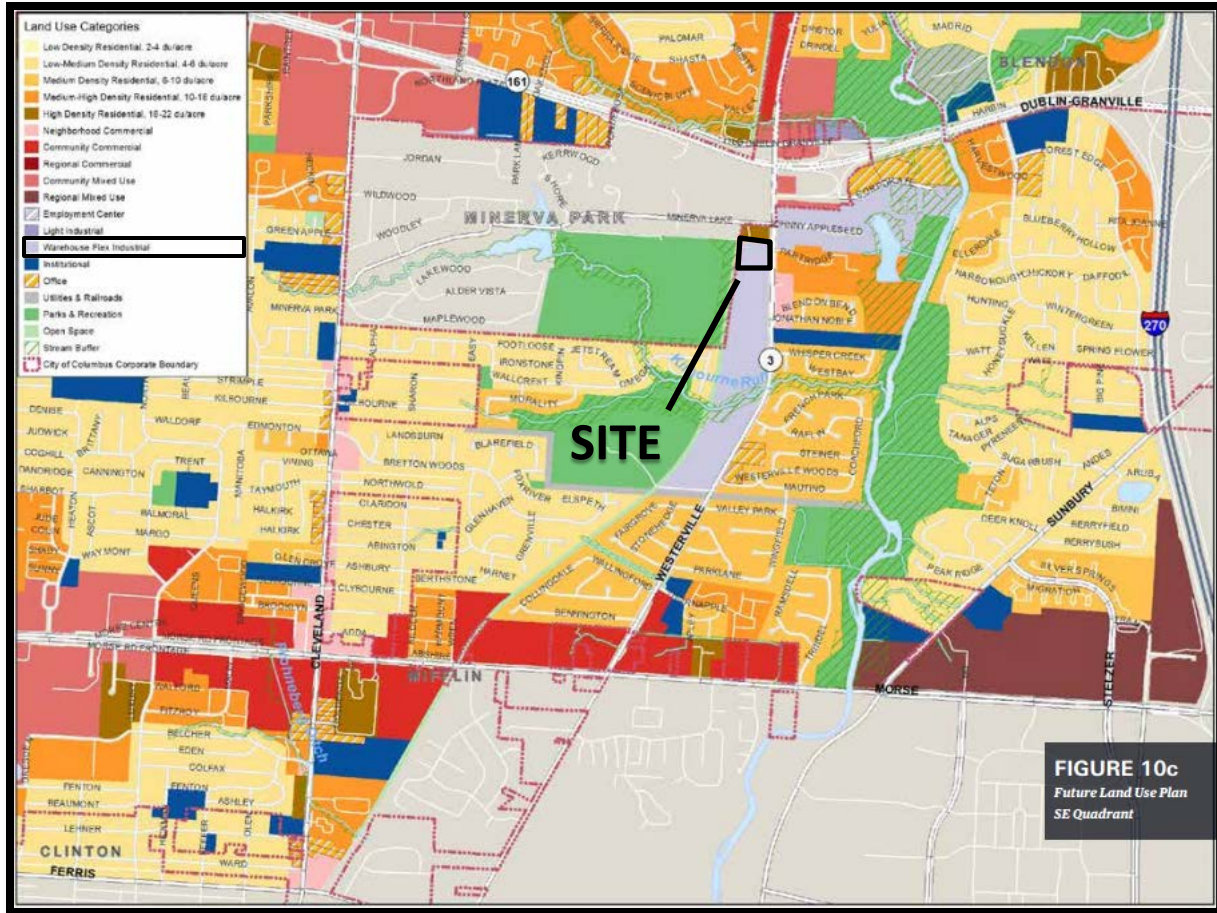
Statement of Hardship 5095 Westerville Rd. 43231

This is a Multi-tenant property zoned M2. We are currently asking for a Use Variance in order to operate a training /conditioning facility that will cater to young athletes in the surrounding area. We will have personal trainers for basketball, football, speed, conditioning and fitness strength. The training facility will not only provide top of the line training but also develop a humble and virtuous character that will carry on through their adult lives. The existing zoning district does not permit the proposed use, but the high ceilings and open areas of the existing building make it ideal for this use.

Considering the visibility of the property, the easy access to Hwy 3 and the adequate parking, we are interested in a variance. The granting of this variance will not impair an adequate supply of light and air to adjacent property, unreasonable increase the congestion of public streets, increase the danger of fires, endanger public safety, unreasonably diminish or impair the public health, safety, comfort, moral, or welfare of the inhabitants of the city.

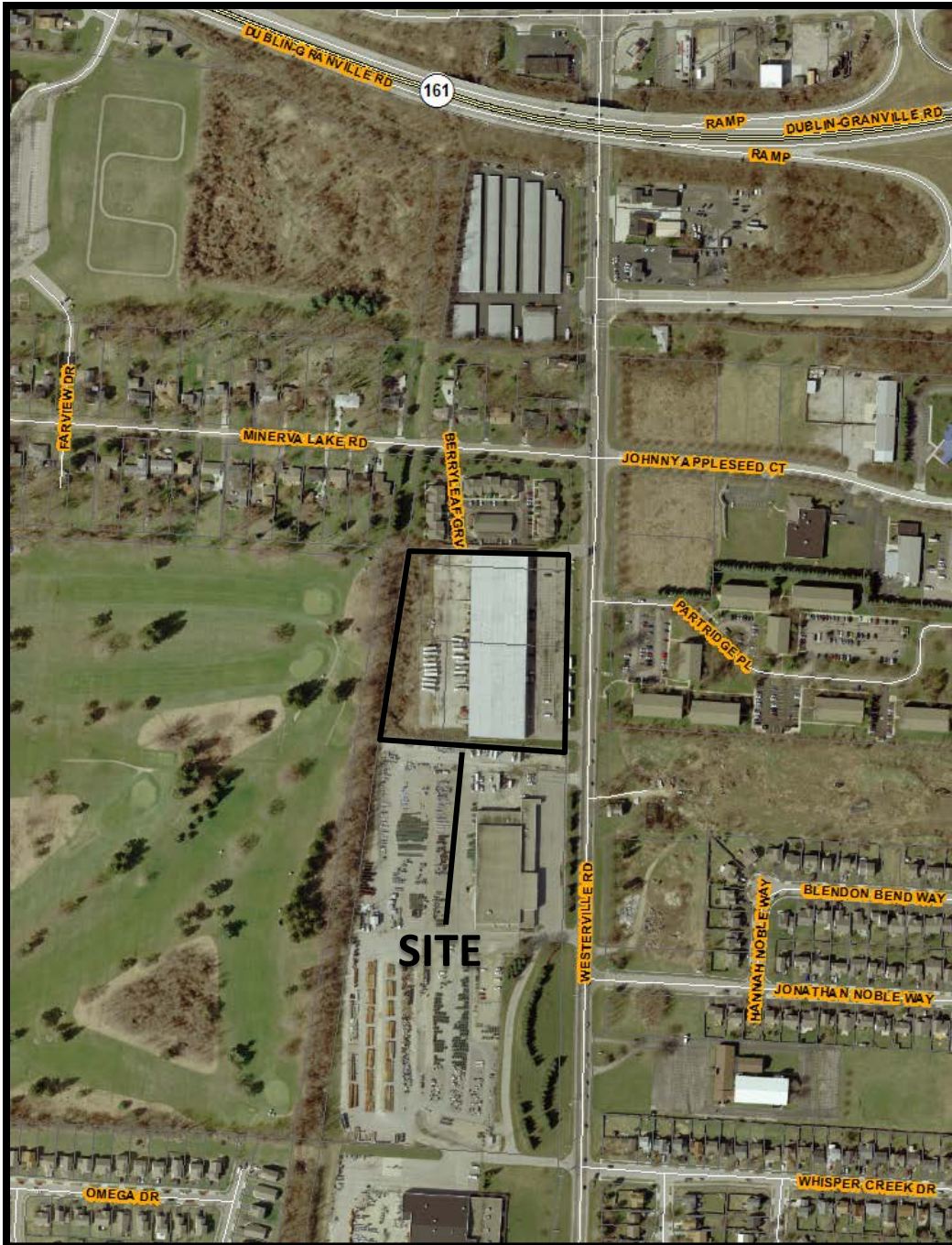


CV16-009
5095 Westerville Road
Approximately 5.5 acres



Northland I Area Plan (2014)

CV16-009
5095 Westerville Road
Approximately 5.5 acres



CV16-009
5095 Westerville Road
Approximately 5.5 acres

Excerpt from March 30, 2016 Northland Community Council Development Committee Report

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- Case #3:** Application #CV16-009 (Council variance from §3367.01 to permit operation of an athletic training facility in an M-2 district)
 Andre Irvin representing
 A&J Westerville Properties LLC
 5095 Westerville Road, 43231 (PID 600-105957 et al)¹
- The Committee approved (17-0 w/ 1 abstention) a motion (by MP, second by SCA) to **RECOMMEND APPROVAL WITH CONDITIONS:**
 1. That the applicant provides evidence that a minimum of 10 parking spaces will be available for their and their customers' use at all times of operation, whether as a consequence of the applicant's lease agreement, a shared parking agreement, or a combination thereof.
 2. That the proposed use as described in the application be revised to be "Exercise and Health Facilities" (as found in §3355.03 among permitted uses in a C-3 district), as the use "Athletic Training and Conditioning Facility" currently specified by the applicant is not a use currently defined or permitted in any district in the Zoning Code.

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- Case #4:** Application #Z15-056 (Rezone 0.63 AC± from C-5 to L-C-4 to allow repurposing of a self-serve car wash for other uses including automobile sales)
 Dave Perry/David Perry Company representing
 Mohammed Alwazan/Buckeye State Auto Sales
 6125 Cleveland Ave, 43231 (PID 600-202557/600-202558)
- The Committee approved (14-3 w/ 1 abstention) a motion (by SWCA, second by FPCA) to **RECOMMEND DISAPPROVAL** of the application.

Executive Session

9:45 pm

Meeting Adjourned

10:30 pm

¹ Although not a condition of approval nor discussed by the Committee, it was noted in preparing this report that this applicant has described the property for which Council variance is being sought in their application as PID "600-105957 + 3 others" (with four parcels listed on a subsequent page) and its acreage as "5.5±." However, it was clear from the applicant's presentation that the applicant is seeking a variance only for the 0.3134 ± AC parcel with address 5095 Westerville Road and designated PID 600-105957, not the adjacent parcels at 5097 Westerville Road (PID 600-105958) and 5087 Westerville Road (PID 600-105961/600-105962), which together with the subject parcel make up the entire 5.5± AC site. The chair suggests that the application should be amended and subsequent legislation should make clear that any variance approved as a result of this application applies only to the parcel designated with PID 600-105957, not to the adjoining parcels, as was the understanding of the Committee when they developed their recommendation.

Pine, Shannon L.

From: Dave Paul <dwpaul@fpcivic.org>
Sent: Thursday, March 31, 2016 2:00 PM
To: Dietrich, Timothy E.
Cc: Pine, Shannon L.; NCC Development Committee; Andre Irvin
Subject: Re: NCC Development Committee Report and Recommendations - March 30, 2016

Thank you, Tim. I was just on the phone with Shannon and she explained the same thing. Also, she explained that the parking is a non-issue because of the way the applicant's lease is constructed and an assumption that all of the spaces on the site (on multiple parcels) are available to the applicant. Further, Shannon explained that the CV can describe a permitted use using language that does not appear in the Code as a defined use for base zoning districts.

That being the case, please consider the conditions recommended by our Committee to have been met and our recommendation to be for **APPROVAL**.

Thanks,

Dave Paul
Development Committee Chair/Past President
Northland Community Council
Cell: (614)325-8217
Email: dwpaul@fpcivic.org

On Thu, Mar 31, 2016 at 11:41 AM, Dietrich, Timothy E. <TEDietrich@columbus.gov> wrote:

Good Morning All,

We can add a condition to CV16-009 where the CV will only be applied to the Applicant's current tenant space, and therefore cannot be applied to the other spaces within the building on any of the other parcels. If you look at the parcels on the zoning map it is very unclear whether the Applicant's tenant space is solely within parcel # 600-105957 or if it extends into parcel # 600-105956 as well (attached photo).

Thank you,

Tim Dietrich

Planner I



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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 # CV16-009

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) ANDRE IRVIN
of (COMPLETE ADDRESS) 5714 BRAYMOORE DR GALENA OH 43021

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

Table with 2 columns and 2 rows containing handwritten entries for property owners: 1. Consolidated Utilities Railroad Corp, 2. Frank Groezinger + Minerva Lake Corp, 3. Brey Joann, 4. BAC Tax Service Corp.

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT [Handwritten Signature]

Sworn to before me and signed in my presence this 30th day of January, in the year 2016

SIGNATURE OF NOTARY PUBLIC [Handwritten Signature] My Commission Expires March 11, 2017



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