

CV08-030

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

**STATEMENT OF HARDSHIP**



Chapter 3307 of Columbus Zoning Code  
Section 3307.10 Variances by City Council

- A. Permit a variance in the yard, height, or parking requirement 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 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:

See attached.

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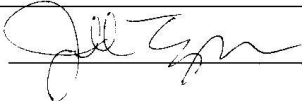
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Signature of Applicant  Date Sept 23 2008

### **Statement of Hardship**

**Applicant:** Donald R. Kenney/Kenney Airport Hotel Corp.

**Property Owner:** Donald R. Kenney/Kenney Airport Hotel Corp.

**Certified Address:** 1176 Steelwood Rd., Columbus, Ohio 43212

**Parcel ID No.:** 010-016574, 010-087476, 010-098815

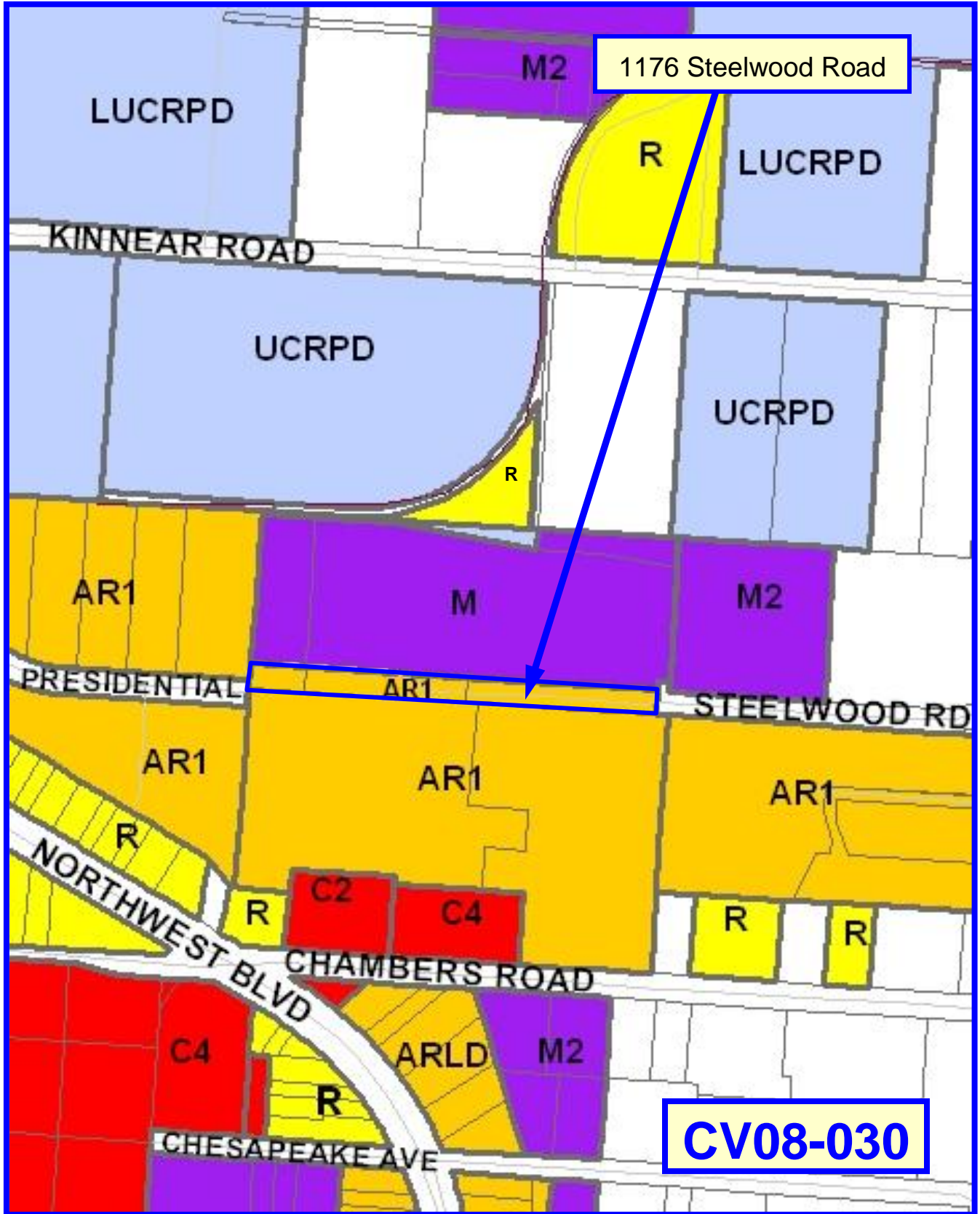
The Subject Property consists of three parcels, the majority of which are zoned M-1 and a portion of which are zoned AR-1. The Subject Property is currently being used for manufacturing purposes. The Applicant, Donald R. Kenney/Kenney Airport Hotel Corp. is requesting a variance from Section 3332.02 of the Columbus City Zoning Code (the "Code") to permit the portion of the Subject Property zoned AR-1 to be used for the purpose of a driveway and parking to serve the M uses on the property immediately to the north. No buildings or structures shall be placed on the AR-1 property.

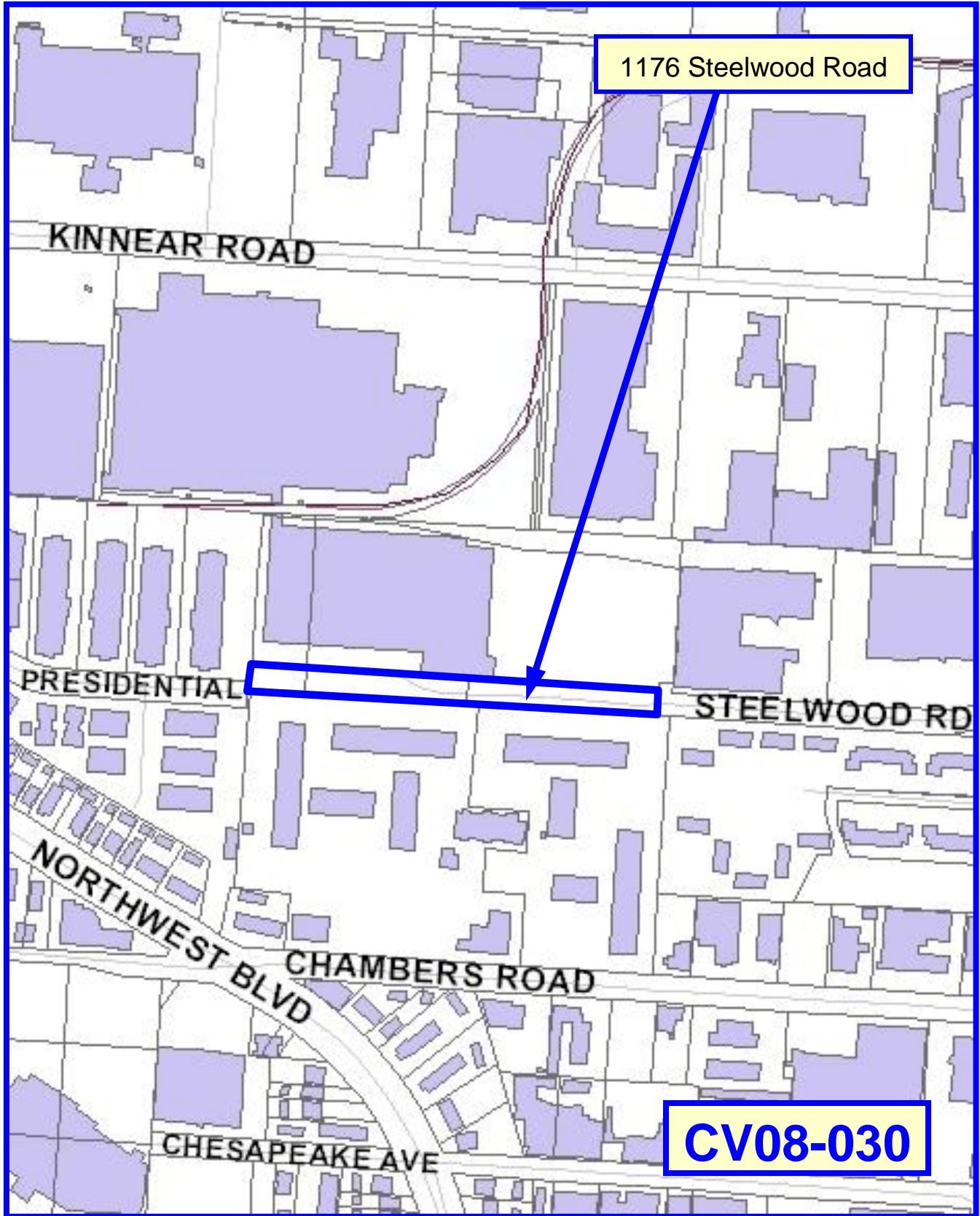
In addition to the use variance requested to allow the access drive and parking area on the AR-1 property to continue to be used for the neighboring M property, the applicant is also asking for a variance to Section 3333.23 of the Code to allow the side yard on the AR-1 property to be reduced to zero feet on the north and east sides and to three feet on the south and west sides. The AR-1 property is currently paved all the way to the edge of the AR-1 where it abuts the M property to the north and where it meets Steelwood Road to the east. On the south and west sides, the pavement is three feet from the property line.

The portion of the Subject Property zoned AR-1 is located along the southern border of each of the parcels. This portion of the Subject Property includes the access drive and parking area. The remainder of the Subject Property is zoned M and has been used for at least 20 years as a manufacturing use. Thus, the granting of the variances would bring the Subject Property into conformance with the Code.

The Applicant was not a party to the 1973 and 1969 rezonings which resulted in these parcels with split zoning and therefore did not create the circumstance necessitating this variance.

The granting of the variances would not have an adverse impact on the property value or the value and aesthetics of surrounding properties or property owners because the Subject Property has been used for manufacturing purposes and the access drive and parking area have existed for decades. Granting the variances will not allow any additional buildings or uses to be placed on the property zoned AR-1, but will simply allow the access drive and parking area to remain and to be conforming. The variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of the streets, increase the danger of fires, endanger public safety or unreasonably diminish or impair the public health, safety, morals or welfare of the City of Columbus.





**From:** Becky Obester [rebecca2305\_1@hotmail.com]  
**Sent:** Tuesday, November 18, 2008 10:41 PM  
**To:** Green, Walter A.  
**Cc:** shalter@mymailstation.com  
**Subject:** FW: CV08-030 - Steelwood Avenue  
Walter:

I am somewhat remiss with our Area Commission approval... we meet about a week ago, and I started a new job!  
We approve of your project... please move forward with it, it sounds like it would be a good project for the overall good of the property and our area, in general.

Thanks!  
Becky Obester  
Co-Chair, Fifth by Northwest Area Commission and Acting Chair of the Area Commission (in the Commissioner's absence).

Thank you!

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Date: Tue, 18 Nov 2008 17:12:32 -0500  
From: shalter@mymailstation.com  
To: rebecca2305\_1@hotmail.com  
Subject: Fw: RE: CV08-030 - Steelwood Avenue

Hi Becky, i am in fl now, did you send our approval to Walter yet? thanks,  
Bruce

-----Forwarded Message-----  
From: "Tangeman, Jill S."  
Sent: Nov 18, 2008 3:11 PM  
To: "Green, Walter A."  
Cc: "bshalter@columbus.rr.com" , "shalter@mymailstation.com"  
Subject: RE: CV08-030 - Steelwood Avenue

Walter:

Yes, and we received approval. I'm copying Bruce Shalter on this email, as he is the zoning chair and can let you know if they have sent the approval letter or not.

Thanks!

Jill





1176 Steelwood Road

**CV08-030**

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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.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # CV08-030

Being first duly cautioned and sworn (NAME) Jill S. Tangeman, Esq. of 52 E. Gay Street, Columbus, Ohio 43215 deposes and states that she DULY AUTHORIZED ATTORNEY FOR APPLICANT 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

Donald R. Kenney/Kenney Airport Hotel Corp. 470 Olde Worthington Rd. Westerville, Ohio 43082	

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

SIGNATURE OF AFFIANT *Jill Tangeman*  
 Subscribed to me in my presence and before me this 23 day of September, in the year 2008  
 SIGNATURE OF NOTARY PUBLIC *Sarah L. Herbert*  
 My Commission Expires: NA

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

Notary Seal Here



**SARAH L. HERBERT**  
**ATTORNEY AT LAW**  
 Notary Public, State of Ohio  
 My Commission Has No Expiration  
 Section 147.03 R.C.