

CV06-029

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 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:

Please see EXHIBIT A attached hereto and incorporated herein by this reference.

Signature of Applicant (Signed in BLUE INK) James M. Greer, Attorney for Applicant Date 4/4/06

PROPOSED VARIANCE REQUESTS

The Applicant will request from Columbus City Council a zoning use variance to permit the construction of an AM radio transmission facility at the site. The transmission facility shall consist of four (4) eighteen inch (18") wide, one hundred fifty foot (150') tall towers, together with four foot by four foot (4' x 4') coupler buildings on six foot by six foot (6' x 6') foundations.

Additionally, the Applicant will build a twenty foot by thirty foot (20' x 30') transmission building on the site. The Applicant will also request a height variance to permit the height of the transmission towers to not exceed one hundred sixty feet (160').

The Applicant will also seek a variance to permit construction of footers and radio piers to attach the guy wires from the tower to the ground within the building setbacks along the property.

Finally, the Applicant will request a variance to permit stack parking in a driveway adjacent to the transmission building, instead of having designated parking spaces in a parking lot.

HARDSHIP STATEMENT

Proposed WVKO AM transmission facility relocation

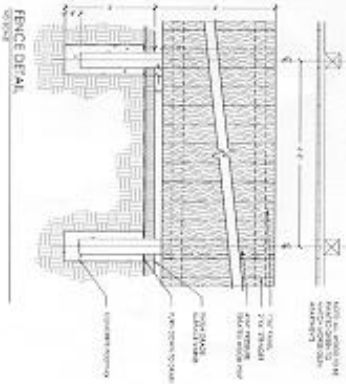
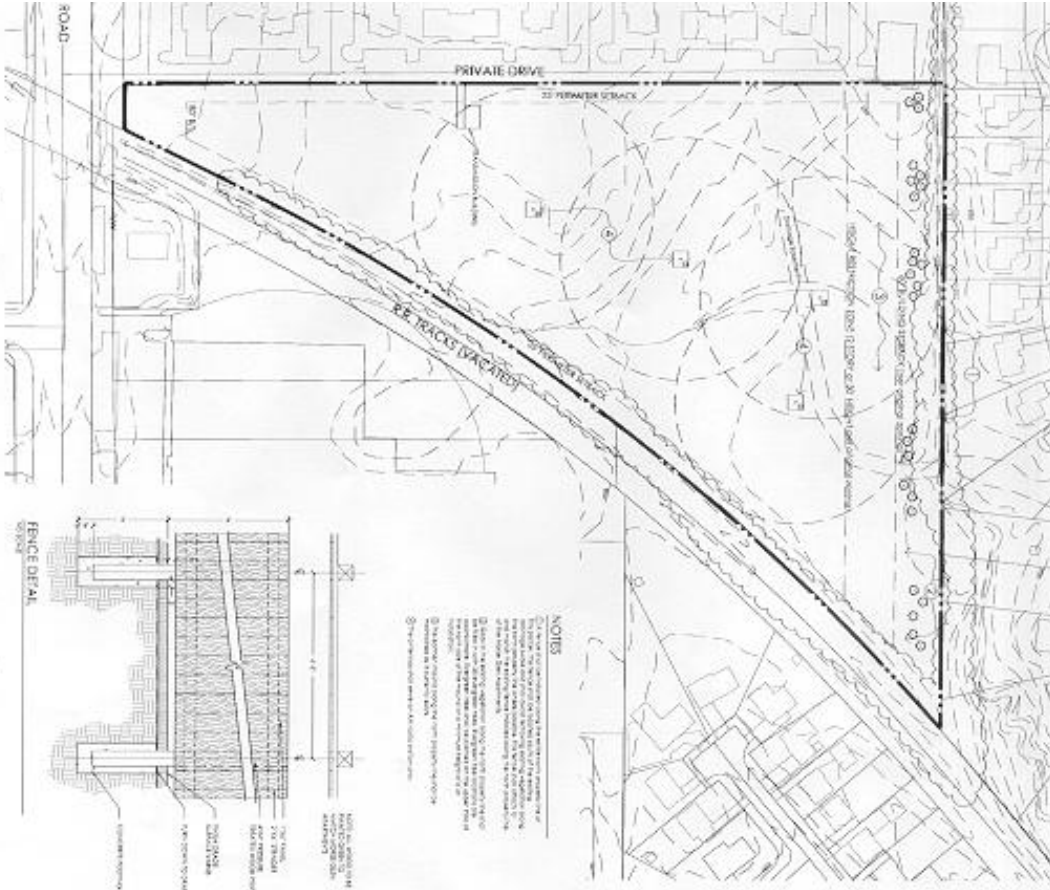
WVKO AM has been broadcasting an urban radio format in the city of Columbus for 50+ years. The land the current transmission facility is located on has been sold forcing the station to relocate effective May 31, 2006. The previous owners of the station applied for and received a construction permit from the Federal Communications Commission approximately twelve (12) months ago allowing the station to relocate and build a new transmission facility on the site where Northland Mall was located. That site, as well as the site we are now proposing to build on, is owned by Columbus Urban Growth Corporation. According to CUGC, the current development plans for the Northland Mall site are not compatible with the construction of a radio station transmission facility. The site we are proposing to build on near the intersection of Morse Road and Westerville Road has no development plans by CUGC at this time that would conflict with the constructions of the station's transmission facility.

Due to the station's low power restrictions, there are severe limitations as to where the transmission facilities can be built. Any site would need to be within the city limits of Columbus pursuant to Federal Communications Commission regulations. Until the station's transmission facility can be built at a new location, the station will have to find a temporary location to operate from at severely reduced power or go off the air. This would leave many in the community without the voice they have depended on for many

years and leave a large portion of the Columbus market without an outlet that serves the community's needs.

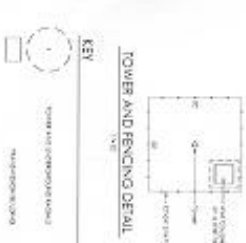
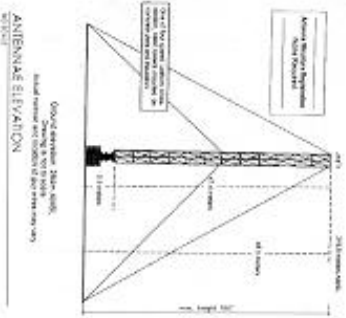
We request your permission to relocate WVKO AM's transmission facilities to the site on the attached application, and to expedite the process where possible to prevent loss of service to many people in the community.

CV06-029 Final Received 4/26/09
by Shannon Lump



NOTES

1. All dimensions are in feet and inches.
2. All dimensions are to the centerline of the structure unless otherwise noted.
3. All dimensions are to the finished ground surface unless otherwise noted.
4. All dimensions are to the centerline of the structure unless otherwise noted.
5. All dimensions are to the finished ground surface unless otherwise noted.
6. All dimensions are to the centerline of the structure unless otherwise noted.
7. All dimensions are to the finished ground surface unless otherwise noted.
8. All dimensions are to the centerline of the structure unless otherwise noted.
9. All dimensions are to the finished ground surface unless otherwise noted.
10. All dimensions are to the centerline of the structure unless otherwise noted.



BERNARD RADIO LLC.
2708 MORSE ROAD
City of Columbus, Franklin County, Ohio

PROPOSED AND TRANSMISSION FACILITY RELOCATION
COUNCIL VARIANCE
SITE PLAN
CV06-0291

James M. Berger
Professional Engineer

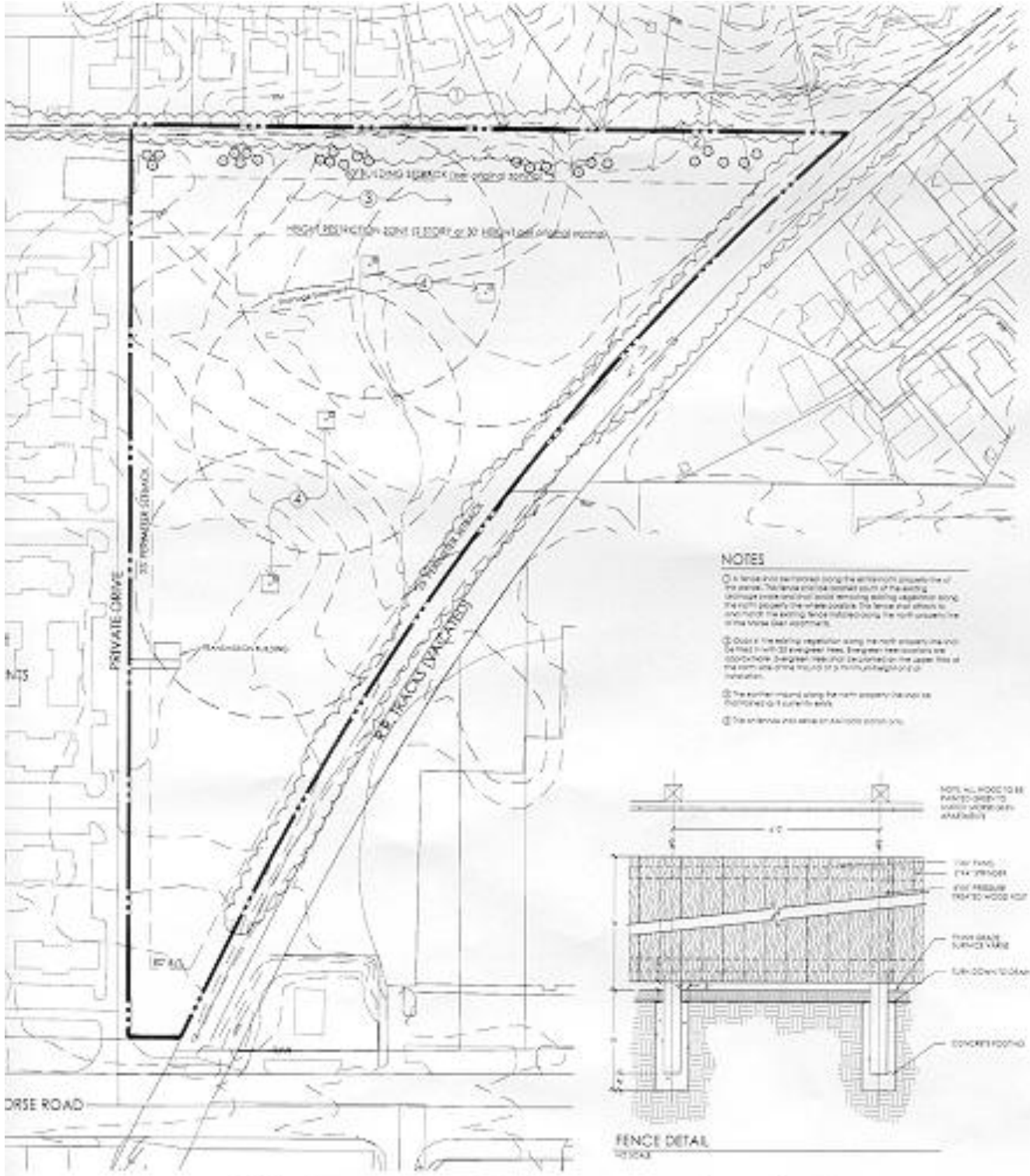
EMHT
Engineering & Mapping, Inc.
2708 Morse Road
Columbus, Ohio 43224
614-261-1111

Bernard Radio, LLC
2708 Morse Road
Columbus, Ohio 43224
614-261-1111

Scale: 1" = 40' (Horizontal)
1" = 10' (Vertical)

North Arrow

Site Plan

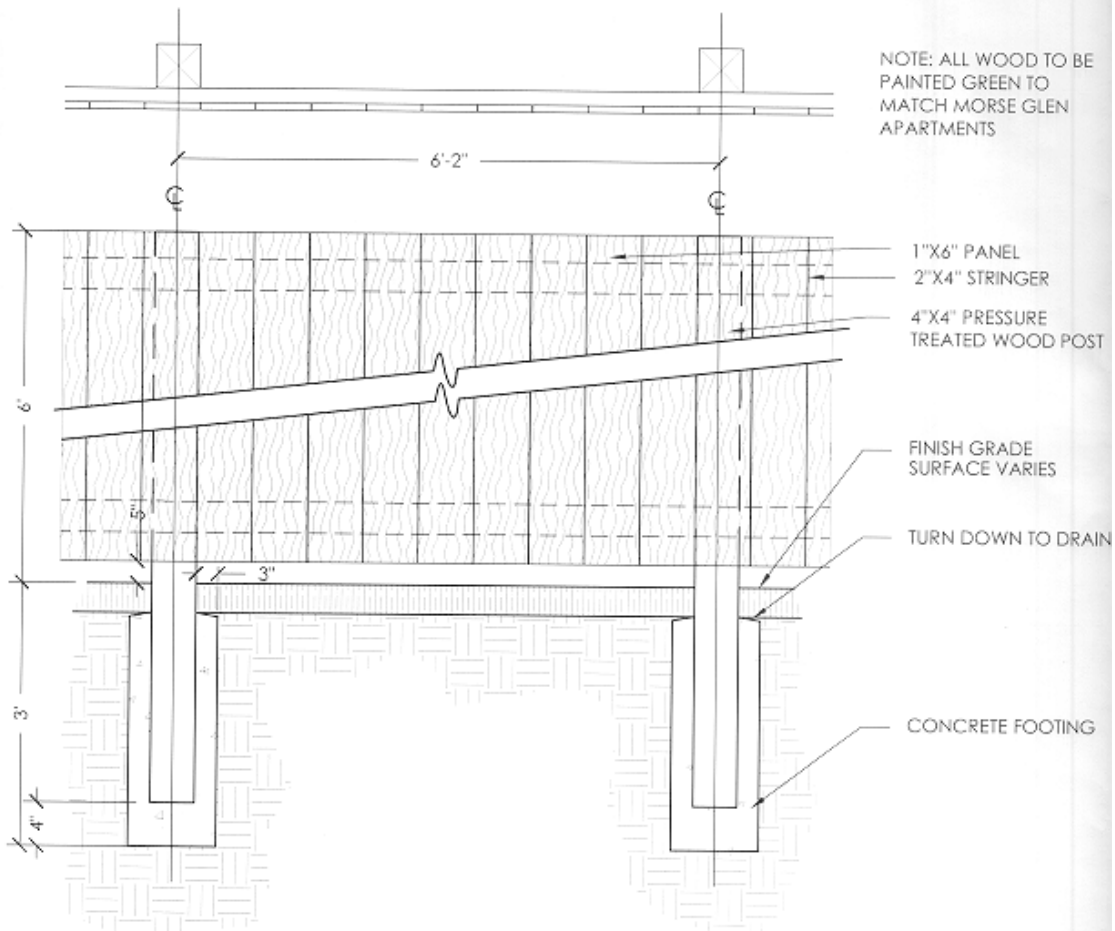


Site Plan (enlarged)

Final Received 4/26/09
 Cannon
 J. Pung

NOTES

- ① A fence shall be installed along the entire north property line of this parcel. This fence shall be located south of the existing drainage swale and shall avoid removing existing vegetation along the north property line where possible. This fence shall attach to and match the existing fence installed along the north property line of the Morse Glen Apartments.
- ② Gaps in the existing vegetation along the north property line shall be filled in with 25 evergreen trees. Evergreen tree locations are approximate. Evergreen trees shall be planted on the north side of the mound at a minimum height of 6' at installation.
- ③ The earthen mound along the north property line shall be maintained as it currently exists.
- ④ The antennas shall serve an AM radio station only.

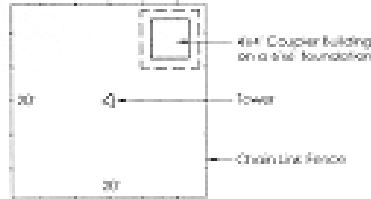


FENCE DETAIL

NO SCALE

SITE STATISTICS

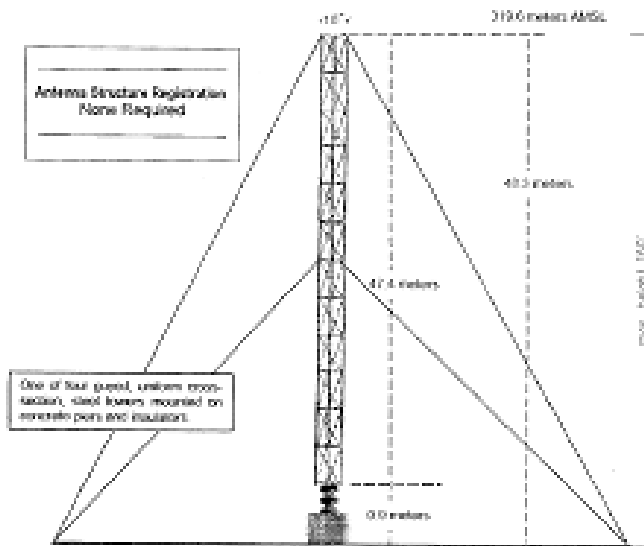
SITE AREA	9.3 ACRES
CURRENT ZONING	U-MB-D
PROPOSED USE	AM RADIO TRANSMISSION FACILITY



TOWER AND FENCING DETAIL

1"=10'

KEY



Ground elevation: 204m AMSL

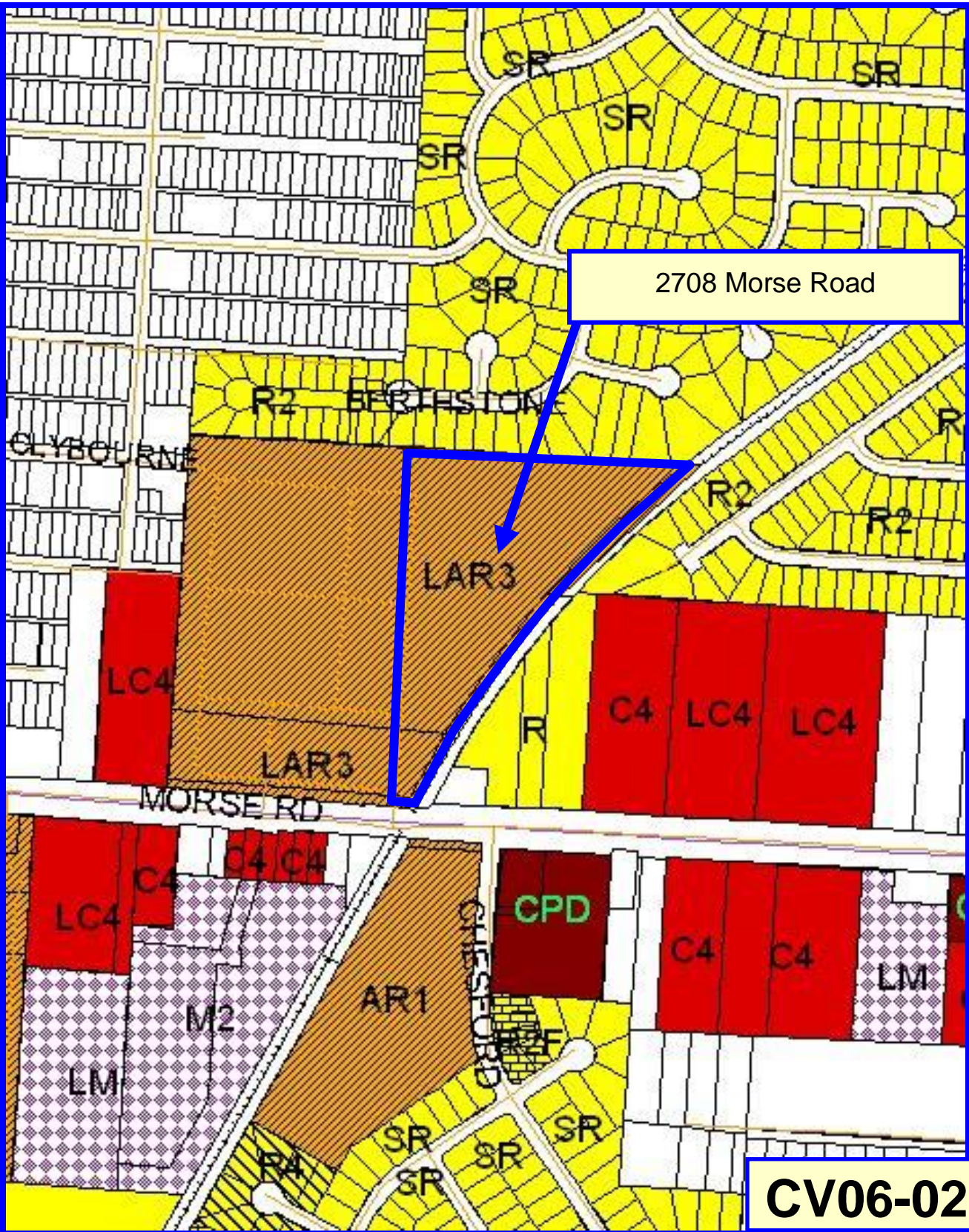
Drawing is not to scale

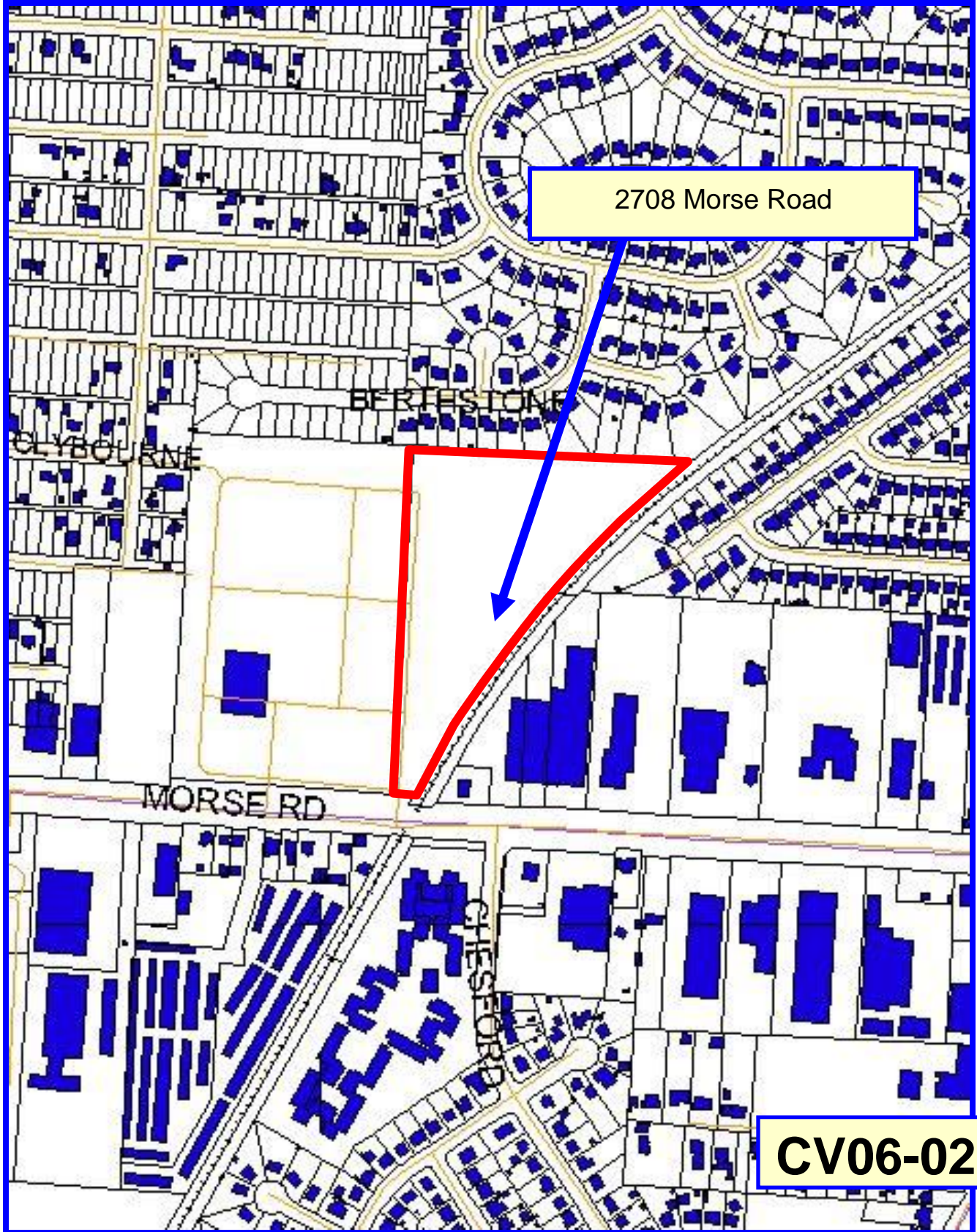
Actual number and location of guy wires may vary

ANTENNAE ELEVATION

NO SCALE

Site Detail





2708 Morse Road

CV06-029

Area 18
Morse Road: Cleveland Avenue to Westerville Road



This section of the Morse Road corridor is developed with a haphazard pattern of commercial, residential and miscellaneous uses. Specific establishments include gas stations, adult book stores, used car sales, apartments, a vacant church camp, and self-service storage. Zoning includes commercial (C2, C4, LC2, LC4 and CPD), multi-family residential (AR1), manufacturing (LM) and rural (R). Some portions of this corridor lie within Franklin County’s jurisdiction where zoning is generally commercial.

An abandoned railway corridor intersects this portion of Morse Road next to the vacant church camp. This railway has frequently been mentioned as an ideal alignment for a light rail line as well as a bikeway. Vacant and underdeveloped land near the railway provides an ideal opportunity for higher-density, mixed use, transit-oriented development. A new model Transit-Oriented Development ordinance, developed by the Mid-Ohio Regional Planning Commission, at the city’s request, provides direction for implementing these types of projects.

The area lacks sidewalks, gutters, street lights, and curbs. Unpaved parking lots, poorly maintained properties, and unattractive graphics are common.

Franklin County, in cooperation from the city of Columbus, is currently taking steps to widen Morse Road in this area. This provides an excellent opportunity to provide streetlights, sidewalks and a generally improved right-of-way.

Portions of this area are without direct access to centralized sewer services. Provisions of these services are important for the long-term stability of the area. The planned widening and improvement of Morse Road by Franklin County provides an opportunity to resolve these issues. This will prevent duplication of work in the right-of-way.

Stabilization of older commercial corridors is crucial to the economic health of the city. Morse Road serves as the “Main Street” for the Northland community. Development activity occurring here should be sensitive to the corridor’s high visibility. The city’s Morse Road Market Analysis and Redevelopment Strategy, conducted as a part of this plan update, identifies steps the city and community can take to ensure the long-term viability of this important corridor.

It is the recommendation of the Northland Plan that:

- recommendations of the Morse Road Market Analysis and Redevelopment Strategy and the Morse Road Design Study, as well as any future design recommendations, be implemented.
- annexations to Columbus are encouraged.
- when land is annexed, upgraded development quality through limited zoning and development standards should be sought.
- creation of out-lots, which create visual clutter, traffic and circulation problems should be discouraged.
- development proposals should involve multiple parcels whenever possible.
- improvements to Morse Road through widening, provision of sidewalks, and elimination of curb cuts be supported whenever possible.
- land use conversions be accomplished through rezoning rather than the City Council variance process.
- use of the abandoned Conrail railway for use as a transit corridor be supported and action that would preclude such use by COTA or other parties be avoided.
- creation of high-density, mixed-use, transit-oriented developments at the intersections of the abandoned rail lines and transportation corridors such as Morse Road and SR 161 be encouraged. (see also page 21)
- the city and Franklin County coordinate to provide centralized sewer services in this area during improvement of Morse Road and adjacent right-of-way area.
- sidewalks, curbs, gutters, street trees, and streetlights consistently be provided throughout the entire corridor.



Mr. Jeff Murray – Chairman FAX 614-818-4399

**NORTHLAND
COMMUNITY
COUNCIL
DEVELOPMENT COMMITTEE**

Fax

To: James Groner	From: Jeff Murray
Email: jim.groner@baileycavalieri.com	Pages: 1
Phone: 2708 Morse Rd. (Bernard Radio)	Date: 3/30/06
Re:	CC:

Our committee voted to support you application with the following condition:

1. Install a fence along the entire North property line attaching to and matching the fence installed behind the Morse Glen Aparlments.
2. Fill in any gaps in the current landscaping line along your North property line with similar trees and pines.
3. Leave earthen mound that currently exists towards your North property line.
4. Antennas to serve for an AM radio station only.

If there are any questions, you can contact me at 614-882-8558.

Sincerely,

Jeff Murray
Chairperson, Development Committee
Northland Community Council

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 # CV06-029

Being first duly cautioned and sworn (NAME) James M. Groner, Esq.
 of (COMPLETE ADDRESS) Bailey Cavalieri LLC, 10 West Broad Street, Suite 2100, Columbus, OH
 deposits and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following 43215
 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. Bernard Radio LLC 7148 Elm Creek Lane Dallas, TX 75252 Ten (10) Employees Chris McMurray 713.557.1331	2. Columbus Urban Growth Corporation 415 East Main Street Columbus, OH 43215 Larry Herrett 614.280.0899
3.	4.

SIGNATURE OF AFFIANT

James M. Groner

Subscribed to me in my presence and before me this 2nd day of May, in the year 2006

SIGNATURE OF NOTARY PUBLIC

Sharon L. Gerber

My Commission Expires:

January 5, 2007

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

Notary Seal Here



SHARON L. GERBER
 Notary Public, State of Ohio
 My Commission Expires **01-05-07**