

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



1446 McNaughten Road
CV10-014

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:

SEE EXHIBIT B

Signature of Applicant *Donald Plank* Date *6/24/10*
 Donald Plank, Attorney June 24, 2010

Exhibit B

Statement of Hardship

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The 2.70 +/- Acre site has been used as a Gas Regulator Station since 1956. In 1956, the facility, called a “town border station” consisted of gas regulators, measurement and testing devices and structures to house the regulators and testing equipment. The property was annexed to the City of Columbus in 1964 and zoned R-1, Residential. In 1972, Columbia Gas obtained a Special Permit (SP72-089) from the Board of Zoning Adjustment (BZA) to construct a customer service crew building on the property. The purpose of the customer service crew building was to permit Columbia Gas employees to work from and be dispatched from the premises for gas customer service turn-on and turn-off requests and respond to other company and customer service items. The property was rezoned to the I, Institutional District in 1981 (Z81-039). BZA application 01311-00005 was approved July 24, 2001 and granted variances to driveway width and surfacing and a Special Permit (SP) for a Portable Building. The variances granted by Board Order 01311-00005 are hereby incorporated by reference. Materials storage, including outside materials storage, parking of motor vehicles, including dump trucks and construction equipment, such as backhoes and other types of excavation equipment used in the installation/maintenance of underground gas lines, and associated trailers, are activities and site functions that have occurred for many years at the property. Large areas of the site have had and will continue to have a gravel surface.

The 2.70 +/- acres consists of two (2) tax parcels. Both tax parcels are in the City of Columbus, but one (1) parcel (550-156230) is located in the Reynoldsburg School District and one (1) parcel (010-129751) is in the City of Columbus School District. The 550 and 010 taxing districts cannot be combined. For all City of Columbus regulatory purposes, including any site plan approval, the 2.70 +/- acre site shall be considered one (1) parcel and the internal property line caused by the different tax districts shall be disregarded.

Columbia Gas proposes to build a 5,000 square foot single story building, located as depicted on the submitted site plan. The proposed building will be used as a service facility for training and education of field employees, to maintain construction equipment/vehicles, and administrative support functions of this Columbia Gas facility. The building use will be approximately 1,400 sq. ft for office, bathroom and entry, and 3,600 sq. ft. for service/training/warehouse. The site, existing uses, including vehicle and equipment parking and maintenance, materials storage, including outside storage, employee dispatching, and offices, and the proposed building are an integral part of Columbia Gas providing services on the east side of Columbus.

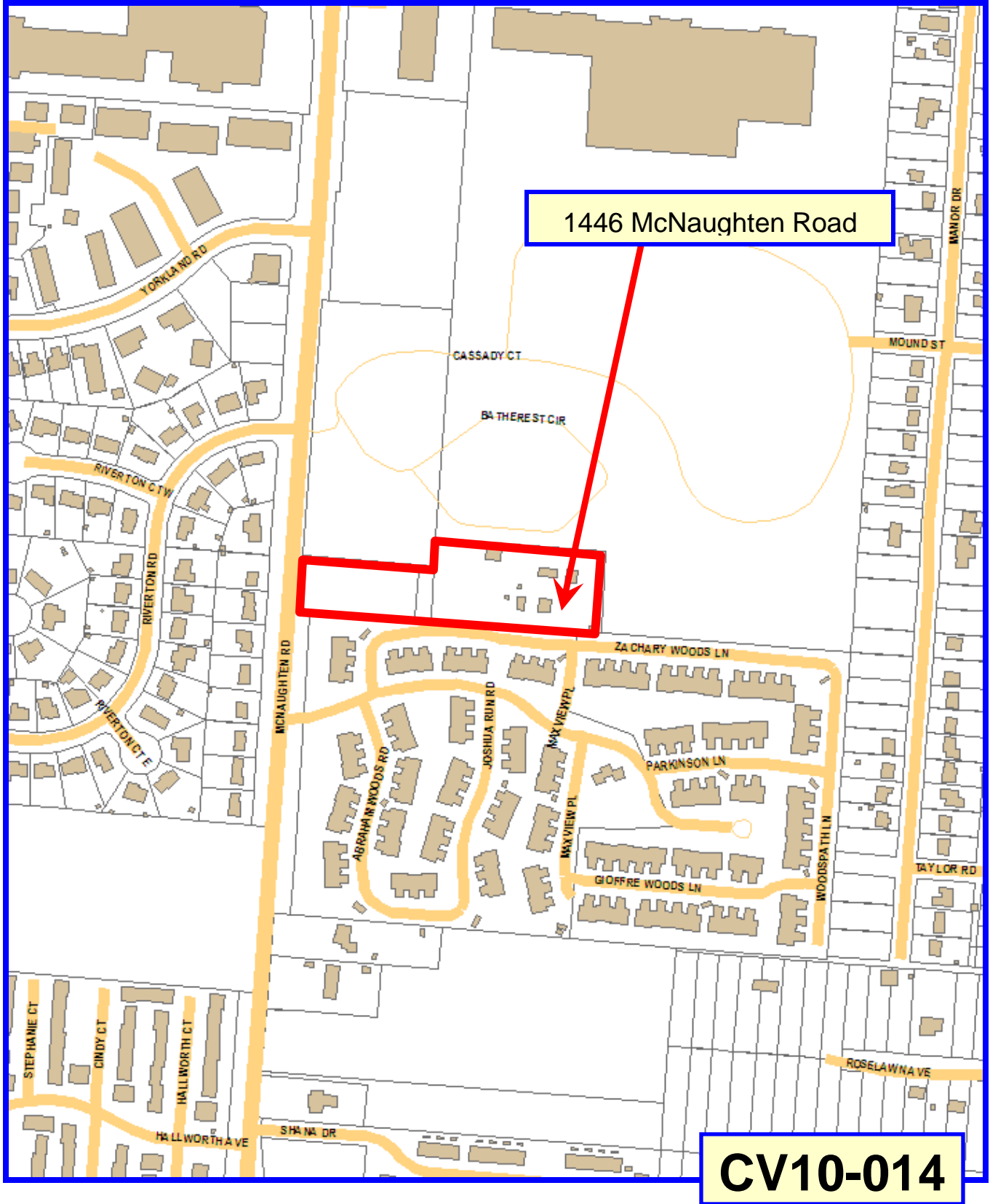
Applicant requests the following variances:

- 1) 3349.03, Permitted Uses, to permit a Gas Regulator Station which use shall include offices of employees, employee training, administrative support functions, employee dispatching from the premises for off-premise service and gas line repair/replacement/construction, storage and parking of motor vehicles and equipment, and outside storage of materials and equipment.
- 2) 3349.04(b), Height, Area and Yard Regulations, which Section limits lot coverage to 60%, while building coverage, including the proposed building is approximately 10% and total site coverage, including existing buildings, pavement and gravel areas is 90%.

The Ordinance should include the following conditions:

- 1) McNaughten Road right of way totaling 100 feet from the west right of way line shall be deeded to the City of Columbus in conjunction with the Site Plan Compliance Review process.
- 2) Two (2) new street trees shall be planted in the McNaughten Road right of way. Street trees shall be minimum 2 ½ inch caliper at planting. The location of the trees and the tree species shall be approved by the City Forester.
- 3) There is an existing chain link fence with slats along the south property line. The slats shall be maintained or replaced, as needed, to maintain screening with the south fence line.
- 4) Slats will be added to the existing chain link fence on the north property line starting at a point even with the west side of the new building and extending east 200 feet.
- 5) All new site or new building mounted lighting shall use cut-off style fixtures for down-lighting. This shall specifically not apply to any existing lighting.
- 6) Site plan, titled "Site Plan – 1446 McNaughten Road, Columbus, OH", dated June 24, 2010, and signed by Donald Plank, Attorney for Applicant.
- 7) Building Elevation, titled "Building Elevation – 1446 McNaughten Road, Columbus, OH, dated June 24, 2010, and signed by Donald Plank, Attorney for Applicant.
- 8) The site plan depicts the existing site development/use and the proposed building (# 6 and #7). Both plans may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to any of the drawings shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.

A hardship exists in that the site has been used by Columbia Gas and applicable corporate predecessors as a gas regulating station and related service, storage and maintenance/customer service dispatching functions for many years. The proposed variance is appropriate and consistent with the historical use of the property, previous variances and the intent of the I, Institutional District.





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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 # CV10-014

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) 145 East Rich street, 3rd Flr., Columbus, OH 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 formats

Columbia Gas Transmission Corporation
200 Civic center Drive
Columbus, OH 43216-0117
Contact: George Usner (614) 460-8018

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

SIGNATURE OF AFFIANT Donald Plank
Subscribed to me in my presence and before me this 3rd day
of May, in the year 2010
SIGNATURE OF NOTARY PUBLIC [Signature]
My Commission Expires: NA

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



David W. White
Attorney At Law
Notary Public - State of Ohio
My commission Has no Expiration Date
Ohio Revised Code Section 147.03